



Chandler · Arizona
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MEMORANDUM

Police Department – Memo 2015-060

DATE: MAY 15, 2015

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
MARSHA REED, ASSISTANT CITY MANAGER *MR*

FROM: SEAN E. DUGGAN, CHIEF OF POLICE *SD*

SUBJECT: INTRODUCTION AND TENTATIVE ADOPTION OF ORDINANCE NO. 4642, AMENDING CHANDLER CITY CODE, CHAPTER 11, ADDING SECTION 16: PROVIDING A LOCATION FOR AN UNLAWFUL MINOR PARTY/GATHERING, AKA THE SOCIAL HOST ORDINANCE

RECOMMENDATION: Staff recommends introduction and tentative adoption of Ordinance No. 4642 amending Chandler City Code, Chapter 11, adding Section 16: Providing a Location for an Unlawful Minor Party/Gathering, aka the Social Host Ordinance.

BACKGROUND: The Chandler Coalition on Youth Substance Abuse (CCYSA) strives to prevent youth substance abuse in Chandler through a variety of evidence-based programs designed to increase knowledge of youth substance abuse, promote social responsibility, and spur community action. The Chandler Police Department has partnered with the CCYSA on a variety of initiatives including party patrols and shoulder tapping operations.

The most recent Community Views Survey, conducted in 2014 by CCYSA, found that parties are the number one source of alcohol for teens. Over 300 surveys were received from a cross-section of sectors in the community including city officials, health care workers, teachers, and citizens who live in our city. Over 90% of those surveyed would like to see a Social Host Ordinance in place. In addition, the Arizona Criminal Justice Commission conducts an annual survey of this behavior. Their 2014 survey also reported that parties are the number one source of alcohol for teens. This City ordinance allows for adults and parents to face legal ramifications for providing their home as a gathering place for underage drinking parties. This ordinance includes education as a diversion from the civil penalties.

FINANCIAL IMPLICATIONS: This ordinance will require the printing of an additional citation pad for this application. There are current budgeted funds available for this purpose in the amount of \$600.00 in account no. 101-2070-5309 (Printing Supplies).

PROPOSED MOTION: Move to introduce and tentatively adopt Ordinance No. 4642 amending Chandler City Code, Chapter 11, adding Section 16: Providing a Location for an Unlawful Minor Party/Gathering, aka the Social Host Ordinance.

Attachment: Ordinance No. 4642

ORDINANCE NO. 4642

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA AMENDING CHAPTER 11, CODE OF THE CITY OF CHANDLER, ADDING SECTION 16: PROVIDING A LOCATION FOR AN UNLAWFUL MINOR PARTY/GATHERING, AKA THE SOCIAL HOST ORDINANCE

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHANDLER as follows:

Chapter 11, Chandler City Code, is amended by adding Section 11-16 to read:

Chapter 11-16

Providing a Location for an Unlawful Minor Party/Gathering Prohibited

11-16.1 Definitions

For the purpose of this article, the following terms shall have the meanings respectively ascribed to them herein unless the context requires otherwise:

1. *Juvenile* means a minor under the age of eighteen (18) years.
2. *Minor* means any person under the age of twenty-one (21) years.
3. *Owner* means a person, persons or legal entity listed as the current titleholder of real property, as recorded in the official records of the Maricopa County Recorder's Office.
4. *Absentee Owner* means an owner that does not reside at the property.
5. *Responsible person* means an owner, tenant, renter, lessor, lessee or other person residing in or having charge, possession or control of the premises, or a person who sponsored, allowed or authorized the party/gathering and who knew or should have known that an Unlawful Minor Party/Gathering was occurring on the premises. If such person is a juvenile, the term "responsible person" includes, in addition to the juvenile, the juvenile's parents, legal guardian(s), or other person exercising care, custody or supervision of the juvenile.
6. *Spirituos liquor* shall have the same meaning as defined in A.R.S. § 4-101(31).
7. *Minor Party/Gathering* means a party or gathering of two or more people where spirituous liquor is served to, in the possession of, or consumed by any minor.

11-16.2 Providing a Location for a Minor Party/Gathering

It is unlawful for the responsible person to provide a location for, or to permit, authorize, sponsor or allow, a minor party/gathering at private property under the responsible person's ownership, possession or control.

11-16.3 Penalties

Providing a location for a Minor Party/Gathering is a civil infraction. A person found responsible of a violation of this section is subject to a civil penalty as follows:

1. For a first violation, the court may impose a civil penalty of not more than \$250. The court may allow the person to complete a substance abuse education program as determined by the court in lieu of the penalty. An absentee owner will receive a notice of

violation for the first offense. In addition to other responsible parties, an absentee owner will be treated as an occupant of the home for subsequent offenses.

2. For a second violation within a period of eighteen months, the court may impose a civil penalty of not more than \$1000.
3. For a third or subsequent violation within a period of eighteen months, the court may impose a civil penalty of not more than \$1500.
4. In applying the eighteen-month period provision of section 11-16.2 and 11-16.3, the dates of commission of the offense shall be the determining factor, irrespective of the sequence in which the offenses were committed. A second or subsequent violation for which a conviction occurs as provided in the section does not include a conviction for an offense arising out of the same series of acts.

11-16.4 Collection of civil penalties

Civil penalties may be collected in any manner provided by law.

11-16.5 Hearings

The Chandler Municipal Court shall have jurisdiction to hear and dispose of violations of this section. Hearings shall be conducted pursuant to the Arizona Rules of Procedure in Civil Traffic Violation Cases except where otherwise inconsistent with or inapplicable to such hearings.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2015.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2015.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4642 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2015, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



PUBLISHED: