Loud Party/Social Host Ordinance
6.05.18

6.05.18.010 AUTHORITY

Irvine Municipal Code (IMC) §4-11-500 provides a cost recovery program for police services in dealing with disruptive parties and gatherings where underage persons are consuming alcoholic beverages. This policy outlines the criteria needed to issue one or more Loud Party Notices and the provisions for issuing administrative citations for being a Social Host.

6.05.18.020 DEFINITIONS

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

Juvenile means any person less than eighteen (18) years of age.

A “large party, gathering or event” is 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.

Parent or legal guardian is a person who is a natural parent, adoptive parent, foster parent or step-parent 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.

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 twenty-one (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.

Underage person is any person less than twenty-one (21) years of age.

Unruly or loud conduct includes the obstruction of streets by crowds or vehicles, public drunkenness, public urination, possession of or consumption of alcoholic beverages by underage persons, assaults, batteries or other disturbances of the peace, including but not limited to vandalism, littering or other conduct that constitutes a threat to public health, safety or quiet enjoyment of residential property or public property.

Police Services Fee means the cost to the City of any special security assignment. Such fee shall be an itemized fee up to the full cost to the City of the special assignment and shall be 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, and the cost of any medical treatment of injured police officers; provided, however, that in no event shall the fee exceed $1,000.

6.05.18.030 FIRST RESPONSE

IMC §4-11-502(A) states, when a police officer responds to any large party, gathering or event, and determines there is a threat to the public peace, health, safety, or general welfare, the police officer shall issue a written notice to the host(s).

That notice (Irvine Police Department Form #80-16) Loud Party/Social Host Notice, shall state that a subsequent response to that same location or address within a thirty (30) day period will be deemed a special security assignment rendered to provide security and order on behalf of the party, gathering or event, and, that the host may be liable for a police services fee not to exceed $1000.00 per IMC §4-11-501.

6.05.18.040 OFFICER RESPONSIBILITIES

Officers responding to loud parties or events should assess whether the criteria for the loud party ordinance is present. If the officer determines that the event poses a threat to the public peace, health, safety, or general welfare, the officer shall obtain a Department Record (DR) number and issue a Loud Party/Social Host Notice to the host(s) of the party. The responsible person(s) or host(s) will be asked to sign the form and issued the hard copy. The original form and the attached copy will be provided to Records for processing.

The officer shall enter into the call history that a first response warning was issued and any pertinent information for officers who may be assigned to a subsequent response. The narrative portion of the Notice shall contain all of the pertinent facts surrounding the incident. A separate continuation page may be completed if needed.

6.05.18.050 POSTING

Under IMC §4-11-502 (B), if no “host” is available on the premises, or the host refuses to sign a receipt of notice, a copy of the notice shall be posted in a conspicuous place on the premises on each occasion that the police respond.

6.05.18.060 SUBSEQUENT RESPONSES

Upon a subsequent response, the field officer should determine if a second loud party notification should be issued. Since the ordinance defines a subsequent response as a return visit within thirty (30) days, a call history search of the location may be necessary. Authorization for the second Loud Party Notice must be obtained from a supervisor. Authorization can be obtained in person or by police radio. Once the supervisor concurs with the officers’ assessment, the “special security assignment” per IMC § 4-11-503(A) is imposed. The supervisor will either sign the notification form or authorize the on-scene officer to put his/her name on the form.

The hard copy of the second Notice of Violation is given to the host, and the original and carbon copies are processed per Policy §6.05.18.030. The original DR number (from the previous 30 day response) shall be utilized. The Records Division will retain the original Loud Party Notice of Violation, and the carbon copy is sent to finance for billing. If an arrest is made, the report should be upgraded to a crime with proper documentation under the same case number.

6.05.18.070 SOCIAL HOST VIOLATION DEFINED

Under IMC §4-11-503.1, a social host violation exists when any responsible person or host of a gathering, party or event occurring at a private residence or other private property knows or reasonable 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 is 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.

6.05.18.071 EXEMPTED ACTIVITIES

The provisions of the Social Host ordinance shall not apply to the following, per IMC §4-11-503.2.

1. A responsible person or host who takes all reasonable steps, including, but not limited to requesting assistance of law enforcement, to exclude all uninvited persons at a gathering who provide, serve or facilitate the possession or consumption of alcohol by an underage person.
2. Conduct protected under the United States and/or California Constitution, Including, but not limited to religious activities protected by Article I, Section 4 of the California Constitution.
3. Conduct regulated by state and/or federal law or regulation, including but not limited to the California Alcoholic Beverage Control Act, in such a manner that the City is preempted or precluded from imposing additional regulation.

6.05.18.080 SOCIAL HOST RESPONSIBILITIES

When responding to a party, gathering or event where underage persons may be consuming , or in possession of alcoholic beverages, officers shall evaluate the circumstances and determine if the criteria for a Social Host violation exist. If the officer determines that a violation of the social host ordinance exist the officer may issue a violation notice per I.M.C. §4-11-503.1. That notice (Irvine Police Department Form # 80-16) Loud Party/Social Host Notice, shall be assigned a Department Record (DR) number.

The responsible person(s) or host(s) will be asked to sign the form and issued the hard copy. The original form and the attached copy will be provided to Records for processing.

The officer shall enter the fact a Social Host violation notice was issued, the names of the responsible person or host receiving the notice and any other pertinent facts into the call history to assist officers during any subsequent responses.

The officer shall document the incident, including all facts supporting the issuance of a Social Host violation notice on a separate Continuation form and list all persons on an Additional Involved Persons form #2.

6.05.18.090 RECORDS RESPONSIBILITIES

Records will retain the original Notice of Violation, and the carbon copy is sent to Finance for billing.

6.05.18.100 APPEAL

In the event the host or responsible party questions the imposition of the notices and/or fees the officer should advise them that they may file an appeal with the Chief of Police or his/her designee. The Chief of Police or his/her designee must receive a written request for a hearing within ten (15) calendar days of the date the invoice was mailed.

6.05.18.110 ENFORCEMENT OF APPLICABLE LAWS

This policy is in reference to the application of the Loud Party Ordinance. Nothing in this policy is intended to supersede an officers' discretionary ability to utilize applicable laws in the enforcement of disturbance situations (e.g., Private Persons Arrest, PC §415 etc.).

Loud Party/Social Host violations are issued using an Administrative Citation process (civil) as provided for in the City municipal code. As such, a person shall not be subject to arrest for simply refusing to sign the violation citation. If a person refuses to sign the citation, the officer should notify a supervisor. The officer will then write REFUSED in the signature area of the citation and provide the violator his/her copy. The officer will document the refusal in a supplemental report.