

**ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN TO AMEND CHAPTER 6.75 OF THE MARIN COUNTY CODE TO:**

**(1) PROHIBIT LOUD OR UNRULY GATHERINGS WHERE MARIJUANA IS SERVED TO, INGESTED BY OR IN POSSESSION OF UNDERAGE PERSONS, (2) ADDING PARTY BUSES AND LIMOUSINES TO THE GATHERINGS WHERE LOUD AND UNRULY PARTIES ARE PROHIBITED; (3) DEFINING RESTORATIVE JUSTICE PROGRAM; (4) MANDATING PARTICIPATION AND GRADUATION FROM A RESTORATIVE JUSTICE PROGRAM FOR REPEAT UNDERAGE OFFENDERS; (5) MANDATING PARTICIPATION AND GRADUATION FROM A RESTORATIVE JUSTICE PROGRAM FOR YOUNG ADULTS UNDER THE AGE OF 21; AND (5) MANDATING 6 – 20 HOURS ATTENDANCE AT RESTORATIVE JUSTICE HEARINGS FOR ADULT OFFENDERS IN ADDITION TO THE CIVIL FINE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN HEREBY ORDAINS AS FOLLOWS:

**SECTION I.** Chapter 6.75 of the Marin County Code is hereby amended to read as follows:

**CHAPTER 6.75**

**PROHIBITION OF LOUD OR UNRULY GATHERINGS WHERE ALCOHOL, CONTROLLED SUBSTANCES OR MARIJUANA IS SERVED TO, INGESTED BY OR IN THE POSSESSION OF UNDERAGE PERSONS; IMPOSITION OF CIVIL FINES AND MANDATORY ATTENDANCE AT RESTORATIVE JUSTICE PROGRAM HEARINGS TO ADULT OFFENDERS FOR VIOLATION AND IMPOSITION OF CIVIL FEES FOR THE RECOVERY OF COSTS FOR PUBLIC SAFETY RESPONSES TO SUCH GATHERINGS; AND MANDATING GRADUATION FROM A RESTORATIVE JUSTICE PROGRAM FOR UNDERAGE OFFENDERS AND YOUNG ADULT OFFENDERS UNDER THE AGE OF 21**

In the list of Sections under Chapter 6.75, Sections 6.75.050 and 6.75.050(a) are hereby amended to state:

**6.75.050:** Prohibition of Loud or Unruly Gatherings Where Alcohol, **Controlled Substances or Marijuana** Is Served to, Ingested by or in the Possession of Underage Persons

**6.75.050(a):** Violations/Civil Fines/Mandatory Community Service

The following Sections of Chapter 6.75 are amended: Subsections (g) is added to Section 6.75.010; Subsections (b)(2) and (o) are added to Section 6.75.020; Section 6.75.040: subsections (b)(2) and (d)(4) are amended to include marijuana, subsection (d) is amended to add party buses and limousines and subsection (i) is added to define Restorative Justice Program; The title and opening paragraph of Section 6.75.050 are amended to include marijuana as well as adding party bus or limousine to the prohibition; Sections 6.75.050 (a) and (b) are amended to include marijuana as well as adding party bus or limousine to the prohibition; Section 6.75.050 (a)(1) is amended to require adult offenders over the age of 21 to attend six hours of hearings at a Restorative Justice Program for a citation on the first violation, requiring adult offenders over the age of 21 to attend 12 hours of hearings at a Restorative Justice Program for a citation on the second violation and requiring adult offenders over the age of 21 to attend 20 hours of hearings at a Restorative Justice Program for a citation on the third violation; and Section 6.75.050(a)(1) is further amended to require underage offenders to successfully complete a Restorative Justice Program for a second and third violation and requiring young adult offenders (ages 18 – 21) to successful complete a Restorative Justice Program for the first, second and/or third violation.

**6.75.010** Legislative Purpose:

(g): “The serving to, possession of or ingestion of marijuana by underage persons is as alarming as the ingestion, possession of or service of alcohol and/or controlled substances to underage persons and it is the purpose of this Ordinance to address ingestion of marijuana, possession of or the service of in the same manner.”

**6.75.020:** Legislative Findings:

(b)(2) The occurrence of loud or unruly gatherings on party buses or limousines where alcoholic beverages, controlled substances and/or marijuana are served to, ingested by or in the possession of underage persons is harmful to the underage persons themselves and is a threat to the public health, safety, or quiet enjoyment of the streets and highways as well as other areas where a party bus or limousine drives, parks or temporarily stops.

(o) Subsections (a) through (n) are equally valid to the service of, ingestion of or possession of marijuana by underage persons. It is the finding of the Marin Board of Supervisors that the addition of marijuana to the prohibition outlined in Section 6.75.050 is a reasonable and necessary means to protect and promote the health, safety, and general welfare of the youth and other residents of the County of Marin.

**6.75.040:** Definitions:

(b)(2) “Marijuana” is defined as any and all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin and includes concentrated marijuana. The prohibition herein includes marijuana in any form including but not limited to cigarettes, vapor, food products containing marijuana or concentrated marijuana and any other product of marijuana that can be smoked or ingested.

Such term as it is used in this Ordinance does not include a substance for which the individual found to have consumed or possessed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription, or in the case of medical cannabis, a recommendation for medical marijuana from a licensed physician.

(d) “Loud or unruly gathering” means a party or gathering of two or more persons at a residence or on other private property or rented public property **or on a party bus or limousine** upon which loud or unruly conduct occurs. Such loud or unruly conduct constitutes a public nuisance and includes but is not limited to:

(4) public drunkenness or unlawful public consumption of alcohol, alcoholic beverages, controlled substances **or marijuana**;

(i) **Restorative Justice Program** means an approved or accredited program by the Marin County Superior Court or a program approved by the Director of the Marin County Department of Health and Human Services or his/her designee, which entails peer to peer review, requires accountability for a participant, requires parent participation for the affected underage person and involves interactive participation by underage participants.

**6.75.050:** The **title** of 6.75.050 is amended to read:

**Prohibition of Loud or Unruly Gatherings Where Alcohol, Controlled Substances or Marijuana is Served to, Ingested by or in the Possession of Underage Persons**

**6.75.050 – this paragraph should be amended to read:**

Except as permitted by Article 1, Section 4, of the California Constitution, no person shall knowingly suffer, permit or host a gathering at his or her place of residence or other private property, place or premises or host a gathering at a public place under his or her control **or arrange for a party bus or limousine or renting the same** where two or more persons under the age of 21 are present, where the gathering is loud or unruly and **alcoholic beverages, controlled substances or marijuana are in the possession of, being ingested by, or served to any underage person.**

**Subsections (a) and (b) are amended to read:**

**(a) Violation(s)/Civil Fine(s)/Mandatory Community Service**

It shall be a civil violation for a person to knowingly conduct or allow a loud or unruly gathering where alcohol, controlled substances **or marijuana** is served to, ingested by or in the possession of an underage person or persons on premises owned by the person responsible for the event, on premises rented by or to the person responsible for the event, on premises where the person responsible for the event resides, on premises where the person responsible for the event is in control of such premises **or on a party bus or limousine where the person responsible for the event either rents or owns the party bus or limousine** during the loud or unruly gathering. The Sheriff, at his or her discretion, may immediately issue a citation for this civil violation upon evidence of the violation. There is no requirement of a first warning in order for the Sheriff to issue this civil citation.

(1) **Civil Fine/Mandatory Community Service:** A first violation of this Section shall result in a citation with a \$750.00 fine **for an adult offender over the age of 21 plus the requirement of six hours attendance at a Restorative Justice Program that entails observation of Restorative Justice Program hearings.** A second violation shall result in a citation with a \$1,500.00 fine to an adult offender **over the age of 21 plus the requirement of twelve hours attendance at a Restorative Justice Program that entails observation of Restorative Justice Program hearings.** A third or subsequent violation by an adult offender shall result in a citation with a \$2,500.00 fine **plus the requirement of twenty hours attendance at a Restorative Justice Program that entails observation of Restorative**

**Justice Program hearings.** For underage (anyone under the age of 18 years) offenders **and young adults under the age of 21**, a first violation shall result in a citation with **mandatory participation and graduation from a Restorative Justice Program accredited or approved by the Marin County Superior Court or by the Director of the Marin County Department of Health and Human Services or his/her designee**; a second violation shall result in a citation with **a new requirement of participation and graduation from a Restorative Justice Program as set forth in this section**; and a third violation shall result in a citation **with a new requirement of participation and graduation from a restorative justice program as set forth in this section**. The violator shall be responsible for paying the fees for the cost of the restorative justice program.

**(b) Imposition of Civil Cost Recovery Fee for Public Safety Responses**

In addition to any Civil Fine/**Mandatory Community Service** imposed for violation of this section, when any loud or unruly gathering where alcohol, controlled substances **or marijuana** is served to, ingested by or in the possession of underage person(s) occurs on private property, public property **or a party bus or limousine** 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 on any later date will result in his/her/their liability for the cost of providing public safety services (i.e., fire, ambulance, sheriff, and other emergency providers). The requirement of a first warning does not limit the ability of public safety personnel to issue a civil citation for the imposition of civil penalties for cost recovery on the same day that the warning is given if the warning does not end the loud or unruly gathering. The cost recovery for public safety responses shall be separate and distinct from a citation and fine for a civil violation described in subsection (a) of this section.

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**SECTION II: EFFECTIVE DATE AND PUBLICATION**

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same, in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

**SECTION III: VOTE**

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 13<sup>th</sup> day of June, 2017 by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

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PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

\_\_\_\_\_  
CLERK