

Imperial Beach Municipal Code Title 9 Public Peace, Morals & Welfare

Chapter 9.54 House Parties

9.54.010. Purpose and intent.

The City Council finds and determines that youth often obtain alcoholic beverages or possess and use drugs at parties held at private residences or at rented residential and commercial premises which are under the control of an adult who knows or should know of the illegal conduct and fails to stop it. The City Council further finds and determines that adults who will be held responsible for abetting or tolerating such conduct will be more likely to properly supervise or stop such parties on property under their control. It is the purpose of this chapter to impose criminal liability on adults who control the property on which such parties occur who fail to properly supervise or stop them. It is the further purpose of this chapter to impose civil liability for the recovery of the costs of enforcement services and to provide for the recovery of reasonable attorneys' fees in the event of litigation. (Ord. 2003-1014 § 1 (part), 2003)

9.54.020. Definitions.

Terms used in this chapter shall have the meaning given to them by State law except as expressly provided herein.

"Adult" means a person who is twenty-one years of age or older.

"Control" means any form of dominion including ownership, tenancy, or other possessory right.

"Enforcement services" mean the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the house party, and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; and the cost of repairing any damaged City equipment or property; and the cost arising from the use of any damaged City equipment in responding to or remaining at the house party.

"House party" means a social gathering at a residence or premises.

"Minor" means a person under twenty-one years of age.

"Residence or premises" means a hotel or motel room, home, yard, apartment, condominium, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for a party or other social function, and whether owned, leased, rented, or used with or without compensation. (Ord. 2003-1014 § 1 (part), 2003)

9.54.030. Consumption of alcohol by minors prohibited.

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

- A. Consume at any public place or any place open to the public any alcoholic beverage; or
- B. Consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian. (Ord. 2004-1019 § 1, 2004: Ord. 2003-1014 § 1 (part), 2003)

9.54.040. Prohibition.

Except as permitted by Article 1, Section 4 of the California Constitution, it is unlawful for any person to permit, allow, or host a party, gathering, or event at his or her place of residence or other private property, place, or premises under his or her control where three or more minors are present and alcoholic beverages are being consumed by any minor.

A. This section shall not apply to conduct involving the use of alcoholic beverages, which occurs exclusively between a minor child and his or her parent or legal guardian.

B. This section shall not apply to any location or place regulated by the California Department of Alcohol and Beverage Control. (Ord. 2004-1019 § 2, 2004: Ord. 2003-1014 § 1 (part), 2003)

9.54.050. Protected activities.

The provisions of this chapter shall not apply to legally protected religious activities.

9.54.060. Criminal penalties.

Violations of this chapter may be charged as either an infraction or a misdemeanor in accordance with Chapter 1.12 of the Imperial Beach Municipal Code. (Ord. 2003-1014 § 1 (part), 2003)

9.54.070. Civil liability for enforcement services.

When a house party prohibited by Section 9.54.030 and/or Section 9.54.040 of this chapter occurs and a police officer or code enforcement officer is called to the scene, the person(s) having control of the residence or premises shall be liable for the cost of providing enforcement services during the second and/or a follow-up response by the police, after a first warning to the person(s) having such control. If the person(s) having control of the residence or premises is a/are minor(s), then the parent(s) or guardian(s) of said minor(s) shall be liable for the cost of providing enforcement services during the second and/or follow-up response by the police. (Ord. 2004-19 § 3, 2004: Ord. 2003-1014 § 1 (part), 2003)

9.54.080. Reimbursement for cost of enforcement services.

The actual cost of enforcement services described in Section 9.54.070 shall be deemed a debt owed to the City recoverable in a civil action, and shall be recoverable in a civil action, including reasonable attorney fees and costs. (Ord. 2003-1014 § 1 (part), 2003)

9.54.090. Reservation of legal options.

The City of Imperial Beach does not waive its right to seek reimbursement for actual costs of enforcement services through other legal remedies or procedures. The procedure provided for in this chapter is in addition to any other statute, ordinance or law, civil or criminal. This chapter in no way limits the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this chapter. (Ord. 2003-1014 § 1 (part), 2003)