
City of Grand Forks
Staff Report
Service/Safety Committee February 10, 2015
City Council February 16, 2015

Agenda Item: Proposed Ordinances related to High-Risk and Underage Alcohol Use

Submitted by: Pete Haga, Mayor's Office

Staff Recommended Action: Approve Social Host Ordinance and Ordinance on Restricting Extreme Drink Specials

Committee Recommended Action:

SOCIAL HOST ORDINANCE: Motion be Bjerke and Schneider to approve the ordinance with changes recommended by the City Attorney and introduce the ordinance for first reading. Upon call for the question, Motion Carried.
EXTREME DRINK SPECIALS ORDINANCE: Motion be Bjerke and Schneider to approve the ordinance with corrections in the proposed ordinance and to introduce the ordinance first reading. Motion Carried.

Council Action:

February 16 - This item was continued to a work session on March 2.

BACKGROUND:

In the Spring of 2013, the City Council's Service/Safety Committee, led by Chair Terry Bjerke, conducted an intensive discussion on issues related to alcohol in the community. These discussions included a wide array of community members, as well as nationally known professionals, and concluded with a series of recommendations.

Those recommendations included forming a community wide committee to address issues and opportunities related to harmful or illegal alcohol use. The committee was charged with researching, promoting discussion and ultimately developing recommendations on specific policies or other activities.

Mayor Michael R. Brown and UND President Robert O. Kelley called for the creation of the Community and Campus Committee on High Risk and Underage Alcohol (CCC) in the Summer of 2013 and requested UND Vice President Lori Reesor and City Council Member Ken Vein to Co-Chair. The CCC adopted the charge: To create a community and campus culture that supports responsible, low-risk alcohol use.

The committee is made up of community members representing various perspectives from public safety, UND, law enforcement (city and UND), public schools, UND students and Student Government, public health, the Hospitality Industry, the Grand Forks Air Force Base and other community members. Consistent with its charge, the committee has worked to address matters of 'High Risk Alcohol Use' and 'Underage Alcohol Use' and have attempted to clearly act in a way that would not be simply 'anti-alcohol'.

The CCC and its designated subcommittees, through research, data collection (attached) and discussion, have focused on a number of possible initiatives that could help to achieve the goal of addressing high risk and underage alcohol use.

At this time, the CCC is asking the City Council to consider two ordinances in accordance with two of these initiatives: Social Host and Extreme Drink Specials. These proposed ordinances (attached) were drafted by City Attorney Howard Swanson through conversation with the committee chairs and other CCC members.

The proposed Social Host ordinance makes it unlawful to provide an environment where underage drinking takes place, regardless of who provided the alcohol. Specifically, a Social Host ordinance makes it against the law to allow or host a party where there is underage drinking and further specifies that it is unlawful to provide the venue where minors consume alcohol. To be cited, it must be proven that the person knew or reasonably should have known minors would possess or drink alcohol. The person responsible does not need to be present to be cited for violation of the Social Host ordinance.

The Extreme Drink Specials Ordinance seeks to restrict extreme drink specials that encourage high-risk alcohol use. The restrictions would not be aimed at eliminating moderate drink specials. Rather it proposes to prohibit the following:

- A. Unlimited alcoholic beverages for a fixed price or no cost (e.g., all you can drink specials, including those targeted to specific groups – men’s nights, ladies’ nights)
- B. 3 or more for the price of one specials
- C. Sponsorship of drinking games and contests (where the focus of the game or contest is drinking)

In addition, the CCC is developing other local tactics to implement in the near future, with resources from a federal grant, including an education campaign addressing high risk alcohol use by adults and an education campaign to engage young people around the issue of underage alcohol use.

ANALYSIS AND FINDINGS OF FACT:

- Social Host Ordinance
- Extreme Drink Specials Ordinance

SUPPORT MATERIALS:

- Social Host Background and Research
- Extreme Drink Background and Research
- Additional data

ORIGINAL DRAFT ORDINANCE




CITY OF GRAND FORKS

P.O. BOX 12909
GRAND FORKS, NORTH DAKOTA 58208-2909

OFFICE OF CITY ATTORNEY

E-MEMORANDUM

TO: Dr. Lori Reesor lori.reesor@email.und.edu
Ken Vein kvein@grandforksgov.com

FROM: Howard D. Swanson, City Attorney 

RE: Draft Ordinance - social host

DATE: December 19, 2014

As requested please find attached a draft Ordinance relating to establishing an offense for hosting events at which alcohol is provided to underage persons. Please keep in mind this is a draft Ordinance for further discussion.

Should you have any questions or concerns regarding this draft Ordinance, please do not hesitate to contact me.

HDS/gkf
Attachment: Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE ADOPTING ARTICLE ____ OF CHAPTER ____ OF THE GRAND FORKS CITY CODE RELATING TO HOSTING EVENTS AT WHICH ALCOHOL IS PROVIDED TO UNDERAGE PERSONS

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND FORKS, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF GRAND FORKS, NORTH DAKOTA, THAT:

SECTION I. ADOPTING CLAUSE.

Article ____ of Chapter ____ of the Grand Forks City Code is hereby adopted to provide as follows:

(1) **Purpose and Findings.** The purpose of this article is to discourage underage possession and consumption of alcohol and to hold persons responsible who host events or gatherings or provides premises where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gather or provided the location supplied the alcohol.

(2) The Grand Forks City Council finds that:

(A) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 are harmful to the consuming person and the general public and constitutes a potential threat to public health requiring prevention or abatement.

(B) Prohibiting underage consumption of alcohol acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose, alcohol induced assaultive or combative behavior, or alcohol related injuries.

(C) Underage possession and consumption of alcohol occurs at times with the presence or support of adults and, in some instances, the adults provide the alcohol to the underage person.

(D) Holding persons responsible for hosting an event or gathering or providing the location where underage consumption occurs may be deterred by holding such person responsible, whether over or under the age of 21.

(2) **Definitions.** For purposes of this article the following terms have the following meanings:

Alcohol. Ethanol alcohol, hydrated oxide of ethanol or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits, including dilutions and mixtures thereof from whatever source or by whatever process produced.

Alcoholic beverage. Any liquid suitable for drinking by human beings, either alone or when diluted, mixed, or combined with other substances, which contains one-half of one percent or more of alcohol by volume and includes beer, malt beverages, distilled spirits, wine, sparkling wine, and liquor.

Event or gathering. A group of three or more persons who have assembled or gathered together for a social occasion or other activity.

Host. To aid, conduct, allow, entertain, organize, sponsor, supervise, control, or permit an event or gathering whether the host is present or not.

Parent. Any person having legal custody of a juvenile as natural parent, adoptive parent, or step-parent; or legal guardian; or such person to whom legal custody has been given by order of a court of competent jurisdiction.

Person. An individual, partnership, co-partnership, corporation, association or other legal entity.

Reasonable steps. Such actions taken to control access to alcohol and alcoholic beverages in such a manner that no underage person has access to the alcohol and alcoholic beverages at the gathering or event; directly supervising the activities of underage persons at the gathering or event either in person or through a responsible adult; checking identification of the attendees of a gathering to determine age; and/or other acts made by the person to prevent possession or consumption of alcohol or alcoholic beverages by any underage person(s) present.

Residence or premises. Any location, including a home, yard, lot, land, apartment, condominium, hotel room or other dwelling unit or a hall or meeting room, park or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party, event or other social function, and whether owned, leased, rented or used with or without permission or compensation.

Twenty-one years of age means after 8:00 a.m. on the date twenty-one years after a person's date of birth.

Underage person. Any individual under twenty-one years of age.

(3) Prohibited Acts.

(A) It is unlawful for any person(s) to host or allow an event or gathering at any residence, premises, or on any other private or public property where alcohol or alcoholic beverages are present when the person knows or reasonably should know that an underage person will or does consume any alcohol or alcoholic beverage or possess any alcohol or alcoholic beverage with the intent to consume it and the person hosting or allowing such event fails to take reasonable steps to prevent

possession or consumption by the underage person(s). A person who hosts an event or gathering does not have to be present at the event or gathering to be responsible under this section.

- (B) It is unlawful for any person to intentionally aid, advise, hire, counsel or conspire with or otherwise procure another to commit the act prohibited in subsection (A).
- (4) **Exceptions.** The prohibitions set forth in this article shall not apply to legally protected religious observances or to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment or under the direction of law enforcement personnel.
- (5) **Penalty.** Any person who violates this section shall be guilty of an offense punishable by fine not to exceed One thousand dollars (\$1,000.00) per offense.
- (6) **No limitation of authority.** Nothing within this article shall be construed to limit the city's other available legal remedies for any violation of the law, including without limitation, criminal, civil and injunctive actions.

SECTION II. EFFECTIVE DATE

This ordinance shall be in full force and effect on and after the _____ day of _____, 2014.

Michael R. Brown, Mayor

ATTEST:

Maureen Storstad, Director
Finance & Administrative Services

Introduction and first reading:

Public Hearing:

Second Reading and Final Passage:

Approved:

Published:




CITY OF GRAND FORKS,

P.O. BOX 12909
GRAND FORKS, NORTH DAKOTA 58208-2909

OFFICE OF CITY ATTORNEY

E-MEMORANDUM

TO: Jane Croeker, Promotion Dir. jane.croeker@email.und.edu
UND Health & Wellness Resource Office

FROM: Howard D. Swanson, City Attorney 

RE: Revised Ordinance restricting sale, service or dispensing alcoholic beverages

DATE: December 18, 2014

As requested please find enclosed the revised Ordinance amending Section 21-0221 relating to restrictions and sale, service or dispensing of alcoholic beverages. I have eliminated Subdivision 4 relating to the service of alcoholic beverages in pitchers, carafes, etc. This follows our discussion this morning.

Should you have any questions or concerns regarding this draft, please do not hesitate to contact me.

HDS/gkf
Attachment: Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 21-0221 OF THE GRAND FORKS CITY CODE RELATING TO RESTRICTIONS ON SALE, SERVICE OR DISPENSING OF ALCOHOLIC BEVERAGES.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND FORKS, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF GRAND FORKS, NORTH DAKOTA, THAT:

SECTION I. AMENDING CLAUSE

Section 21-0221 of the Grand Forks City Code relating to restrictions on sale, service or dispensing of alcoholic beverages is hereby amended to provide as follows:

21-0221. - Restrictions on sale, service or dispensing of alcoholic beverages.

- (1) Except as permitted by section 21-0205 of the Grand Forks City Code and this section, no license holder shall dispense or permit the consumption of alcoholic beverages on licensed premises after 2:00 a.m. on Sundays, before 8:00 a.m. on Mondays, or between the hours of 2:00 a.m. and 8:00 a.m. on all other days of the week, nor dispense or permit consumption on Christmas Day or after 6:00 p.m. on Christmas Eve. No license holder shall dispense off-sale after 2:00 a.m. on Thanksgiving Day.
- (2) Those license holders authorized by the city council pursuant to section 21-0205 of the Grand Forks City Code may permit the sale and/or consumption of alcoholic beverages on licensed premises between the hours of 12:00 noon on Sunday and 2:00 a.m. on Monday.
- (3) It shall be unlawful for any license holder, by or through any employer or agent, to:
 - (A) Sell, offer to sell or deliver to any person an unlimited number of alcoholic beverages for a fixed price or an "all you can drink" basis; or
 - (B) Sell, offer to sell, or deliver to any person three or more alcoholic beverages for the price of one; or
 - (C) Encourage or permit any game or contest involving the consumption of alcoholic beverages.

SECTION II. EFFECTIVE DATE

This ordinance shall be in full force and effect after passage and approval as provided by law.

Michael R. Brown, Mayor

ATTEST:

Maureen Storstad, Director
Finance & Administrative Services

Introduction and first reading:

Public Hearing:

Second Reading and Final Passage:

Approved:

Published:

Social Host Ordinance: Is It Worth It?

Underage drinking is a serious public health and safety concern. It is a causal factor in a host of serious problems including but not limited to alcohol poisoning, burns, depression, drowning, falls, physical assault, sexual assault, suicide, theft, unintended pregnancy and vandalism. This should be concerning to professionals, policymakers, parents and others who are attempting to reduce the negative consequences of underage alcohol use.

How Can Social Host Help?

A social host ordinance makes it unlawful to provide an environment where underage drinking takes place, regardless of who provided the alcohol. These policies assist with reducing youth access to alcohol.

How Much of a Problem is Underage Drinking?

According to a bi-annual survey¹ of youth in grades 9-12 in Grand Forks, 44% report that it is "easy" or "very easy" to access alcohol. A majority also report getting alcohol from a student/friend. Similarly, a survey of UND students² reveals that a majority (83.9%) of underage respondents report obtaining alcohol from friends age 21 and older.

Almost one-third (30.5%) of students in grades 9-12 in the Grand Forks area have had at least one drink on one or more of the last 30 days.³ Of underage students at UND, this number jumps to 67.5%.

Minor in Possession and Minor in Consumption Citations in Grand Forks⁴

| Agency | 2013 | | 2012 | | 2011 | |
|--------|---------|----------|---------|----------|---------|----------|
| | < 18yrs | 18-20yrs | < 18yrs | 18-20yrs | < 18yrs | 18-20yrs |
| GFPD | 59 | 342 | 72 | 296 | 67 | 324 |
| UNDPD | 8 | 533 | 11 | 478 | 15 | 346 |

Aren't There Current Laws that Address Underage Drinking?

There are several local and state laws that address underage drinking in some manner.

GF City Code 9-0113 Minor in possession of or consuming alcoholic beverages
GF City Code 9-0115 Purchase or procurement of alcoholic beverages or minors
GF City Code 9-0110 Noisy party or gathering
GF City Code 21-0610 Alcohol-related violations in rental units
North Dakota Century Code 14-10-06 Contributing to delinquency of a minor <18

Even though there are several laws that can assist with reducing underage drinking, the data above tells us that more could be done to address the problem.

What Gaps Exist in Current Law?

It is difficult to prove that someone has “furnished” alcohol to a minor. It requires cooperation by the minor.

It is difficult to write large quantities of MIC/MIP citations at one setting.

“Participation” by the owner/renter must be proven in order to cite the individual for a Loud Party.

The “3 strikes” conduct ordinance for rental properties only pertains to rental units that are under 3 units. A tri-plex or quad-plex would not be deterred from loud parties or alcohol violations because they are exempt from the penalties of this ordinance.

The contributing to a delinquency of a minor statute would not pertain when individuals at a house party are 18, 19 or 20 years of age. The individuals themselves can be cited for MIP/MIC, however, there is no consequence/deterrent for the ‘host’.

It is unlikely that a warrant will be issued for misdemeanor offenses. (For example, a Loud Party where entry is not allowed.)

What Is Being Proposed ?

A Social Host ordinance makes it against the law to allow or host an underage drinking party.

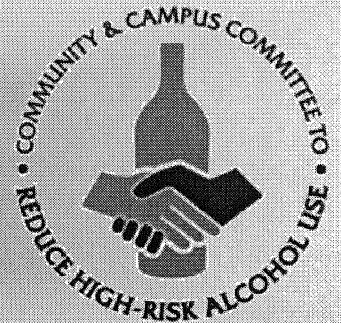
A social host ordinance specifies that it is unlawful to provide the venue where minors consume alcohol (not necessarily if the alcohol was provided.)

To be cited, it must be proven that the person knew or reasonably should have known minors would possess or drink alcohol.

The person responsible does not need to be present to be cited for violation of the Social Host ordinance.



SAPC
Grand Forks
Substance Abuse
Prevention Coalition



References

1. 2012 Grand Forks Public Schools Risk and Protective Factors Survey
2. 2012 UND Core Alcohol and Other Drug Survey
3. 2013 North Dakota Youth Risk Behavior Survey
4. Alcohol Related Offenses Overview 2011–2013 (Grand Forks Police Department and University of North Dakota Police Department).

Promote Health Through Restriction of Extreme Drink Specials

Health and well-being are important aspects of our quality of life in Grand Forks. High-risk alcohol use has undesirable consequences for us as individuals and for the community at large. Community impacts include driving under the influence, other alcohol-related crimes, injuries, motor vehicle crashes (including fatal ones), and assault.² One way Grand Forks can reach our full potential as a leader in health and wellness is through restricting extreme drink specials that encourage high-risk alcohol use. The restrictions would not be aimed at eliminating moderate drink specials. Restricting extreme drink specials would reduce high-risk alcohol use and enhance the health and vibrancy of our community.

How Can the Restriction of Extreme Drink Specials Help?

One of the strongest predictors of overconsumption of alcohol is lower prices. A 2009 study indicated that price was the best predictor of the number of alcoholic beverages consumed in one sitting. Researchers also found moderate use was more common in communities with restrictions on extreme drink specials.³

Discontinuing all-you-can-drink specials may have the greatest impact on reducing overconsumption of alcoholic beverages, which results in better health of the community.⁴

As price increases, negative impacts of binge drinking decrease. Reduced high-risk drinking makes communities safer due to fewer motor vehicle crashes and traffic offenses.⁵

What Are Other Places Doing?

The majority of states (27) have happy hour laws.

23 states prohibit unlimited alcoholic beverages.

18 states prohibit lowering drink prices during a specified day/time.

16 states prohibit additional servings for a set price (3 for 1, 2 for 1).⁶

Grand Forks could be at the forefront in our region and be recognized as a leader in health promotion. Fargo, ND and St. Cloud, MN are considering similar options.

What is Grand Forks Currently Doing?

In Grand Forks there are no current ordinances regulating extreme drink specials. Members of the hospitality industry have suggested that the competitive market creates pressure to offer low-price drinks, which impacts their bottom line. Most businesses in the Grand Forks area offer moderate drink special promotions. However, there are a small number of establishments that offer more extreme drink specials. Extreme drink special restrictions will help level the playing field among businesses, and lead to better health and a better community.

What Do We Propose?

An ordinance prohibiting the following:

- Unlimited alcoholic beverages for a fixed price or no cost (e.g., all you can drink specials, including those targeted to specific groups – men’s nights, ladies’ nights)
- 3 or more for the price of one specials
- Sponsorship of drinking games and contests (where the focus of the game or contest is drinking)

December 17, 2014



References:

1. National Institute on Alcohol Abuse and Alcoholism. (2010). *Beyond hangovers: Understanding alcohol's impact on your health*. Retrieved from <http://pubs.niaaa.nih.gov/publications/Hangovers/beyondHangovers.pdf>
2. Substance Abuse and Mental Health Services Administration. (2011). *Results from the 2010 National Survey on Drug Use and Health: Summary of national findings*.
3. Weitzman, E.R., Nelson, T.F., & Wechsler, H. (2004). Reducing drinking and related harms in college: Evaluation of the “A Matter of Degree” program. *American Journal of Preventative Medicine*, 27(3), 187-196.
4. Thombs, D.L., O’Mara, R., Dodd, V.J., Hou, W., Merves, M.L., Wiler, R.M... & Werch, C.E. (2009). A field study of bar-sponsored drink specials and their associations with patron intoxication. *Journal of Studies on Alcohol and Drugs*, 70, 206-214.
5. Adrian, M., Ferguson, B.S., & Her, M. (2001). Can alcohol price policies be used to reduce drunk driving? Evidence from Canada. *Substance Use & Misuse*, 36(13), 1923-1957.
6. U.S. Department of Transportation, National Highway Traffic Safety Administration. (2005). Preventing over-consumption of alcohol- Sales to the intoxicated and “happy hour” (drink special) laws.

Binge Drinking Data Summary

Problem behaviors and consequences that often accompany binge drinking include driving under the influence, other alcohol-related crimes, injuries, car crashes, unsafe sex that can lead to pregnancy or sexually transmitted infections, academic problems, assaults, and even death (Substance Abuse and Mental Health Services Administration, 2011). Statewide, costs associated with the consequences of binge drinking are estimated at \$420 million (Centers for Disease Control, 2006).

State of North Dakota

North Dakota ranks first in the nation in binge alcohol use for those aged 12-20 years. Those aged 18-25 are at the highest risk for binge drinking (National Survey on Drug Use and Health, 2009). Males are more likely to binge drink than females in all age groups.

For the state public schools, 21.9% of high school students reported binge drinking in 2013, which is substantially lower than 46.2% of students reporting the same in 1999. As the grade of the students increased, reported binge drinking rates also increased, with 8.4% of 7th graders, 14.9% of 9th graders, and 36.6% high school seniors reporting this behavior in 2013 (Youth Risk Behavior Survey, 1999-2013).

Grand Forks County

Grand Forks County was only slightly higher than the state average in adult binge drinking, with a rate of 21.7%, while the state rate was 21.2% (Behavioral Risk Factors Surveillance System, 2007 and 2010).

University of North Dakota (UND)

In 2014, 33.7%, or an estimated 5,118 UND students, engaged in binge drinking in the previous two weeks. This was slightly lower than the national average. The percentage of UND students who reported binge drinking in the last two weeks has dropped from 59.6% in 2000 to 33.7% in 2014 (American College Health Association-National College Health Assessment, 2000-2014).

Grand Forks Public Schools

The reported binge drinking rate for 6th to 12th grade students in 2014 was 10.7%, or an estimated 389 students (Youth Risk Protective Factors Survey, 2014).

Differences in survey definitions and time periods limit comparisons of binge drinking rates among various groups. The most comprehensive definition of binge drinking is 5 or more drinks for males and 4 or more drinks for females in a two hour period (National Institute on Alcohol Abuse and Alcoholism, 2014).

References are available upon request.

February 3, 2015



CITY OF GRAND FORKS

P.O. BOX 12909
GRAND FORKS, NORTH DAKOTA 58208-2909



OFFICE OF CITY ATTORNEY

E-MEMORANDUM

TO: Mayor Michael R. Brown mbrown@grandforksgov.com
City Council member Bjerke tbjerke@grandforksgov.com
City Council member Christensen dchristensen@grandforksgov.com
City Council member Mock jmock@grandforksgov.com
City Council member Sande dsande@grandforksgov.com
City Council member Schneider cschneider@grandforksgov.com
City Council member Vein kvein@grandforksgov.com
City Council member Weber bweber@grandforksgov.com

CC: Todd Feland, City Administrator tfeland@grandforksgov.com
Maureen Storstad, Finance Dir. mstorstad@grandforksgov.com
Mark Nelson, Police Chief mnelson@grandforksgov.com

FROM: Howard D. Swanson, City Attorney hswanson@swlawltd.com

RE: Draft social host ordinance; draft ordinance regulating drink specials

DATE: February 11, 2015

Please find attached the revised drafts of the proposed social host ordinance and the proposed ordinance regulating drink specials. I have made the changes as discussed at the Service/Safety Committee meeting. The Committee passed these draft ordinances to the Council for further consideration. These matters should appear on the Grand Forks City Council agenda as two separate matters.

If either or both ordinances should be adopted the City Council should select an effective date for the ordinance(s).

During the course of the discussion of the proposed social host ordinance, comments and questions were made regarding immunity for requests for medical assistance due to over consumption. The immunity appears at North Dakota Century Code § 5-01-08 and relates to persons under the age of 21 years prohibited from using alcoholic beverages or entering a licensed premises. The immunity section provides as follows:

6. An individual under twenty-one years of age is immune from criminal prosecution under this section if that individual contacted law enforcement or emergency medical services and reported that another individual under twenty-one years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance until assistance arrived and remained on the scene, or was the individual in need of medical assistance and cooperated with medical assistance and law enforcement personnel on the scene. The maximum number of individuals that may be immune for any one occurrence is five individuals.

The elements of the immunity law are as follows:

- immunity would only apply to an individual twenty-one years of age
- if that individual contacted law enforcement or emergency medical services and reported that another individual under twenty-one years of age was in need of medical assistance due to alcohol consumption
- the person making the call must provide assistance to the individual in need of medical assistance until law enforcement or medical assistance arrives
- the individual making the call must remain on the scene
- alternatively, immunity would also apply to an individual in need of medical assistance who cooperated with medical assistance and law enforcement personnel at the scene
- the maximum number of individuals granted immunity for any one occurrence is five individuals.

The immunity allowed under N.D.C.C. § 5-01-08 only applies to prosecutions under that statutory provision. It does not have any application to the proposed social host ordinance nor does it have application to other charges that may be brought against a minor consuming or possessing alcohol. If deemed appropriate, the draft social host ordinance could be amended to include some form of immunity similar to that contained within N.D.C.C. § 5-01-08(6).

Should you have any questions or concerns regarding these matters, please do not hesitate to contact me.

HDS/gkf

ORDINANCE NO. _____

AN ORDINANCE ADOPTING ARTICLE _____ OF CHAPTER _____ OF THE GRAND FORKS CITY CODE RELATING TO HOSTING EVENTS AT WHICH ALCOHOL IS PROVIDED TO UNDERAGE PERSONS

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND FORKS, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF GRAND FORKS, NORTH DAKOTA, THAT:

SECTION I. ADOPTING CLAUSE.

Article _____ of Chapter _____ of the Grand Forks City Code is hereby adopted to provide as follows:

(1) **Purpose and Findings.** The purpose of this article is to discourage underage possession and consumption of alcohol and to hold persons responsible who host events or gatherings or provides premises where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering or provided the location supplied the alcohol.

(2) The Grand Forks City Council finds that:

(A) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 are harmful to the consuming person and the general public and constitutes a potential threat to public health requiring prevention or abatement.

(B) Prohibiting underage consumption of alcohol acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose, alcohol induced assaultive or combative behavior, or alcohol related injuries.

(C) Underage possession and consumption of alcohol occurs at times with the presence or support of adults and, in some instances, the adults provide the alcohol to the underage person.

(D) Holding persons responsible for hosting an event or gathering or providing the location where underage consumption occurs may be deterred by holding such person responsible, whether over or under the age of 21.

(2) **Definitions.** For purposes of this article the following terms have the following meanings:

Alcohol. Ethanol alcohol, hydrated oxide of ethanol or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits, including dilutions and mixtures thereof from whatever source or by whatever process produced.

Alcoholic beverage. Any liquid suitable for drinking by human beings, either alone or when diluted, mixed, or combined with other substances, which contains one-half of one percent or more of alcohol by volume and includes beer, malt beverages, distilled spirits, wine, sparkling wine, and liquor.

Event or gathering. A group of two or more persons who have assembled or gathered together for a social occasion or other activity.

Host. To aid, conduct, allow, entertain, organize, sponsor, supervise, control, or permit an event or gathering whether the host is present or not.

Parent. Any person having legal custody of a juvenile as natural parent, adoptive parent, or step-parent; or legal guardian; or such person to whom legal custody has been given by order of a court of competent jurisdiction.

Person. An individual, partnership, co-partnership, corporation, association or other legal entity.

Reasonable steps. Such actions taken to control access to alcohol and alcoholic beverages in such a manner that no underage person has access to the alcohol and alcoholic beverages at the gathering or event; directly supervising the activities of underage persons at the gathering or event either in person or through a responsible adult; checking identification of the attendees of a gathering to determine age; and/or other acts made by the person to prevent possession or consumption of alcohol or alcoholic beverages by any underage person(s) present.

Residence or premises. Any location, including a home, yard, lot, land, apartment, condominium, hotel room or other dwelling unit or a hall or meeting room, park or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party, event or other social function, and whether owned, leased, rented or used with or without permission or compensation.

Twenty-one years of age means after 8:00 a.m. on the date twenty-one years after a person's date of birth.

Underage person. Any individual under twenty-one years of age.

(3) **Prohibited Acts.**

(A) It is unlawful for any person(s) to host or allow an event or gathering at any residence, premises, or on any other private or public property where alcohol or alcoholic beverages are present when the person knows or reasonably should know that an underage person will or does consume any alcohol or alcoholic beverage or possess any alcohol or alcoholic beverage and the person hosting or allowing such event fails to take reasonable steps to prevent possession or consumption by the

underage person(s). A person who hosts an event or gathering does not have to be present at the event or gathering to be responsible under this section.

- (B) It is unlawful for any person to intentionally aid, advise, hire, counsel or conspire with or otherwise procure another to commit the act prohibited in subsection (A).
- (4) **Exceptions.** The prohibitions set forth in this article shall not apply to legally protected religious observances or to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment or under the direction of law enforcement personnel.
- (5) **Penalty.** Any person who violates this section shall be guilty of an offense punishable by fine not to exceed One thousand five hundred dollars (\$1,500.00) per offense.
- (6) **No limitation of authority.** Nothing within this article shall be construed to limit the city's other available legal remedies for any violation of the law, including without limitation, criminal, civil and injunctive actions.

SECTION II. EFFECTIVE DATE

This ordinance shall be in full force and effect on and after the _____ day of _____, 2015.

Michael R. Brown, Mayor

ATTEST:

Maureen Storstad, Director
Finance & Administrative Services

Introduction and first reading:

Public Hearing:

Second Reading and Final Passage:

Approved:

Published:

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 21-0221 OF THE GRAND FORKS CITY CODE RELATING TO RESTRICTIONS ON SALE, SERVICE OR DISPENSING OF ALCOHOLIC BEVERAGES.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND FORKS, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF GRAND FORKS, NORTH DAKOTA, THAT:

SECTION I. AMENDING CLAUSE

Section 21-0221 of the Grand Forks City Code relating to restrictions on sale, service or dispensing of alcoholic beverages is hereby amended to provide as follows:

21-0221. - Restrictions on sale, service or dispensing of alcoholic beverages.

- (1) Except as permitted by section 21-0205 of the Grand Forks City Code and this section, no license holder shall dispense or permit the consumption of alcoholic beverages on licensed premises after 2:00 a.m. on Sundays, before 8:00 a.m. on Mondays, or between the hours of 2:00 a.m. and 8:00 a.m. on all other days of the week, nor dispense or permit consumption on Christmas Day or after 6:00 p.m. on Christmas Eve. No license holder shall dispense off-sale after 2:00 a.m. on Thanksgiving Day.
- (2) Those license holders authorized by the city council pursuant to section 21-0205 of the Grand Forks City Code may permit the sale and/or consumption of alcoholic beverages on licensed premises between the hours of 12:00 noon on Sunday and 2:00 a.m. on Monday.
- (3) It shall be unlawful for any license holder, by or through any employee or agent, to:
 - (A) Sell, offer to sell or deliver to any person an unlimited number of alcoholic beverages for a fixed price or an "all you can drink" basis; or
 - (B) Sell, offer to sell, or deliver to any person three or more alcoholic beverages for the price of one; or
 - (C) Encourage or permit any game or contest involving the consumption of alcoholic beverages.

SECTION II. EFFECTIVE DATE

This ordinance shall be in full force and effect after passage and approval as provided by law.

Michael R. Brown, Mayor

ATTEST:

Maureen Storstad, Director
Finance & Administrative Services

Introduction and first reading:

Public Hearing:

Second Reading and Final Passage:

Approved:

Published: