

## **Chapter 9.72 CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS (Amended)**

### **9.72.010 Definitions.**

The words and phrases used in this chapter have the meanings set forth in this section.

“Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

“Alcoholic beverage” has the same meaning as that set forth in Section 9.68.020 of this code.

“Controlled substance” means a drug or substance whose possession and use are regulated under the Controlled Substances Act. Such term does not include any drug or substance for which the individual found to have consumed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription.

“Gathering” is a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity.

“Guardian” means:

1. A person, who under court order, is the guardian of a person of minority age; or
2. A public or private agency with whom a minor has been placed by the court.

“Minor” means any person under twenty-one years of age.

“Parent” means a person who is a natural parent, adoptive parent or stepparent of another person.

“Response costs” are the costs associated with response by law enforcement, fire and other emergency response providers to a gathering, including, but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s); (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering; (3) the cost of repairing any city equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and (4) any other allowable costs related to the enforcement of this Chapter 9.72. (Ord. 494 § 1, 2010; Ord. 435 § 1 (part), 2003)

### **9.72.020 Consumption of alcoholic beverages, marijuana and other controlled substances by minors prohibited in public places, places open to public, or places not open to public.**

Except as permitted by state law, it is unlawful for any minor to:

A. Consume at any public places or any places open to the public any alcoholic beverage, marijuana or other controlled substance; or

B. Consume at any place not open to the public any alcoholic beverage, marijuana, or other controlled substance, unless in connection with the consumption of an alcoholic beverage that minor is being supervised by his or her parent or legal guardian. (Ord. 494 § 1, 2010; Ord. 435 § 1 (part), 2003)

**9.72.030 Hosting, allowing a gathering where minors consuming alcoholic beverages, marijuana and other controlled substances prohibited.**

A. 1. It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages, marijuana or other controlled substances by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages, marijuana or other controlled substances at the gathering; controlling the quantity of alcoholic beverages, marijuana or other controlled substances present at the gathering; verifying the age of persons attending the gathering by inspecting drivers licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages, marijuana or other controlled substances while at the gathering; and supervising the activities of minors at the gathering.

2. Whenever a person having control of a residence or premises is present at that residence or premises at the time that a minor possesses or consumes any alcoholic beverage or controlled substance thereon, it shall be prima facie evidence that such person had the knowledge or should have had the knowledge specified in subsection (A)(1) or (A)(3).

3. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, marijuana or other controlled substance whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage, marijuana or other controlled substance or reasonably should have known that a minor consumed an alcoholic beverage, marijuana or other controlled substance had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage, marijuana or other controlled substance by a minor as set forth in subsection (A)(1) of this section.

B. This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian, as permitted by Article I, Section 4, of the California Constitution.

C. This section shall not apply to any California Department of Alcoholic Beverage Control licensee at any premises regulated by the Department of Alcoholic Beverage Control. (Ord. 494 § 1, 2010; Ord. 435 § 1 (part), 2003)

#### **9.72.040 Reservation of legal options.**

Violations of Sections 9.72.020 and 9.72.030 may be prosecuted by the city of Santee, in the name of the people of the state of California, criminally, civilly, and/or administratively as provided by the Municipal Code. The city of Santee may seek administrative fees and response costs associated with enforcement of Sections 9.72.020 and 9.72.030, through all remedies or procedures provided by statute, ordinance, or law. Sections 9.72.020 and 9.72.030 shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by Sections 9.72.020 and 9.72.030, nor shall they limit the city of Santee's or the people of the state of California's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of Sections 9.72.020 and 9.72.030. (Ord. 494 § 1, 2010; Ord. 435 § 1 (part), 2003)

#### **9.72.050 Violation—Penalties.**

Criminal violations of Sections 9.72.020 and 9.72.030 shall be a misdemeanor punishable on first offense, by a mandatory minimum fine of one thousand dollars, plus statutory penalty assessments, with neither fine nor assessments stayed or suspended, and on second and subsequent offenses, by a fine of two thousand dollars, or thirty-two hours of community service or up to six months in jail plus statutory penalty assessments, with neither fine nor assessments stayed or suspended. (Ord. 494 § 1, 2010; Ord. 435 § 1 (part), 2003)

#### **9.72.060 Local authority.**

Sections 9.72.010, 9.72.020, 9.72.030, 9.72.040, and 9.72.050 shall not apply where prohibited or preempted by state or federal law. (Ord. 494 § 1, 2010)