



Agenda Item No. \_\_\_\_\_

File Code No. 520.04

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** July 22, 2008  
**TO:** Mayor and Councilmembers  
**FROM:** Recreation Division, Parks and Recreation Department  
**SUBJECT:** Proposed Social Host Ordinance

**RECOMMENDATION:** That Council:

- A. Receive a presentation on recommendations from the Ordinance Committee; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title Nine of the Santa Barbara Municipal Code by Adding Chapter 9.70 Concerning Penalties for Property Owners or Social Hosts who Allow Minors to Consume Alcohol in Violation of State Law.

### **DISCUSSION:**

#### **Background**

On April 8, 2008, the City Council heard a presentation from the Alcohol and Drug Abuse Prevention (ADAP) Teen Coalition on a proposed Social Host Ordinance for the City of Santa Barbara. Council expressed appreciation to the youth for bringing the proposed ordinance forward and voted unanimously to send the item to the Ordinance Committee. Council further directed that youth should continue to be actively involved in the process of drafting the Ordinance and recommended that a representative from both the ADAP Teen Coalition and the Santa Barbara Youth Council join the Ordinance Committee on the dais.

On June 17, 2008, the Ordinance Committee met and reviewed the draft social host ordinance. Chris McDermutt, Santa Barbara Youth Council Chair, and Alicia Flores, ADAP Coalition member, joined the Ordinance Committee on the dais. The Committee unanimously recommended the ordinance be returned to City Council for further action.

## **Social Host Ordinance**

The purchase, possession, or consumption of alcohol by minors in public or commercial settings is already prohibited under state law. A Social Host Ordinance is an ordinance which holds the property owners civilly responsible for underage drinking at parties which occur on private property they own, lease, or otherwise control. Establishing a Social Host Ordinance can fill the gap in the law by providing law enforcement with a tool to address the problem of underage drinking. It allows law enforcement to proactively look at underage drinking at private parties and allows an officer to cite responsible hosts before a party becomes unruly. This ordinance also gives the police an additional tool to remind “hosts” of the ramifications of underage drinking at their party. Currently, officers can only address parties that are unruly or violate the City’s noise ordinance.

## **Ordinance Committee Recommendations**

At their June 17, 2008, meeting the Ordinance Committee recommended forwarding the draft ordinance to City Council for further action; asking staff to address the following concerns in the draft ordinance:

- Under Civil Penalty 9.70.030 A – monetary fines
  - Include a “stair-stepped” approach to fines which increase with each offense (similar to the City of Carpinteria ordinance)
- Under Civil Penalty 9.70.030 B – education in lieu of fines
  - Determine potential education providers of the alcohol education programs, and given the frequency and duration of such programs, recommend an appropriate time period by which the education component must be completed

## **Civil Penalty – Fines**

Based on the Ordinance Committee’s recommendation to follow the City of Carpinteria’s model, Staff recommends a civil penalty of \$1,000 for a first offense and a civil penalty of \$2,000 for the second or any subsequent offenses. First and second offenders would have the option to take an approved education course. If the offender completes the course within 120 days, the civil penalty would be waived or reduced. Staff recommends higher civil penalties than those imposed by the City of Carpinteria (\$500 for first offense, \$1,000 for subsequent violations) in order to encourage offenders to take the education option. The information presented to the Ordinance Committee indicated that few, if any, offenders in Carpinteria have elected to take the education option.

## **Civil Penalty – Education Option**

Educational drug and alcohol counseling is offered through a variety of youth serving agencies including the Council on Alcohol and Drug Abuse (CADA) Teen Court, Daniel Bryant Family & Youth Center, Zona Seca, and others.

After meeting with representatives of those agencies, it was determined that the Teen Court program would be used as the starting point, involving both the teen and parent in the education. CADA is ready to assume this responsibility including intake, assessment, and case management. The client will be processed within 30 days of referral. Although most clients complete the program in 6 weeks, occasionally it can take up to 90 days. CADA will notify the City within 7 days of client completion, refusal, or failure to complete the program. Therefore, it is recommended that the education component be completed within a 120-day timeframe.

There is a fee associated with the various education programs which the offender will be responsible for. A list of programs that provide this type of alcohol education is attached.

### **Summary**

The language in the proposed ordinance includes the following recommendations based on direction from the Ordinance Committee.

- Civil penalty: first offense - \$1,000, which may be waived upon completion of an education course; second offense - \$2,000, which may be reduced to \$1,000 upon completion of an education course; and third and any subsequent offense - \$2,000
- First and second offenders may elect to participate in an education program; education must be completed in 120 days; any associated education fee would be paid by the offender

If adopted by Council, the Ordinance would take effect in 30 days. A public education campaign will be undertaken to inform the public of the new Ordinance. The message will come from various community organizations involved with youth and alcohol abuse prevention including Fighting Back, ADAP, and the City.

**ATTACHMENT:** Education Component Program Providers

**PREPARED BY:** Susan Young, Recreation Supervisor

**SUBMITTED BY:** Nancy L. Rapp, Parks and Recreation Director  
Stephen P. Wiley, City Attorney

**APPROVED BY:** City Administrator's Office

**Alcohol & Drug Program Services in City of Santa Barbara  
Considered for Social Host Ordinance Education Component**

<u>Agency</u>	<u>Services</u>	<u>Fee</u>	<u>Contact</u>
CADA/Teen Court 232 E. Canon Perdido (805) 963-1433	Parent Program Teen Court	\$150. \$100.	Lino Celio Cynthia Tiernan
Daniel Bryant Family & Youth Center 25 W. Anapamu St (805) 730-7575	Adolescent Treatment Program Variety of Services	Sliding Scale/Medi-Cal \$150.	Intake Coordinator Jennifer Smith
Zona Seca Inc. 26 W. Figueroa St (805) 963-8961	Youth Offender Program	\$165.	Cesi Castelo