

ORDINANCE NO. 1177

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ADDING CHAPTER 9.52 OF TITLE 9 OF THE PICO RIVERA MUNICIPAL CODE TO ENACT A SOCIAL HOST ORDINANCE REGULATING LOUD AND UNRULY GATHERINGS

WHEREAS, the City of Pico Rivera ("City"). Pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote the public health, safety and general welfare of its residents; and

WHEREAS, the occurrence of loud or unruly gatherings on private property is a threat to the quiet enjoyment of property and to public health, safety, and welfare due to excessive noise, traffic, obstruction of streets, service of alcohol to minors, public drunkenness, consumption of drugs, fights, disturbances of the peace, vandalism and litter; and

WHEREAS, the occurrence of such gatherings on private property where alcoholic beverages, marijuana and illegal substances are served to or consumed by underage persons is harmful to underage persons themselves and a threat to public health, safety, quiet enjoyment of residential property and general welfare; and

WHEREAS, at times, law enforcement and other City personnel are called upon to respond, sometimes on multiple occasions, to loud and unruly parties. These gatherings are a burden on scarce City resources and can result in delayed responses to emergency calls and thereby reduce the public safety protection to the rest of the City; and

WHEREAS, state law prohibits minors under age 21 from purchasing, possessing or consuming alcohol and marijuana; and

WHEREAS, property owners and landlords have failed to prevent the occurrence or reoccurrence of loud and unruly gatherings on private property, which disrupts the quiet enjoyment of neighboring residents; and

WHEREAS, a study from the American Medical Association also shows underage drinking is a factor in nearly half of all teen car crashes which is the leading cause of death among teenagers and well-meaning parents often host drinking parties on behalf of their children, but these gatherings can quickly spiral out of control; and

WHEREAS, problems associated with loud or unruly gatherings, including those which serve alcoholic beverages, marijuana and other illegal substances to be consumed by partygoers, including underage persons, are difficult to prevent and deter unless the

City has legal authority to direct the host or responsible person to disperse the gathering;
and

WHEREAS, control of loud and unruly gatherings on private property is necessary when such activity is determined to be a threat to the peace, health, safety, or general welfare of the public; and

WHEREAS, a “social host” is anyone who knowingly hosts parties where excessive noise, traffic, obstruction of streets, service of alcohol to minors, public drunkenness, consumption of drugs, fights, disturbances of the peace, vandalism and litter may occur on property that adults own, lease or otherwise control; and

WHEREAS, a social host ordinance assigns responsibility to those persons knowingly hosting, abetting or tolerating loud or unruly gatherings where excessive noise, traffic, obstruction of streets, service of alcohol to minors, public drunkenness, consumption of drugs, fights, disturbances of the peace, vandalism and litter may occur; and

WHEREAS, a social host ordinance will encourage persons to be more likely to properly supervise or stop such conduct at gatherings held on property under their possession or control; and

WHEREAS, the City Council of the City of Pico Rivera finds it is necessary and appropriate to take steps to protect public health and safety of residents of the City from the disruptions and potential dangers caused by loud or unruly gatherings.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pico Rivera as follows:

SECTION 1. Incorporation of Recitals. The City Council for the City of Pico Rivera finds and declares the foregoing are true and correct and incorporates said recitals fully into this ordinance as substantive findings.

SECTION 2. Chapter 9.52 “Social Host Liability,” of Title 9, “Public Peace, Morals and Welfare,” is hereby added to the Pico Rivera Municipal Code as follows:

Title 9 PUBLIC PEACE, MORALS AND WELFARE
Chapter 9.52 SOCIAL HOST LIABILITY

Sections

- 9.52.010 Purpose and Intent.**
- 9.52.020 Definitions.**
- 9.52.030 Social Host Liability.**
- 9.52.040 Exceptions.**
- 9.52.050 Notice to Responsible Person.**

9.52.060 Penalties.

Section 9.52.010 Purpose and Intent.

The City Council finds and determined that parties held at private residences or at rented residential and commercial premises can result in illegal conduct including, but not limited to, excessive noise, traffic, obstruction of streets, service of alcohol to minors, public drunkenness, consumption of drugs, fights, disturbances of the peace, vandalism and litter, and are occasionally under the control of a person who knows or should know of the illegal conduct and fails to stop it. The City Council further finds and determines that persons 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 liability on persons 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 protect the public health, safety and general welfare of the City of Pico Rivera.

Section 9.52.020 Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) "Alcoholic beverage" means and includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half ($\frac{1}{2}$) of one percent (1%) or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.
- (b) "City" means the City of Pico Rivera.
- (c) "Illegal substance" means any drug which is not legally obtainable, or which is legally obtainable but has not been legally obtained, including prescribed drugs not being used for prescribed purposes or used by persons other than the person prescribed.
- (d) "Juvenile" or "minor" means any person under eighteen (18) years of age.
- (e) "Loud or Unruly Gathering" means any party or gathering of two or more persons at or on a residence or other private gathering of two or more persons at or on a residence or other private property upon which loud or unruly conduct occurs. Such loud and unruly conduct includes, but is not limited to:
 - a. excessive noise;
 - b. excessive traffic;

- c. obstruction of public streets or crowds that have spilled into public streets;
- d. sale, service to or consumption of alcohol or alcoholic beverages by any underage person, except as permitted by state law;
- e. assaults, batteries, fights, domestic violence or other disturbances of the peace;
- f. vandalism;
- g. possession and/or consumption of alcoholic beverages and marijuana by minors;
- h. public intoxication or drinking in public;
- i. the service of alcoholic beverages and marijuana to minors
- j. trespassing;
- k. indecent exposure;
- l. possession and/or consumption of illegal substances
- m. possession of an illegal weapon;
- n. litter; and
- o. any other conduct which constitutes a threat to the public health, safety, quiet enjoyment of residential property or the general welfare.

A loud and unruly gathering shall constitute a public nuisance.

- (f) "Marijuana" shall mean any and all parts of the cannabis plant, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin (including concentrated cannabis). The prohibition herein includes cannabis in any form including but not limited to cigarettes, vapor, food products containing cannabis or concentrated cannabis, and any other product of cannabis that can be smoked or ingested.

The term "marijuana" as defined here does not include a substance for which the individual found to have consumed or possessed such substance has a valid recommendation issued by a licensed medical practitioner consistent with State law.

- (g) "Owner" means any person or firm, association, organization, partnership, trust, business, corporation, company or entity who has a legal interest in the residence or other private property where a party, gathering or event at which underage consumption or ingestion of alcoholic beverages or marijuana occurs.
- (h) "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.

- (i) "Responsible person" means a person or persons with a right of possession in the residence or other private property on which a loud or unruly gathering is conducted, including, but not limited to:
 - a. An owner of the residence or other private property;
 - b. A tenant or lessee of the residence or other private property;
 - c. The landlord of another person responsible for the gathering;
 - d. The person(s) in charge of the residence or other private property;
 - e. The person(s) who organizes, supervises, officiates, conducts, or controls the gathering or any other person(s) accepting responsibility for such a gathering.

- (j) "Underage person" is any person under the age of twenty-one (21).

9.52.030 Social Host Liability.

It shall be a violation of this Chapter, and a public nuisance constituting an immediate threat to public health and safety warranting summary abatement, for any responsible person to conduct or allow in a residence or other private property any party, gathering or event constituting a loud and unruly gathering pursuant to the definition in this Chapter where the responsible party knows or reasonably should know that a loud and unruly gathering is taking place, causing excessive noise, traffic, obstruction of streets, service of alcohol or marijuana to minors, public drunkenness, consumption of illegal substances, fights, disturbances of the peace, vandalism and litter, and other illegal activity. Prior knowledge of the gathering is not pre-requisite to a finding that any specific individual is a responsible person as defined by this section. In the event the responsible person is an underage person, then the underage person, and his / her parents or legal guardian, shall be jointly and severally liable for any penalties incurred pursuant to this Chapter.

9.52.040 Exceptions.

(a) This Chapter shall not apply to possession or consumption of an alcoholic beverage under the supervision of a parent or guardian in connection with a cultural or religious activity.

(b) The penalties provided by this Chapter shall not apply to an attendee at a gathering where underage drinking occurs is the individual who reports to law enforcement the underage drinking.

9.52.050 Notice to Responsible Person.

When a law enforcement officer makes an initial response to a party, gathering or event at which constitutes a loud and unruly gathering, the officer shall provide a written

notice to all identified responsible persons at the time of the initial response. This notice shall include the following information:

- (a) The official has determined that there is a party, gathering or event at which any one of the prohibited acts listed in Section 9.52.020 (e) has been or is taking place;
- (b) The responsible person(s) will be fined for a violation of this Chapter;
- (c) If the condition is not abated and an additional response is required by law enforcement or emergency service providers, such as emergency personnel or fire, to abate the nuisance, the responsible person(s) will be billed for any response costs incurred;
- (d) The responsible person(s) are entitled to request a hearing to appeal the fine and response costs pursuant to the procedures set forth in the code;

9.52.060 Penalties for Violation.

It shall be a misdemeanor for any responsible person to knowingly conduct, aid, allow, permit, condone or otherwise facilitate a loud or unruly gathering at a residence or other private property.

In addition to law enforcement or emergency personnel response fines, fines for a violation of this Chapter shall be the following:

- (a) A first violation of this section shall be punishable by a \$3,000 fine.
- (b) A second violation within a 12-month period shall be punishable by a \$5,000 fine.
- (c) A third violation within a 12-month period shall be punishable by a \$5,000 fine.

Responding law enforcement officers may also issue an order requiring the gathering be disbanded and may cite and/or arrest any law violators under any other applicable ordinances and state statutes.

SECTION 3. Any provision of the City of Pico Rivera's Municipal Code inconsistent with the provisions of this ordinance, to the extent of such inconsistency and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4. The City Clerk shall certify the adoption of this Ordinance. The City Council hereby finds and determines that there are no newspapers of general circulation

both published and circulated within the City and, in compliance with Section 36933 of the Government Code directs the City Clerk to cause said Ordinance, within fifteen (15) days after its passage, to be posted in at least five (5) public places within the City. This Ordinance shall take effect thirty (30) days after its adoption.

APPROVED AND ADOPTED this 12th day of December, 2023.

Erik Lutz, Mayor

ATTEST:

APPROVED AS TO FORM:

Cynthia Ayala, City Clerk

Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA)
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COUNTY OF LOS ANGELES)

I, Cynthia Ayala, City Clerk of the City of Pico Rivera, do hereby certify that the foregoing Ordinance No. 1177 was adopted at a regular meeting of the City Council of the City of Pico Rivera, held on Tuesday, December 12, 2023, with the following vote:

AYES: Sanchez, Garcia, Camacho, Lara, Lutz
NOES: None
ABSENT: None
ABSTAIN: None

Cynthia Ayala, CMC, City Clerk