



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/01/2023

ITEM NO: 12

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DATE: July 27, 2023  
TO: Mayor and Town Council  
FROM: Gabrielle Whelan, Town Attorney  
SUBJECT: Introduce an Ordinance Titled “An Ordinance of the Town Council of the Town of Los Gatos Amending Section 18.30.040, ‘Penalties for Violations,’ of Division 1, Article III, of Chapter 18 of the Town Code, ‘Social Host Ordinance’”

**RECOMMENDATION:**

Introduce an ordinance titled “An Ordinance of the Town Council of the Town of Los Gatos amending section 18.30.040, ‘Penalties for Violations,’ of Division 1, Article III, of Chapter 18 of the Town Code, ‘Social Host Ordinance.’”

**BACKGROUND:**

The Town adopted a social host ordinance in early 2022, which is codified in Town Code Sections 18.30.010 and following. The ordinance applies to underage social gatherings where intoxicants are consumed by underage persons. “Underage persons” is defined as those under twenty-one years of age. The ordinance prohibits underage social gatherings, where intoxicants are consumed by underaged persons, on private or public property in the Town. The ordinance renders parents or guardians jointly and severally liable for violations.

**DISCUSSION:**

Town Code Section 18.30.050 sets forth the penalties for violations of the ordinance. The penalties are a criminal citation or an administrative citation. To date, the Town has enforced the ordinance via administrative citations.

The Town’s process is that a Police Officer prepares a case report and forwards the report to the Town Attorney for review. If the report establishes that a violation occurred, the Town Attorney forwards the case report to the Town’s Code Compliance Officer for issuance of an

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Reviewed by: Town Manager, Assistant Town Manager, Police Chief, and Town Attorney

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SUBJECT: Amendment to Social Host Ordinance

DATE: July 27, 2023

DISCUSSION (continued):

administrative citation and fine. As written, Section 18.30.040 requires that the administrative citation be issued within ten days of the violation. Over the past year, staff has observed that ten days is sometimes not enough time for the case report to be completed and forwarded to the Town Attorney for review and then forwarded to the Town's Code Compliance Officer. Other than the ten-day requirement in the Town Code, there is no legal requirement that citations be issued within ten days of a violation.

In order to allow sufficient time to process these violations, staff is proposing that the ten-day time limit be removed from the social host ordinance. A redline showing the proposed change to the ordinance is attached as Attachment 1. A clean version of the ordinance is attached as Attachment 2.

CONCLUSION:

Town staff is proposing that the ten-day time limit be removed from the social host ordinance.

COORDINATION:

This report was prepared by the Town Attorney in collaboration with the Police Department, Community Development Department, and Town Manager.

FISCAL IMPACT:

This will not affect the Town's budget.

ENVIRONMENTAL ASSESSMENT:

The proposed ordinance is not a project subject to CEQA, because it can be seen with certainty that it will not have a significant impact on the physical environment.

Attachments:

1. Redline Proposed Ordinance
2. Clean Proposed Ordinance