

TOWN OF SAN ANSELMO

ORDINANCE NO. 935

**An Ordinance of the Town of San Anselmo Adding Chapter 4 To The San Anselmo Municipal Code Concerning Alcohol and Controlled Substance Offenses and Imposition of Fees for Police Services**

The Town Council of the Town of San Anselmo does ordain as follows:

SECTION 1: Chapter 4 of Title 4 is hereby added to the San Anselmo Municipal Code to read as follows:

**Chapter 4 - ALCOHOL AND CONTROLLED SUBSTANCE OFFENSES AND IMPOSITION OF FEES FOR POLICE SERVICES**

**4-4.01. Purpose and Findings.**

The Town Council of the Town of San Anselmo does hereby find and determine that unsupervised parties on private property where alcohol and controlled substances are consumed constitute a potential hazard for the party goers and those who might come into contact with them. The Town Council further finds and declares that the control of large parties, gatherings, or events on private property is necessary when such activity is determined to be a threat to the peace, health, safety, or general welfare of the public. Police problems associated with dispersing such parties and controlling participants cause a shift of police manpower and resources.

**4-4.02. Definitions.**

For the purpose of this Section, the following definitions shall apply:

a. Controlled substances. Those substances as defined in Health & Safety Code §§11001 et seq. and 11671 et seq.

b. Party, gathering or event. A group of persons who have assembled, or are assembling, for a social occasion or for a social activity.

c. Person responsible for the event. The person who owns, rents, leases, or otherwise has control of the premises 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 person responsible for the event is a minor, then the parent(s) or guardian(s) of that minor will be jointly and severally liable for the costs incurred for police services pursuant to this Section.

d. Police services. Police services include the salaries of the police officers for the amount of time actually spent in responding to or in remaining at, the party, gathering, or event and/or for lost time if an officer is injured seriously enough to be unable to work, at a rate to be established by resolution of the Town Council, the actual cost of any medical treatment provided to injured officers, and cost of repairing any damaged Town equipment or property.

**4-4.03. Unlawful Juvenile Gatherings on Private Property.**

No person shall suffer, permit, allow, or host a party, gathering, or event at his or her place of residence or other private property, place, or premises under his or her control where five (5) or more persons under the age of 21 are present and alcoholic beverages or a controlled substance is in the possession of, or being consumed by any person under the age of 21 years. A violation of this Chapter shall constitute a misdemeanor or an infraction punishable as set forth in Section 1-2.01 of this Code.

**4-4.04. Police Services at Parties, Gatherings, or Events Requiring a Second Response.**

When a party, gathering, or event occurs on private property and a police officer at the scene determines that there is a threat to the public peace, health, safety, or general welfare, the person(s) responsible for the event will be held liable for the cost of providing police services during a second or follow-up response by the police, after a first warning to the person(s) responsible for the event to control the threat to the public peace, health, safety, or general welfare. The second or follow-up response may also result in the arrest and/or citation of violators of the California Penal Code, or other provisions of this Code.

**4-4.05. Police Services Fee.**

The police services fee shall include the cost of personnel and equipment, and shall be established by resolution by the Town Council, provided, however, that the Town does not hereby waive its right to seek reimbursement for actual costs exceeding the amount established by resolution through legal remedies. The amount of such fees shall be deemed a debt owed to the Town by the person responsible for the event and, if minors, their parents or guardians. Any person owing such fees shall be liable in an action brought in the name of the Town for recovery of such fees, including reasonable attorneys' fees.

**4-4.06 Severability.**

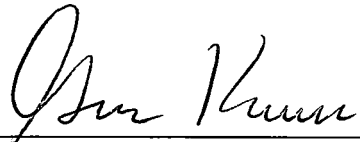
If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared to be severable.

The foregoing Ordinance was introduced at a regular meeting of the San Anselmo Town Council on November 17, 1992, and was passed and adopted on December 8, 1992, by the following vote:

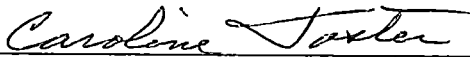
AYES: Breen, Chignell, Yarish, Zaharoff and Kanis

NOES: (none)

ABSENT: (none)

/s/   
GUS KANIS, Mayor

ATTEST:

/s/   
CAROLINE FOSTER, Town Clerk