

# STAFF REPORT

## *City Council Business Item*

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**DATE:** January 16, 2023

**TO:** Honorable Mayor and Council Members

**FROM:** Ryan Plotz, City Attorney

**THROUGH:** Merritt Perry, City Manager

**SUBJECT:** **Second Reading and Adoption of *Ordinance 2024-766*, Adding Chapter 9.05 to Article 9 of the Fortuna Municipal Code to Adopt Social Host Regulations**

### **STAFF RECOMMENDATION:**

Conduct a second reading and adoption, by title only, of *Ordinance No. 2024-766*, which imposes penalties upon persons responsible for loud or unruly gatherings where alcohol is consumed by, served to, or in the possession of minors, as set forth in the proposed ordinance.

### **EXECUTIVE SUMMARY:**

The purpose of the proposed ordinance is to make it a violation of the Fortuna Municipal Code for any person to permit, allow, or host a loud or unruly gathering at his or her place of residence, or on other private property or rented public property, if such person either knows or reasonably should have known that a minor has consumed an alcoholic beverage. Importantly, if the person responsible for loud or unruly gathering is a juvenile, the juvenile's parents and/or legal guardian are jointly and severally responsible.

By making such activity a violation of the Fortuna Municipal Code, the City has additional enforcement options at its disposal. In particular, the proposed ordinance imposes a civil fine as follows: (i) a first violation is a \$500 fine, (ii) a second violation is a \$750 fine, and (iii) a third and each subsequent violation is a \$1,000 fine. The fines would be issued pursuant to the City's administrative citation process, which provides for notice and an opportunity to appeal the fine.

The proposed ordinance also provides for recovery of expenses for public safety responses for repeat offenders. In particular, the proposed ordinance provides that "when any loud or unruly gathering occurs on private property whether or not alcohol is served to, consumed by or in the possession of underage person(s) and a public safety officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the public safety officer shall give to the person(s) responsible for the event warning that a second or follow up violation of this section on the same date or within six (6) months of the date of the warning shall result in his/her/their liability for the cost of providing public safety services (i.e., fire, ambulance, sheriff, and other emergency providers)."

### **Environmental Review**

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA)

Guidelines Section 15061 based on the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed ordinance would increase the ability of the City to assure code compliance within the City and would not have any potential for creation of a significant environmental impact.

**FISCAL IMPACT:**

None.

**RECOMMENDED COUNCIL ACTION:**

1. Receive staff report;
2. Take public comment;
3. Discuss and consider the proposed ordinance; and
4. Motion to conduct a seconding reading and adopt *Ordinance No. 2024-766*, and read by title only.

**ATTACHMENTS:**

- *Ordinance No. 2024-766, an Ordinance of the City Council of the City of Fortuna Adding Chapter 9.05 to Article 9 of the Fortuna Municipal Code to Adopt Social Host Regulations and Determining the Ordinance to be Exempt from CEQA*