

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING CHAPTERS 9.04 AND 9.07, AND DELETING CHAPTER 9.65 OF THE RIVERSIDE MUNICIPAL CODE.

The City Council of the City of Riverside does ordain as follows:

Section 1: Section 9.04.230 of the Riverside Municipal Code is hereby amended as follows:

**“Section 9.04.230 Display and sale of drug paraphernalia.**

A. *Purpose.* Regulating business establishments that display or offer for sale drug paraphernalia is a reasonable and necessary means to protect and promote the general welfare of the children and minors of the City of Riverside exposed to controlled substances. The regulations promote the general welfare and temperance of children and minors and are intended to help reduce the improper consumption and purchase of controlled substances by children and minors by limiting their exposure to drug paraphernalia.

B. *Definitions.* The following words and phrases, whenever used in this section, shall be construed as defined in this section.

1. *Drug paraphernalia*, including but not limited to one or more of those items identified in that list set forth subparagraph 3 below, shall mean any device designed primarily for use by individuals for the smoking or ingestion of cannabis, hashish, hashish oil, cocaine, or any other "controlled substance," as that term is defined in the Health and Safety Code of the State of California.

2. *A device* "designed primarily for" the smoking or ingestion set forth subsection B.1 above is a device, which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of cannabis, hashish, hashish oil, cocaine, or any other "controlled substance," and is peculiarly adapted to that purpose by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the device for some other purpose.

...”

1           Section 2: Section 9.07.010 of the Riverside Municipal Code is hereby amended as follows:  
2 The City Council finds as follows:

3 **“Section 9.07.010 Findings.**

4 A.     The occurrence of parties, gatherings, or events on private property where alcoholic  
5 beverages, cannabis or other controlled substances are consumed by minors, are harmful to the  
6 minors themselves and a threat to public health, safety, quiet enjoyment of property, and general  
7 welfare.

8     ...

9 C.     Persons responsible for the occurrence of such gatherings often fail to take reasonable steps  
10 to prevent the consumption of alcoholic beverages, cannabis  
11 or other controlled substances by minors at these gatherings.

12 D.     The ability of police officers to control gatherings on private property where alcoholic  
13 beverages, cannabis or other controlled substances are consumed by minors is necessary when such  
14 activity is determined to be a threat to the peace, health, safety, or general welfare of the public.

15 E.     Gatherings involving consumption of alcohol, cannabis or other controlled substances by  
16 minors, as defined by this chapter, are unlawful and constitute a public nuisance pursuant to state  
17 law and the provisions of this Code.

18     ...”

19           Section 3: Section 9.07.020 of the Riverside Municipal Code is hereby amended as follows:  
20 The City Council finds as follows:

21 **“Section 9.07.020 Authority and purpose.**

22     ...

23 B.     The purpose and intent of this chapter is to protect public health, safety, and general welfare  
24 of people and premises in the City, including the quiet enjoyment of property by  
25 enhancing the ability of law enforcement to deter the consumption of alcohol, cannabis or  
26 controlled substances by minors, and reducing the costs of providing police, fire, and code  
27 enforcement services to parties, gatherings, or events by requiring hosts, tenants, and property  
28 owners to ensure that minors are not consuming alcoholic beverages, cannabis or other controlled  
substances.”

1           Section 4: Section 9.07.040 of the Riverside Municipal Code is hereby amended as follows:  
2       **“Section 9.07.040 Consumption of alcohol, cannabis or other controlled substance by minors**  
3       **prohibited in public place, place open to public, or place that is not open to public.**

4       Except as permitted by State law, it is unlawful for any minor to:

5       A.     Consume at any public place or any place open to the public any alcoholic beverage,  
6       cannabis, or other controlled substance; or

7       B.     Consume at any place that is not open to the public any alcoholic beverage, unless in  
8       connection with the consumption of the alcoholic beverage that minor is being supervised by his or  
9       her parent or legal guardian.”

10          Section 5: Section 9.07.050 of the Riverside Municipal Code is hereby amended as follows:  
11       The City Council finds as follows:

12       **“Section 9.07.050 Hosting, permitting, or allowing a party, gathering, or event where minors**  
13       **consume alcoholic beverages, cannabis or other controlled substances prohibited.**

14       A.     *Imposition of duty and violation.*

15       1.     It is the duty of any person having ownership or control of any premises, who hosts, permits,  
16       or allows a gathering at said premises to take all reasonable steps to prevent the consumption of  
17       alcoholic beverages, cannabis or other controlled substance by any minor at the gathering.  
18       Reasonable steps are controlling access to alcoholic beverages, cannabis or other controlled  
19       substances at the gathering; controlling the quantity of alcoholic beverages present at the gathering;  
20       verifying the age of persons attending the gathering by inspecting driver's licenses or other  
21       government-issued identification cards to ensure that minors do not consume alcoholic beverages  
22       while at the gathering; prohibiting the possession and/or use of cannabis or other controlled  
23       substance at the gathering; and supervising the activities of minors at the gathering.

24       2.     It is unlawful for any person having ownership or control of any premises to host, permit, or  
25       allow, tacitly or otherwise, a gathering to take place at said premises where at least one minor  
26       consumes an alcoholic beverage, cannabis or other controlled substance whenever the person having  
27       ownership or control of the premises either knows a minor has consumed an alcoholic beverage,  
28       cannabis or other controlled substance or reasonably should have known that a minor consumed an  
alcoholic beverage, cannabis or other controlled substance, had the person taken all reasonable steps

1 to prevent the consumption of an alcoholic beverage, cannabis or other controlled substance by a  
2 minor as set forth in subsection A.1. of this section.

3 ...”

4 Section 6: Chapter 9.65 of the Riverside Municipal Code entitled “Mobile Marijuana  
5 Dispensaries” is deleted in its entirety.

6 Section 7: The City Council has reviewed the matter and, based upon the facts and information  
7 contained in the staff reports, administrative record, and written and oral testimony, hereby finds that  
8 this ordinance is not subject to CEQA pursuant to Section 15061(b)(3) (General Rule), as it can be  
9 seen with certainty that approval of the project will not have an effect on the environment.

10 Section 8: The City Clerk shall certify to the adoption of this ordinance and cause publication  
11 once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City  
12 of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

13 ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

14  
15 \_\_\_\_\_  
16 PATRICIA LOCK DAWSON  
Mayor of the City of Riverside

17 Attest:

18  
19 \_\_\_\_\_  
20 DONESIA GAUSE  
City Clerk of the City of Riverside

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1 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the  
2 foregoing ordinance was duly and regularly introduced on the \_\_\_\_\_ day of \_\_\_\_\_,  
3 2023, and adopted at a meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2023,  
4 by the following vote, to wit:

5 Ayes:

6 Noes:

7 Absent:

8 Abstain:

9 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the  
10 City of Riverside, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.  
11

12 \_\_\_\_\_  
13 Donesia Gause  
14 City Clerk of the City of Riverside  
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