

## SOCIAL HOST ORDINANCE FREQUENTLY ASKED QUESTIONS

### **What does the social host ordinance prohibit?**

The social host ordinance prohibits any person from hosting an event or gathering where (1) alcohol or alcoholic beverages are present and (2) the person hosting the event knows or reasonably should know that a person under the age of 21 will attend and consume or possess alcohol or alcoholic beverages. The person hosting the event or gathering must undertake reasonable steps to prevent any persons under the age of 21 from possessing or consuming alcoholic beverages at the event or gathering.

Essentially, the Ordinance makes it unlawful to provide an environment or venue where underage drinking takes place when the host knows or reasonably should have known that such activity is occurring or will occur. The Ordinance is designed to hold individuals responsible for underage drinking that occurs at an event, party or gathering on property that they own, lease or otherwise control. A social host may be subject to prosecution under the Ordinance regardless of whether the host actually provided the alcohol to the minors.

### **What reasonable steps can I take if I am hosting an event or gathering?**

Insure that minors do not have access to alcohol or possess or consume alcohol or alcoholic beverages at the event or gathering. Examples of reasonable steps include: among other options, controlling access to the alcoholic beverages; controlling the quantity of alcoholic beverages present; controlling the persons attending the event or gathering; verifying the age of the person attending the gathering by inspecting driver's license or other government issued identification cards; supervising the activities of persons under the age of 21; contacting law enforcement if necessary.

### **Do I have to be present at the party to be charged with violating the social host ordinance?**

No.

### **Can a parent be charged with violating the social host ordinance if the parent allows their child and/or their child's friends to consume alcohol in their home?**

Yes.

**Can I be charged with violating the social host ordinance if an event or gathering occurs on property I own, rent or otherwise control, if I do not provide the alcohol to the minors?**

Yes.

**Are there exceptions for graduation parties, proms or other events or celebrations?**

No.

**May I legally provide alcohol to persons under the age of 21?**

No. There are exceptions, however, for bona fide religious services or the possession of alcohol under the direct supervision of law enforcement or other government officials.

**Is it legal for a person under the age of 21 to consume or possess alcohol or alcoholic beverages?**

No. Except, however, for bona fide religious services.

**May a parent legally provide alcohol to their children under the age of 21?**

No.

**What is the medical amnesty provision in the ordinance and how does it work?**

If in the course of an event or gathering a person under the age of 21 needs medical assistance due to alcohol consumption, any person (1) making contact with law enforcement or emergency medical services, (2) providing assistance to the individual in need of medical assistance until law enforcement or emergency medical services arrives, and (3) remaining on the scene and cooperating with law enforcement or emergency medical personnel may claim immunity from prosecution. Also, the individual in need of medical assistance, if under the age of 21 and cooperating with law enforcement or emergency medical personnel, may similarly be immune from prosecution. The immunity provided by this ordinance is a defense to prosecution under a charge of the social host ordinance and is limited to a maximum of five individuals for any one event or gathering.

**How does the social host ordinance differ from the loud party ordinance?**

The loud party ordinance is enforceable based upon the noise generated by the party or occurrence regardless of whether alcohol is present and regardless of the age of the participants. The social host ordinance is limited in application to events or gatherings at which persons under the age of 21 are consuming or possessing alcohol, regardless of the noise generated by the activities at the event or gathering.

**When does the social host ordinance go into effect?**

August 1, 2015

**Can a person under the age of 21 be charged with a violation of the social host ordinance?**

Yes.

**What is the penalty for violating the social host ordinance?**

A fine not to exceed \$1,500.00 per offense.

**Is the violation considered a criminal offense?**

No. It is a noncriminal offense.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE ADOPTING SECTION 9-0216 OF THE GRAND FORKS CITY CODE RELATING TO HOSTING EVENTS AT WHICH ALCOHOL IS CONSUMED OR POSSESSED BY PERSONS UNDER THE AGE OF 21

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.**

Section 9-0216 of the Grand Forks City Code is hereby adopted to provide as follows:

- (1) **Purpose.** The purpose of this section 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) **Findings.** 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.
  
- (3) **Definitions.** For purposes of this section the following terms have the following meanings:
  - (A) 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.

- (B) 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.
- (C) Event or gathering. A group of two or more persons who have assembled or gathered together for a social occasion or other activity.
- (D) Host. To aid, conduct, entertain, organize, sponsor, supervise, control, or permit an event or gathering whether the host is present or not.
- (E) Landlord. An owner of property that is leased or rented to another at fair market value and not related to the tenants by blood or marriage.
- (F) Person. An individual, partnership, co-partnership, corporation, association or other legal entity.
- (G) 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.
- (H) 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, 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.
- (I) Twenty-one years of age means after 8:00 a.m. on the date twenty-one years after a person's date of birth.
- (J) Underage person. Any individual under twenty-one years of age.
- (4) **Prohibited Acts.**
- (A) It is unlawful for any person(s) to host 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).
- (5) **Exceptions.** The following exceptions shall be a defense to any prosecution under this section. Any person seeking protection from prosecution under any of these exceptions has the burden of proof to establish the application of the exception by a preponderance of the evidence.
- (A) Bonafide religious observances;
- (B) Situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment;
- (C) Situations where underage persons are in possession of alcohol or alcoholic beverages under the direction of law enforcement personnel; or
- (D) An individual who is a landlord, roommate or co-tenant of others who host an event or gathering involving the presence of alcohol and individuals under the age of 21 when such individual is not present at the time of the event or gathering and has not been actively engaged in the planning or hosting of such event or gathering.
- (6) **Immunity.** An individual is immune from prosecution under this section if, prior to law enforcement receiving a report about or arriving on the scene of an event or gathering, that individual contacted law enforcement or emergency medical services and reported that another individual under 21 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. The maximum number of individuals that may be immune from prosecution under this section for any one event or gathering is five individuals. Any individual seeking immunity under this provision shall have the burden of proof to establish the application of this immunity by a preponderance of the evidence.

## **SECTION II. AMENDING CLAUSE**

Section 9-0503(10) and (11) of the Grand Forks City Code is hereby amended to provide as follows:

- (10) Any person who violates Section 9-0204 relating to hosting events at which alcohol is consumed or possessed by persons under the age of twenty-one (21) shall be subject to a fine not to exceed One thousand five hundred dollars (\$1,500.00) per offense.
- (10~~1~~) The court shall have such power to suspend a sentence and to revoke the suspension thereof, except as otherwise provided herein.

**SECTION III. EFFECTIVE DATE**

This ordinance shall be in full force and effect on and after the 1<sup>st</sup> day of August, 2015.

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Michael R. Brown, Mayor

ATTEST:

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Maureen Storstad, Director  
Finance & Administrative Services

Introduction and first reading:

Public Hearing:

Second Reading and Final Passage:

Approved:

Published: