

**BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG**

**AN ORDINANCE AMENDING CHAPTER 9.78 (SOCIAL HOST REGULATIONS) OF TITLE 9 (PUBLIC PEACE, SAFETY AND MORALS) OF THE FORT BRAGG MUNICIPAL CODE TO MODIFY THE SOCIAL HOST ORDINANCE PROHIBITING CONSUMPTION OF ALCOHOL BY MINORS AT PARTIES TO ALSO INCLUDE MARIJUANA AND/OR OTHER CONTROLLED SUBSTANCES**

**ORDINANCE NO. 934-2017**

**WHEREAS**, the City Council of the City of Fort Bragg (“City Council”) has determined that hosting of parties where alcohol is served to minors creates a threat to public health and safety; and

**WHEREAS**, the City Council has determined that consumption of marijuana and other controlled substances by minors is commonplace at parties and also creates a threat to public health and safety; and

**WHEREAS**, the City Council wishes to include marijuana and other controlled substances into its rules and regulations governing social hosting of parties attended by minors in the City limits.

**NOW, THEREFORE, the City Council ordains as follows:**

**Section 1. Legislative Findings.** The City Council hereby finds as follows:

1. The ability of Peace Officers to control the gatherings on private property where alcohol, marijuana and/or other controlled substances are consumed by minors is necessary as such activity is determined to be a threat to the peace, health, safety or general welfare of the public.
2. Gatherings involving consumption of alcohol, marijuana and/or other controlled substances by minors, as defined by this Chapter, are unlawful and constitute a public nuisance pursuant to state law and the provisions of this code.
3. Property owners, by themselves or through their agents, have the ability to prevent these gatherings and to deter recurrences. Although they may not themselves commit any of the offenses at issue, property owners should be held responsible, not only if they organize, host or facilitate these gatherings, but also if they allow or tolerate these offenses on property they control as owner.
4. Adoption of the amendment of this ordinance is in the best interest of the City of Fort Bragg in that this ordinance prohibits the hosting of parties where alcohol, marijuana and/or other controlled substances are consumed by minors, and in so doing, promotes the public health, safety, and welfare of the residents of the City.

5. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

**Section 2.** Chapter 9.78, entitled Social Host Regulations is hereby amended as follows:

## **TITLE 9 – PUBLIC PEACE, SAFETY, AND MORALS**

### **Chapter 9.78: Social Host Regulations**

Section 9.78.010 entitled **Findings and Purpose** is hereby amended as follows:

#### **9.78.010 FINDINGS AND PURPOSE.**

A. The City Council finds that Parties where alcohol, marijuana and/or other controlled substances are consumed by Minors are not only unlawful but often a cause for disturbance.

B. Police ability to abate Parties where alcohol, marijuana and/or other controlled substances are consumed by Minors will result in a decrease in abuse of alcohol, marijuana and/or other controlled substances by Minors, physical altercations and injuries, neighborhood vandalism and excessive noise, thereby improving public safety.

C. Police officers have been required to make return calls to the location of a Party where alcohol, marijuana and/or other controlled substances are consumed by Minors in order to disperse uncooperative participants, causing a drain of resources and, in some cases, leaving other areas of the City with inadequate police protection.

D. Accordingly, the City Council of the City of Fort Bragg finds and declares that purposes of this Chapter are:

1. To protect public health, safety and general welfare;
2. To assist in the enforcement of laws prohibiting the consumption of alcohol, marijuana and/or other controlled substances by Minors; and
3. To recover costs of providing public safety services to Parties where alcohol, marijuana and/or other controlled substances are consumed by Minors requiring two or more public safety responses.

Section 9.78.020 entitled **Definitions** is hereby amended as follows:

The following definitions are added to the Section:

**ALCOHOL.** Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine from whatever source or by whatever process produced.

**CONTROLLED SUBSTANCE.** Controlled substance means a drug or substance the possession and use of which is regulated under the federal Controlled Substances Act. Such term does not include any drug or substance for which the individual found to have consumed such substance has a valid subscription issued by a licensed medical practitioner authorized to issue such a prescription.

**MARIJUANA.** Marijuana is defined as any part or concentration of the plant Cannabis, 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. Such term does not include any drug or substance for which the individual found to have consumed such substance has a valid subscription issued by a licensed medical practitioner authorized to issue such a prescription.

The following definition is amended as follows:

**RESPONSIBLE PERSON.** Includes but is not limited to:

1. Any person who owns, rents, leases, and/or otherwise has control or is in charge of the Premises where a Party occurs where alcohol, marijuana or other controlled substances are consumed by a Minor ;
2. Any person who conducts, aids, organizes, hosts, permits or allows a Party where alcohol, marijuana or other controlled substances are consumed by a Minor; and

Section 9.78.030 entitled **Unlawful Parties Where Alcohol is Consumed by Minors** is hereby amended as follows:

**9.78.030 UNLAWFUL PARTIES WHERE ALCOHOL, MARIJUANA AND/OR OTHER CONTROLLED SUBSTANCES ARE CONSUMED BY MINORS.**

No person in control of any Premises shall suffer, permit, allow, or host a Party at the Premises where alcohol, marijuana and/or other controlled substances are consumed by any Minor.

**Section 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 4. Effective Date and Publication.** This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

**The foregoing Ordinance was introduced by Councilmember Turner at a regular meeting of the City Council of the City of Fort Bragg held on September 25, 2017, and adopted at a regular meeting of the City of Fort Bragg held on October 10, 2017, by the following vote:**

**AYES:  
NOES:**

**ABSENT:  
ABSTAIN:  
RECUSED:**

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**Lindy Peters  
Mayor**

**ATTEST:**

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**June Lemos, CMC  
City Clerk**

**PUBLISH: September 28, 2017 and October 19, 2017 (by summary).  
EFFECTIVE DATE: November 9, 2017.**