

ORDINANCE NO. 1062

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADOPTING CHAPTER 9.25 OF THE PERRIS MUNICIPAL CODE RELATING TO THE CONSUMPTION OF TOBACCO, ALCOHOL, ALCOHOLIC BEVERAGES AND MARIJUANA FOR PERSONS UNDER THE AGE OF 18 YEARS

FINDINGS

WHEREAS, Title 9 of the Perris Municipal Code sets forth requirements governing the public health, safety and welfare regulations; and

WHEREAS, in the interest of the public health, safety and welfare, the City Council of the City of Perris desires to adopt legislation which would help to promote the development of healthy and responsible youth; and

WHEREAS, the consumption of tobacco, alcohol, alcoholic beverages and marijuana by minors is known to have key influences on violence, destruction of families and communities, lack of respect of all people, and lack of a sense of personal and social responsibility; and

WHEREAS, State laws make it a crime for minors to possess alcohol, alcoholic beverages, tobacco and marijuana; however, State law does not address the consumption of alcohol, alcoholic beverages, tobacco and marijuana by minors; and

WHEREAS, the Public Safety Commission proposed this Ordinance to the Perris City Council,

SECTION 1. Chapter 9.25 is added to the Perris Municipal Code to read as follows:

Section 9.25.010 Alcohol, Alcoholic Beverages, Tobacco and Marijuana Consumption Restrictions on Minors. It is unlawful for any minor under the age of eighteen (18) to consume alcohol, alcoholic beverages, tobacco and marijuana, or any combination of alcohol, alcoholic beverages, tobacco or marijuana.

Section 9.25.020. Definitions. As used herein, the following words and phrases shall have the meaning set out.

1. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine from whatever source or whatever process produced.
2. "Alcoholic Beverages" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes.
3. "Consumption" means to use, or to eat, or to drink, or to absorb, or to smoke or to ingest.
4. "Marijuana" means all parts of the plant *cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.
5. "Minor" means any person under eighteen (18) years of age.
6. "Parent" means a person who is a natural, adoptive or step-parent or someone at least 18 years old authorized by a parent or guardian to have care, custody or control of the minor.

Section 9.25.030. Penalty. Any minor who violates this section of the Municipal Code is guilty of an infraction and shall be punished as follows:

1. Upon the first conviction, by a fine of not more than one hundred dollars (\$100), participation in a substance abuse program, and community service hours.
2. Upon a second conviction, by a fine of not more than two hundred fifty dollars (\$250), participation in a substance abuse program, and community service hours.
3. Upon a third or subsequent conviction, if the minor has willfully refused to comply with this section, by a fine of not more than five hundred dollars (\$500), participation in a substance abuse program, and community service hours.
4. A judgment granting a defendant time to pay the fine or prescribing the days of attendance in a program shall order that if the defendant fails to pay the fine, or any installment thereof, on the date that it is due, or fails to attend a program on a prescribed date, he or

she shall appear in court on that date for further processings. Willful violation of the order is punishable as contempt.

Section 9.25.040. Parental Responsibility. It is unlawful for the parent or the guardian knowingly to allow or permit such minor to violate this Chapter.

SECTION 2. Severability. If any part or subpart, sentence, clause or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed separate and such holding shall not affect the validity of the remaining sections. The City Council declares it would have passed this Ordinance, and all parts of it, irrespective of the fact that any part, subpart, clause or portion may have been invalidated.

SECTION 3. Effective Date. This Ordinance shall be effective thirty (30) days from the date of its adoption.

SECTION 4. The City Clerk of the City of Perris shall certify to the passage and adoption of this Ordinance and shall cause the same to be posted and published in the manner required by law.

ADOPTED, SIGNED, and APPROVED this 8th day of December, 1998.

Mayor of the City of Perris, California

ATTEST:

City Clerk of the City of Perris,
California

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF PERRIS)

I, MARGARET REY, City Clerk of the City of Perris, do hereby certify that the foregoing Ordinance No. 1062 was regularly introduced and placed upon first reading at a regular meeting of the City Council of the City of Perris on November 24th, 1998. That, thereafter, said ordinance was duly approved and adopted at a regular meeting of the City Council on December 8th, 1998 by the following vote:

AYES: Larragoitiy, Torres, Larios, Yarbrough, and Landers
NOES:
ABSENT:

City Clerk, City of Perris, California