

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE KNOWN AS "SOCIAL HOST" REQUIRING PERSONS OWNING, LEASING, OR OTHERWISE CONTROLLING PRIVATE PROPERTY TO PREVENT THE USE OF THE PROPERTY BY MINORS POSSESSING OR CONSUMING ALCOHOLIC BEVERAGES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that the consumption of alcohol by minors is a significant and ongoing problem in the community which current regulations address by prohibiting the sale or distribution of alcoholic beverages to minors and the possession or consumption of alcoholic beverages by minors; and

WHEREAS, current regulations do not impose any duty upon the owner, renter, leaser or any other person in control of private property to prevent the use of such property by minors possessing or consuming alcoholic beverages; and

WHEREAS, law enforcement agencies are generally unable to detect or prevent the possession or consumption of alcoholic beverages by minors on private property before said consumption leads to behavior that poses a threat to the public health, safety and welfare, to wit: excessive noise, driving while intoxicated or under the influence, physical altercations, violent crimes including rape and other sexual offenses, accidental injury, vandalism, and disturbances, all of which often require a response from law enforcement; and

WHEREAS, the City Council finds that the threat posed to the public health, safety and welfare by minors possessing and consuming alcohol on private property requires owners of or persons in control of private property to ensure that minors do not use the private premise or property for the purpose of possessing or consuming alcoholic beverages.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. Chapter 10, Article VI of the Steamboat Springs Revised Municipal Code is hereby revised by the addition of the following (Section 10-206):

“Section 10-206. Providing premises to minors possessing or consuming alcoholic beverages, also known as a Social Host, is unlawful.”

(a) DEFINITIONS.

- (1) Alcoholic Beverage:** Shall have the same meaning as “alcohol beverage” per C.R.S. 12-47-103(2).
- (2) Minor:** Is any person less than twenty-one years of age.
- (3) Private Premise:** Is privately owned land, including any buildings or structures or appurtenances.
- (4) Private Residence:** Is the place where one actually lives, or has his or her home.
- (5) Social Host:** Is any person who knows or permits a party or gathering where one or more minors obtain, possess, or consume any alcoholic beverage or any amount of an alcoholic beverage on the property owned, rented, leased or controlled by the person.

(b) PROHIBITION. No person who owns, rents, leases or controls a private residence or private premise shall allow a party or gathering to take place or continue at said residence or on the premises if a minor at the party obtains, possesses, or consumes any alcoholic beverage and the person knows that the minor has obtained, possesses or is consuming alcoholic beverages anywhere on the property or premises under his or her control.

(c) TRESPASS. The provisions of this ordinance shall not apply in the case of a party or gathering consisting entirely of persons trespassing on the premises or residence. This exception shall not apply if any person present at the party or gathering is an occupant, resident, tenant, or owner of the residence or premises.

(d) SEPARATE VIOLATIONS FOR EACH INCIDENT. Each incident in violation of this ordinance shall constitute a separate offense.

(e) ENFORCEMENT AUTHORITY. All City of Steamboat Springs Police Services Officers are authorized to administer and enforce the provisions of this ordinance.

(f) PENALTIES FOR VIOLATION. Any person over eighteen years or age who is found guilty or pleads guilty or nolo contendere, in Steamboat Springs Municipal Court to violating

this Social Host Ordinance shall be punished by a fine not less than \$500.00 for the First Offense, not less than \$750.00 for the Second Offense, and not less than \$999.00 for the Third Offense; and the person shall be required to perform not than less twenty-four (24) hours of community service; and the person shall be required to complete an alcohol education program paid for by the offender and, in the discretion of the Municipal Court Judge, the person may be sentenced to a term of imprisonment per the terms of Section 1-15 of this Code. No portion of the fines shall be deferred and community service must be completed during hours when the person is not employed and is not attending school.

In addition, one half of the revenue received and collected by the City of Steamboat Springs as fines from violators of this ordinance (10-206) will be directed toward Community alcohol prevention and education programs.

Any person under eighteen years of age, acting as a Social Host and who permits alcoholic beverages to be obtained, possessed or consumed by a minor guest; and is in control of a private premise or private residence, with no parents or guardians present, shall be guilty of violating this Social Host Ordinance and shall be subjected to penalties prescribed by the Steamboat Springs Municipal Court Judge. The Municipal Court Judge shall not impose any sentence of incarceration for the violation of this ordinance by a person who was under the age of eighteen years at the time of the violation.

(g) EXCEPTION. This section shall not apply to conduct involving the use or possession of alcoholic beverages by a minor authorized by C.R.S. 18-13-122(3)(a) and (7); which read:

...(3) It shall be an affirmative defense to the offense described in subsection (2) of this section that the ethyl alcohol was possessed or consumed by a person under twenty-one years of age under the following circumstances:

(a) While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the ethyl alcohol was possessed or consumed with the consent of his parent or legal guardian who was present during such possession or consumption; or...

...(7)...This subsection (7) shall not be construed to permit any establishment which is or is required to be licensed pursuant

to article 46, 47, or 48 or title 12, C.R.S., or any members, employees, or occupants of any such establishment to give, provide, make available, or sell ethyl alcohol to a person under twenty-one years of age."

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6(h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2008.

Paul Antonucci, President
Steamboat Springs City Council

ATTEST:

Julie Franklin, CMC
Interim City Clerk

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2008.

**Paul Antonucci, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
Interim City Clerk**