

# MODEL ORDINANCE: SOCIAL HOST

## Definitions:

**ALCOHOL:** Ethyl alcohol, hydrated oxide of ethyl, 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:** Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

**CONVEYANCE:** Any vehicle, trailer, watercraft or container operated for the transportation of persons or property

**EVENT or GATHERING:** Any 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, supervise, control, or permit a gathering or event.

**ILLICIT DRUGS:** Any drug, substance or compound prohibited by law, including drugs prescribed by a physician which are in the possession of or used by someone other than the person to whom the drug was prescribed.

**PARENT:** Any person having legal custody of a juvenile:

1. As a natural, adoptive parent, or step-parent;
2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of the court.

**PERSON:** Any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

**RESIDENCE or PREMISES:** Any home, yard, farm, field, land, apartment, condominium, hotel or motel 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 or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

**UNDERAGE PERSON:** Any individual under twenty-one (21) years of age

**RELIGIOUS CEREMONY:** the possession, consumption and dispensation of Alcohol or an Alcoholic Beverage for the purpose of conducting any bona fide rite or religious ceremony.

**RESPONSE COSTS:** are the costs associated with responses by law enforcement, fire, and other emergency response providers to an Event or Gathering, including but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with an Event or Gathering, and the administrative costs attributable to such response(s); (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of an Event or Gathering; (3) the cost of repairing any Village equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of an Event or Gathering;

**REASONABLE STEPS:** controlling access to alcoholic beverages at the Event or Gathering; controlling the quantity of Alcoholic Beverages present at the Event or Gathering; verifying the age of persons attending the Event or Gathering by inspecting drivers licenses or other government-issued identification cards to ensure that minors do not consume Alcoholic Beverages while at the Event or Gathering; and supervising the activities of minors at the Event or Gathering, calling for police assistance in the event people under 21 are in possession of Alcohol at the Event or Gathering or advising law enforcement in advance of departing one's residence that the owner will be away and no Underage Person is authorized to be present and consume alcohol at the owner's residence.

**PUBLIC PLACE:** any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, parks, businesses or parking lots.

## Sample Language 1

1. Except as permitted by state law, it is unlawful for any person to permit, allow, host or fail to take Reasonable Steps to prevent an Event or Gathering at his or her place of residence or other private property, Public Place, any other premises under his or her control, or in any conveyance over which that Person has control or a reasonable opportunity for control, where Illicit Drugs or Alcoholic Beverages have been consumed by an Underage Person, if such Person either knows or reasonably should know that an Underage Person has consumed any Illicit Drugs or Alcoholic Beverages.
2. A Person who permits, allows or hosts an Event or Gathering shall be deemed to have known or should have known that an Underage Person has consumed Illicit Drugs or Alcoholic Beverages if the Person has not taken all Reasonable Steps to prevent the consumption of Illicit Drugs or Alcoholic Beverages by Underage Persons.
3. A Person who permits allows or hosts an Event or Gathering shall be rebuttably presumed to have known or should have known that Underage Persons have consumed Illicit Drugs or Alcoholic Beverages if such Person is present at the premises of the Event or Gathering at the time any Underage Person consumes Illicit Drugs or an Alcoholic Beverage.
4. This Section shall not apply to conduct involving the use of Alcoholic Beverages that occurs at a Religious Ceremony or exclusively between an Underage Person and his or her parent or legal guardian, as permitted by Illinois State Law.
5. It is the duty of any Person who permits, allows or hosts an Event or Gathering at his or her place of residence or other private property, Public Place, any other Premises under his or her control, or in any Conveyance, where Underage Persons will be present, to take all Reasonable Steps to prevent the consumption of Illicit Drugs or Alcoholic Beverages by any Underage Person at the Event or Gathering.
6. A Person who hosts an Event or Gathering shall not be in violation of this Chapter if he or she seeks assistance from the Police Department or other law enforcement agency to remove any person who refuses to abide by the Person's performance of the duties imposed by this Chapter, or terminate the Event or Gathering because the person has been unable to prevent Underage Persons from consuming Illicit Drugs or Alcoholic Beverages despite having taken all Reasonable Steps to do so, as long as such request is made before any other person makes a complaint about the Event or Gathering.
7. A Person who hosts an Event or Gathering does not have to be present at the Event or Gathering to be liable under this ordinance.
8. Any person found to be in violation of this section shall be responsible for any and all response costs incurred to investigate the event or gathering.

## Sample Language 2

- A. It is unlawful for any Person(s) to;
  - 1. Host, permit, allow or fail to take Reasonable Steps to prevent an Event or Gathering;
  - 2. At any residence, premises, or on any other private or public property or in any Conveyance over which that Person has control or a reasonable opportunity for control;
  - 3. Where Illicit Drugs, Alcohol or Alcoholic Beverages are present;
  - 4. When the Person knows or reasonably should know that an Underage Person will or does
    - a. Consume any Illicit Drugs, Alcohol or Alcoholic Beverage; or
    - b. Possess any Illicit Drugs, Alcohol or Alcoholic Beverage; and
  - 5. The person fails to take Reasonable Steps to prevent possession or consumption by the Underage Person(s).
- B. A Person is responsible for violating subsection A of this section if the Person intentionally aids, advises, hires, counsels, conspires with, otherwise procures another to commit or knows or should have known about the prohibited act.
- C. A Person who hosts an Event or Gathering shall not be in violation of this Chapter if he or she;
  - 1. seeks assistance from the Police Department or other law enforcement agency to remove any person who refuses to abide by the host's performance of the duties imposed by this Chapter,
  - 2. terminate the Event or Gathering because the host has been unable to prevent Underage Persons from consuming illicit drugs or Alcoholic Beverages despite having taken all Reasonable Steps to do so,
  - 3. as long as such request is made before any other person makes a complaint about the Event or Gathering.
- D. A person who hosts an Event or Gathering does not have to be present at the Event or Gathering to be responsible under this ordinance.
- E. This Section shall not apply to conduct involving the use of Alcoholic Beverages that occurs at a Religious Ceremony or exclusively between an Underage Person and his or her parent or legal guardian, as permitted by Illinois State Law.
- F. Any person found to be in violation of this section shall be responsible for any and all response costs incurred to investigate the event or gathering.

## Sample Penalties

- A. General: Any Person who violates or assists in the violations of any provision of this chapter shall be deemed to have committed a petty offence and shall be fined not more than Seven Hundred Fifty Dollars (\$750.00) \* for each such violation. Each day on which, or during which, a violation occurs shall constitute a separate offense.
1. The first violation of this Section shall be punishable by a fine of no less than Two Hundred Fifty dollars (\$250.00) Nor more than Seven Hundred Fifty dollars (\$750.00).
  2. A second violation of this Section by the same responsible person, within a twelve month period shall be punishable by a fine of no less than Five Hundred dollars (\$500.00) Nor more than Seven Hundred Fifty dollars (\$750.00).
  3. A third or subsequent violation of this Section by the same responsible person, within a twelve month period shall be punishable by a fine of no less than Seven Hundred Fifty dollars (\$750.00).

\*Check the most recent state law for maximum fine allowance.