

ORDINANCE NO. 4317

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH MUNICIPAL CODE BY AMENDING CHAPTER 8.42 USE OF POLICE SERVICES AT LOUD PARTIES OR OTHER ACTIVITIES

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Section 8.42.010 of the Huntington Beach Municipal Code entitled is hereby amended to read as follows:

8.42.010 Definitions

The following words, phrases and terms as used in this chapter shall have the meaning as indicated below:

"Alcohol" means ethyl alcohol or hydrated oxide of ethyl from whatever source or by whatever process produced.

"Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirit, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

"Host" is the person who owns the property where the party, gathering or event takes place; the person in charge of the premises and/or the person who organized the event. If the host is a minor, then the parents or guardians of that minor will be jointly and severally liable for the fee incurred for police services.

"Juvenile" means any person less than 18 years of age.

"Large party, gathering or event" is a group of persons who have assembled or are assembling for a social occasion or for a social activity.

"Parent or legal guardian" means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person, or a person who, under court order, is the guardian of another person, or a public or private agency with which a minor has been placed by the court.

"Party, gathering or event" means a group of persons who have assembled or are assembling at a residence or other private property, whether such residence or property is owned, leased, rented or used without compensation.

"Police services fee" is the cost to the City of any special security assignment. Such fee may be either a flat fee of \$250.00 or an itemized fee based on, but not limited to, salaries of police officers while responding to or remaining at the party, gathering or event, the pro rata cost of equipment, the cost of repairing City equipment and property, the cost of any medical treatment of injured police officers.

"Responsible person or host" means any of the following:

1. Any person or entity that owns, rents, leases, or otherwise has control of a residence or other private property, including without limitation, a hotel/motel room or rented or leased area, where a party, gathering or event occurs.
2. Any person or entity present at a party, gathering or event who provides an alcoholic beverage to anyone under the age of 21 years.
3. Any person or entity present at a party, gathering or event where unruly or loud conduct occurs and that receives money or other consideration for granting access to the party, gathering or event, or hosts, organizes, supervises, officiates, conducts or controls, or willingly accepts responsibility for such a party, gathering or event.

"Special security assignment" is the assignment of police officers, services and equipment during a second or subsequent response to the party, gathering or event after the distribution of a written notice to the host that a fee may be imposed for costs incurred by the City for any subsequent police response.

"Underage person" means any person less than 21 years of age.

"Unruly or loud conduct" includes the obstruction of streets by crowds of vehicles, public drunkenness, public urination, service to, possession of or consumption of alcoholic beverages by an underage person, assaults, batteries or other disturbances of the peace including, but not limited to, vandalism, littering, throwing objects or spraying liquids into streets, sidewalks or alleys, or other conduct that constitutes a threat to public health, safety, or quiet enjoyment of residential property or public property.

SECTION 2. That Section 8.42.031 of the Huntington Beach Municipal Code entitled is hereby amended to read as follows:

8.42.031 Prohibition on Unruly or Loud Conduct at Parties, Gatherings or Events or Where Alcohol is Served to, Consumed by, or in the Possession of an Underage Person.

A. It is unlawful and a public nuisance for a responsible person or host to cause or allow unruly or loud conduct at a party, gathering or event to occur at any residence or other private property if the responsible person or host knows or reasonably should know that unruly or loud conduct is occurring. A responsible person or host shall be presumed to have knowledge that unruly or loud conduct was occurring at a party, gathering or event if the responsible person or host did not take all reasonable steps to prevent such activity from occurring. Reasonable steps include, but are not limited to monitoring the responsible, safe and lawful conduct of all persons attending the party, gathering or event.

B. It is unlawful and a public nuisance for a responsible person or host to cause or allow a party, gathering or event to occur at any residence or other private property at which any underage person is being served, is in possession of, or is consuming an alcoholic beverage, if the responsible person or host knows or reasonably should know that an underage person is being served, is in possession of, or is consuming an alcoholic beverage. A responsible person or host shall be presumed to have knowledge that an underage person was being served, was in

possession of, or was consuming an alcoholic beverage at a party, gathering or event if the responsible person or host did not take all reasonable steps to prevent such activity from occurring. Reasonable steps include, without limitation: controlling the access to and serving of alcoholic beverages to underage persons, and monitoring the responsible, safe and lawful conduct of underage persons.

C. A responsible person or host need not have been issued a prior warning in order to be subject to the penalties for violation of this section.

SECTION 3. That this Ordinance shall become effective thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2024.

Mayor

REVIEWED AND APPROVED:



City Manager

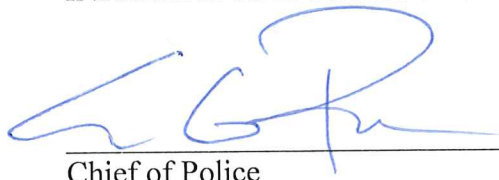
APPROVED AS TO FORM:



City Attorney

NP

INITIATED AND APPROVED:



Chief of Police

ATTEST:

City Clerk

LEGISLATIVE DRAFT

HBMC CHAPTER 8.42

Chapter 8.42

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1. Any person or entity that owns, rents, leases, or otherwise has control of a residence or other private property, including without limitation, a hotel/motel room or rented or leased area, where a party, gathering or event occurs.
2. Any person or entity present at a party, gathering or event who provides an alcoholic beverage to anyone under the age of 21 years.

3. Any person or entity present at a party, gathering or event where unruly or loud conduct occurs and that receives money or other consideration for granting access to the party, gathering or event, or hosts, organizes, supervises, officiates, conducts or controls, or willingly accepts responsibility for such a party, gathering or event.

"Special security assignment" is the assignment of police officers, services and equipment during a second or subsequent response to the party, gathering or event after the distribution of a written notice to the host that a fee may be imposed for costs incurred by the City for any subsequent police response.

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B. It is unlawful and a public nuisance for a responsible person or host to cause or allow a party, gathering or event to occur at any residence or other private property at which any underage person is being served, is in possession of, or is consuming an alcoholic beverage, if the responsible person or host knows or reasonably should know that an underage person is being served, is in possession of, or is consuming an alcoholic beverage. ~~A responsible person or host need not have been issued a prior warning in order to be subject to the penalties for violation of this section.~~ A responsible person or host shall be presumed to have knowledge that an underage person was being served, was in possession of, or was consuming an alcoholic beverage at a party, gathering or event if the responsible person or host did not take all reasonable steps to prevent such activity from occurring. Reasonable steps include, without limitation: controlling the access to and serving of alcoholic beverages to underage persons, and monitoring the responsible, safe and lawful conduct of underage persons.

C. A responsible person or host need not have been issued a prior warning in order to be subject to the penalties for violation of this section.