



AGENCY:	City Council
MEETING DATE:	September 28, 2015
DEPARTMENT:	Administration
PRESENTED BY:	L. Ruffing

AGENDA ITEM SUMMARY

TITLE:

RECEIVE REPORT AND CONSIDER INTRODUCTION, BY TITLE ONLY, AND WAIVE FURTHER READING OF ORDINANCE 921-2015 ADDING CHAPTER 9.78 (SOCIAL HOST REGULATIONS) TO TITLE 9 (PUBLIC PEACE, SAFETY AND MORALS) TO THE FORT BRAGG MUNICIPAL CODE

ISSUE:

On June 8, 2015, the City Council received a report regarding the proposed adoption of a "social host ordinance" that would allow law enforcement to issue citations to any individual who hosts an underage drinking party. The ordinance was initially proposed by the Coalition for Gang Awareness and Prevention (CGAP) and the Public Safety Committee recommended that the City adopt such an ordinance. The Council provided explicit direction to staff and the City Attorney regarding the scope and content of such an ordinance. The ordinance is now brought forward for Council consideration and for introduction.

RECOMMENDED ACTION:

Introduce, by title only, and waive further reading of Ordinance 921-2015 adding Chapter 9.78 (Social Host Regulations) to Title 9 (Public Peace, Safety and Morals) to the Fort Bragg Municipal Code.

ALTERNATIVE ACTION(S):

1. Provide direction to staff regarding further revisions to the Social Host Ordinance.

ANALYSIS:

CGAP and a group of high school students have prepared a number of handouts that were included with the June 8th Council packet that provide an excellent overview of the problems associated with underage drinking parties and the utility of a social host ordinance as a tool for deterring and responding to underage drinking parties.

At the June 8th meeting, the Council provided the following direction to staff and the City Attorney regarding the scope and content of a social host ordinance in response to a number of questions posed in the staff report:

1. Should the ordinance hold the parents of juveniles (under 18) responsible for events organized by juveniles, irrespective of whether they knew of the event and/or knew and intended that alcoholic beverages would be possessed and consumed by minors? The alternative would be for the ordinance to apply only when the adult has "knowingly" allowed a party where underage drinking occurred.

Council's Direction: Don't include the "knowingly" standard. Parents should be held liable regardless of whether they know. If parents are present, the fine should be bigger. The penalty is for the fact that there is underage drinking going on in the premises and the person that is assessed the fine has control of the premises.

2. Should the ordinance allow for recovery of police response costs?

Council's Direction: Yes. But it should be discretionary. It would be another tool to help with repeat offenses. The PD would develop guidelines/criteria to determine when these penalties would be assessed.

3. Should the ordinance require administrative penalties (i.e., fines based on violation of the ordinance with appeals in the form of administrative hearings)? Alternatively, violations could be classified as infractions or misdemeanors which may require adjudication through the courts.

Council's Direction: Yes. Council wants administratively assessed penalties. Keep it out of the judicial system. Not criminal or quasi-criminal like an infraction. Level of proof is that there is underage drinking going on in the premises that you have control over.

4. Should the ordinance provide a definition for and prohibition against "Loud or Unruly Gatherings" (which may or may not include underage drinking but which are a neighborhood nuisance regardless).

Council's Direction: No. We already have laws that address loud and unruly gatherings (public disturbances, nuisance, noise ordinance)

The attached Ordinance was drafted to implement the direction received from the Council. Staff recommends that the Ordinance be introduced and the first reading waived in order for it to be adopted at the October 13, 2015 Council meeting.

FISCAL IMPACT:

The Social Host Ordinance would have minimal fiscal impacts on the City, but would provide an additional tool for our police officers to use to discourage and respond to underage drinking parties.

CONSISTENCY:

Not applicable.

IMPLEMENTATION/TIMEFRAMES:

If the ordinance is introduced on September 28th and adopted on October 13th, it would become effective on November 12th.

ATTACHMENTS:

1. Ordinance
2. FBUSD Letter of Support

NOTIFICATION:

1. Laura Welter, Safe Passage/CGAP

City Clerk's Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended

Resolution No.: _____ Ordinance No.: _____

Moved by: _____ Seconded by: _____

Vote: _____

- ☐ Deferred/Continued to meeting of: _____
- ☐ Referred to: _____