

Chapter 8.45 - CONSUMPTION OF ALCOHOL OR CONTROLLED SUBSTANCES BY MINORS AT PARTIES, EVENTS OR GATHERINGS

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8.45.010 - Definitions.

- (a) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- (b) "Alcoholic beverages," for the purposes of this chapter, includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer and which contains one-half of one percent or more of alcohol by volume, and which is fit for consumption either alone or when diluted, mixed or combined with other substances.
- (c) "Controlled substances or illegal drugs" shall include all narcotics or drugs, the possession of which is illegal under the laws of the State of California as defined under the Penal Code, Health and Safety Code, and related statutes.
- (d) "Guardian" means (1) a person who, under court order, is the guardian of the subject juvenile, or (2) a public or private agency with which the court has placed the subject juvenile.
- (e) "Minor" means any person under the age of twenty-one (21).
- (f) "Parent" means a person who is a natural parent, adoptive parent, or stepparent of the subject minor.
- (g) "Party, gathering or event" means a group of persons who have assembled or are assembling for a party, social occasion or social activity.
- (h) "Person responsible for the party, gathering or event" includes, but 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.
- (i) "Premises" means any residence or other private property, place, or premises including any commercial or business premises.

(Ord. No. CS-053, § 1, 9-22-2009)

8.45.020 - Unsupervised consumption of alcohol by minor.

Except as permitted by state law, no minor shall:

- (a) Consume in any public place or any place open to the public any alcoholic beverage, controlled substance or alcoholic beverage and controlled substance; or
- (b) Consume in any place not open to the public any alcoholic beverage, controlled substance or alcoholic beverage and controlled substance.

(Ord. No. CS-053, § 1, 9-22-2009)

8.45.030 - Hosting, permitting, or allowing a party, gathering or event where minors consume alcoholic

beverages or controlled substances prohibited.

(a)

It is unlawful for any person having control of any premises to knowingly suffer, permit, allow, or host a party, gathering, or event at said premises where three or more persons are present whenever the person having control of the premises either knows a minor consumed an alcoholic beverage and/or a controlled substance or reasonably should have known that a minor consumed an alcoholic beverage and/or controlled substance. For purposes of this subsection, a person reasonably should have known that a minor consumed alcoholic beverage and/or a controlled substance if that person did not take reasonable steps to prevent the consumption of an alcoholic beverage and/or controlled substance by a minor as set forth in subsection (b) of this section. This section shall not apply to conduct involving the use of alcohol which occurs exclusively between a minor child and his or her parent or legal guardian, as permitted by Article 1, Section 4 of the California Constitution, or conduct which is otherwise permitted under state or federal law.

(b)

Reasonable steps include controlling access to alcoholic beverages at the party, gathering or event when minors are present; controlling the quantity of alcoholic beverages at the party, gathering or event when minors are present; verifying the age of persons attending the party, gathering or event by inspecting driver's licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages and/or controlled substances while at the party, gathering or event; and supervising the activities of minors at the party, gathering or event.

(Ord. No. CS-053, § 1, 9-22-2009)

8.45.040 - Penalties.

(a)

Except as otherwise provided in subsection (b) of this section, any person violating any provision of this chapter is guilty of a misdemeanor punishable by a fine of one thousand dollars or by imprisonment for a period of not to exceed six months, or by both fine and imprisonment.

(b)

Notwithstanding any provision to the contrary, the city attorney shall have the discretion to reduce to an infraction any act made unlawful pursuant to subsection (a) to this section, if the city attorney determines such a reduction is warranted in the interest of justice. The factors the city attorney may consider in determining whether to reduce the charge to an infraction, include but are not limited to, the following:

(i)

The number of persons attending the party, gathering or event.

(ii)

The number of minors attending the party, gathering or event.

(iii)

The source of the alcoholic beverages or controlled substances.

(c)

Penalties for a violation of this chapter shall supersede the penalties set forth in Section 1.08.010 of this Code.

(Ord. No. CS-053, § 1, 9-22-2009)

8.45.050 - Severability.

If any section, subsection, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. The city council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

(Ord. No. CS-053, § 1, 9-22-2009)

8.45.060 - Reservation of legal options.

The City of Carlsbad 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 statutory authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this chapter.

(Ord. No. CS-053, § 1, 9-22-2009)