

AN ORDINANCE OF THE CITY OF VALLEJO ADDING CHAPTER 7.85 TO TITLE 7 OF THE VALLEJO MUNICIPAL CODE CONCERNING ALCOHOL OFFENSES BY MINORS AND JUVENILES AND IMPOSING FEES ON RESPONSIBLE PERSONS FOR THE COST OF ENFORCEMENT SERVICES

THE CITY COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. The Vallejo Municipal Code is hereby amended by enacting, adopting and adding thereto a new chapter to be numbered and to read as follows:

"CHAPTER 7.85

ALCOHOL OFFENSES BY MINORS AND JUVENILES AND COST RECOVERY FOR ENFORCEMENT SERVICES

Section 7.85.010. Definitions.

For the purposes of this chapter the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(A.) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

(B.) "Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains onehalf of 1 percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

(C.) "Enforcement Services" includes 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 party, gathering, or event 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 City equipment in responding to or remaining at the party, gathering, or event.

(D.) "Juvenile" means any person under 18 years of age.

(E.) "Minor" means any person under 21 years of age.

(F.) "Party, gathering, or event" means a group of persons who have assembled or are assembling for a social occasion or a social activity.

(G.) "Person(s) responsible for the event" includes, but is not limited to: (1) the person(s) who owns, rents, leases, or otherwise has control of the premises where the party, gathering or event takes place; (2) the person(s) in charge of the premises; or (3) the person(s) who organized the event. If a person responsible for the event is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the costs incurred for enforcement services pursuant to this chapter.

Section 7.85.020. Serving Alcohol to Minors at Party, Gathering, or Event on Private

Except as permitted by Article I, Section 4, of the California Constitution, no person shall suffer, 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 five (5) or more minors are present and alcoholic beverages are being consumed by any minor. This section shall not apply to conduct between a minor child and his or her parent or legal guardian.

Section 7.85.030. Enforcement Services at a Party, Gathering or Event Requiring a Second or Further Response.

When any party, gathering or event occurs on private property and a police officer or other code enforcement officer at the scene determines that there is a threat to the public peace, health, safety, or general welfare, the person(s) responsible for the party, gathering or event shall be liable for the cost of enforcement services provided during a second or follow up response by the police or other code enforcement personnel, after a first warning to the person(s) responsible for the event to control the threat to the public peace, health, safety, or general welfare.

Section 7.85.040. Unsupervised Consumption of Alcohol By Minor on Private Property.

Except as permitted by state law, no minor shall consume any alcoholic beverage at a place not open to the public, unless that minor is being supervised by his or her parent or legal guardian.

Section 7.85.050. Enforcement Services Fee.

The amount expended for the cost of enforcement services shall be deemed a debt owed to the City of Vallejo by the person(s) responsible for the event and, if juveniles, their parents or legal guardians. Any person owing such costs shall be liable in an action brought in the name of the City of Vallejo for recovery of such costs, including reasonable attorney fees.

Section 7.85.060. Reservation of Legal Options.

The City of Vallejo 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.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is held to be unconstitutional or otherwise invalid by the any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions thereof.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect and shall be in full force and effect thirty (30) days from and after its final passage.

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