

**ORDINANCE NO. 16-1364**

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ADDING SECTION 9.28.030 TO THE HERMOSA BEACH MUNICIPAL CODE REGARDING SOCIAL HOST LIABILITY FOR PARTIES AND GATHERINGS INVOLVING UNDERAGE DRINKING**

**THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.**

A. Section 8.24.070 of the Hermosa Beach Municipal Code currently imposes a financial liability on persons responsible for private property at which law enforcement is required to abate the nuisance of a loud party or gathering.

B. In furtherance of the City's commitment to preventing underage drinking, this Ordinance makes it a separate offense for persons to allow underage drinking on private property for which they are responsible, regardless of whether a violation of Section 8.24.070 occurs.

**SECTION 2.** Title 9, Chapter 9.28 (Parties, Events and Gatherings on Private Property) of the Hermosa Beach Municipal Code is amended to add a new section 9.28.030 to read as follows:

**Social Host Liability for Parties at Which Underage Drinking Occurs**

A. Definitions

For the purposes of this chapter, the following definitions shall apply:

"Alcoholic beverage" shall have the same meaning as set forth in Section 12.20.010 of this Code.

"Residence or other private property" shall mean a home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, party or other social function venue, and whether owned, leased, rented, or used with or without compensation.

"Responsible person" shall have the same meaning as set forth in Section 1.10.020 of this Code and shall also include the person(s) who organizes, supervises, officiates, conducts or controls the

1 gathering or any other person(s) accepting responsibility for such a gathering. A responsible  
2 person shall be subject to liability under this Section regardless of whether he or she possesses  
3 prior knowledge of the event or is present at the event at which underage consumption or  
4 possession of alcoholic beverages occurs.

5 “Underage person” is any person under the age of twenty-one (21).

6 B. It shall be a civil violation of this chapter, and a public nuisance constituting an  
7 immediate threat to public health and safety warranting summary abatement, for any responsible  
8 person to conduct or allow in a residence or other private property any party, gathering or event at  
9 which underage persons consume or possess alcoholic beverages, except under the supervision of  
10 a parent or guardian in connection with a cultural or religious activity. In the event that such an  
11 unlawful party, gathering or event is hosted by a juvenile, the parents or guardians of that juvenile  
12 will be jointly and severally liable with said juvenile or juveniles for any penalties and costs  
13 incurred pursuant to this Section. Violation of this Section shall be subject to the administrative  
14 penalty provisions set forth in Chapter 1.10 of this Code.

15 C. When a law enforcement, fire or other emergency response provider responds to a  
16 party, gathering or event at a residence or other private property within the City at which underage  
17 consumption or possession of alcoholic beverages occurs, all responsible persons shall be jointly  
18 and severally liable, in addition to any fines assessed pursuant to Chapter 1.10 of this Code, for  
19 the City's costs of responding to that unlawful event and all subsequent unlawful events at the  
20 property involving underage consumption or possession of alcoholic beverages. Such costs are  
21 deemed to be costs incurred in the physical abatement of the public nuisance.

22 D. When a law enforcement, fire or other emergency response provider makes an initial  
23 response to a party, gathering or event at which underage consumption or possession of alcoholic  
24 beverages occurs, the official shall, in writing, notify any responsible person at the scene that:

25 1. The official has determined that a party, gathering or event at which underage  
26 consumption or possession of alcoholic beverages exists;

27 2. The responsible person(s) will be fined for violation of this chapter and billed for  
28

1 response costs if the condition is not abated and an additional response is required of law  
2 enforcement or emergency service providers to abate the nuisance; and

3 3. The responsible person(s) are entitled to request a hearing to appeal the fine and  
4 response costs.

5 This notice shall be given to all identified responsible persons at the time of the initial response.

6 E. If the condition is not voluntarily abated and additional law enforcement or  
7 emergency response personnel are called upon to respond on behalf of the City in order to abate  
8 the nuisance, the responsible person shall be liable for the City's costs incurred in the abatement  
9 of the nuisance, excluding the initial response provided by a law enforcement officer. The City  
10 Manager or his designee shall calculate all such costs and bill the responsible person. Payment  
11 shall be due and payable within fifteen (15) days of the billing date. If the amount is not paid, the  
12 City may collect the debt, as well as any fees and costs incurred in its collection, pursuant to all  
13 applicable provisions of law.

14 F. In addition to the administrative penalties set forth in this Section, the responding law  
15 enforcement, fire or emergency response providers may issue an order requiring the gathering to  
16 be disbanded and may cite and/or arrest any law violators under any other applicable ordinances  
17 and state statutes.

18 **SECTION 3.** Title 1, Chapter 1.10, Section 1.10.040 of the Municipal Code is amended  
19 to add Section 9.28.030 to the list of Code violations subject to administrative penalty procedures.

20 **SECTION 4.** This ordinance shall become effective and be in full force and effect from  
21 and after thirty (30) days of its final passage and adoption.

22 **SECTION 5.** The City Council designated the City Attorney to prepare a summary of this  
23 ordinance to be published pursuant to Government Code Section 36933(c)(1) in lieu of the full  
24 text of said ordinance. The City Clerk caused said summary to be published on May 5, 2016 [five  
25 (5) days before the adoption of the ordinance] in the Easy Reader, a weekly adjudicated  
26 newspaper of general circulation, published and circulated in Hermosa Beach. Prior to the  
27 expiration of fifteen (15) days after the date of adoption of the ordinance, the City Clerk shall  
28 cause the summary to be re-published in the Easy Reader.

1           **SECTION 6.** The City Clerk shall certify to the passage of this ordinance, shall enter the  
2 same in the book of original Ordinances of said city, and shall make minutes of the passage and  
3 adoption thereof in the records of the proceedings of the City Council at which the same is passed  
4 and adopted.


5 **PASSED, APPROVED and ADOPTED** this 10th day of May, 2016 by the following vote:

6           AYES:       Armato, Duclos, Fangary, Massey, Mayor Petty  
7           NOES:       None  
8           ABSENT:   None  
9           ABSTAIN: None

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11           \_\_\_\_\_  
12           **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

12           ATTEST:

12           APPROVED AS TO FORM:

13             
14           \_\_\_\_\_  
15           City Clerk

13             
14           \_\_\_\_\_  
15           City Attorney


STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF HERMOSA BEACH

I, Elaine Doerfling, City Clerk of the City of Hermosa Beach, California, do hereby certify that the foregoing Ordinance No. 13-1364 was duly and regularly passed, approved and adopted by the City Council of the City of Hermosa Beach at a regular meeting held at the regular meeting place thereof on the 10<sup>th</sup> day of May, 2016, and a summary of said Ordinance will be re-published in the Easy Reader on May 19, 2016.

The vote was as follows:

AYES: Armato, Duclos, Fangary, Massey, Mayor Petty  
NOES: None  
ABSTAIN: None  
ABSENT: None

Dated: May 10, 2016

*fw*  Elaine Doerfling, City Clerk