

Sec. 6-200. - Scope of article.

Be it hereby enacted by the mayor and the board of aldermen that persons under the age of 21 who are in possession of alcoholic beverages (hereafter designated as underage persons), and adults, including parents and/or legal guardians (hereafter designated as "social hosts") who facilitate such possession by furnishing alcoholic beverages or by providing access to a location and/or gathering where alcohol can be obtained by underage persons, are in violation of the City of Acworth, Georgia, Code of Ordinances.

(Ord. No. 2014-23, § 1, 10-2-2014)

Sec. 6-201. - Intent; purpose.

(a) The mayor and the board of aldermen finds as follows:

- (1) According to numerous public health research studies, alcohol remains the number one drug of choice among young people in the United States.
- (2) "The Surgeon General's Call to Action To Prevent and Reduce Underage Drinking," which can be found at <http://www.surgeongeneral.gov/topics/underagedrinking/calltoaction.pdf>., cites a comprehensive body of facts that demonstrate the risks to communities from underage drinking; they include the following:
  - a. "Early alcohol consumption by some young people will result in an alcohol use disorder—that is, they will meet diagnostic criteria for either alcohol abuse or dependence." (page 4)
  - b. "While adolescents typically drink alcoholic beverages less often than adults, when they do drink alcoholic beverages, adolescents tend to drink more alcoholic beverages at each event than adults." (pages 6—7)
  - c. "Annually, about 5,000 people under age 21 die from alcohol-related injuries involving underage drinking." (page 10)
  - d. "Underage drinking "can cause alterations in the structure and function of the developing brain, which continues to mature into the mid—to late twenties and may have consequences reaching far beyond adolescence." (page 11)
  - e. "Underage drinking "can cause a range of physical consequences, from hangovers to death from alcohol poisoning." (page 11)

The Surgeon General's Report also identifies alcohol as a contributing factor in many activities that place others as well as the underage alcohol user at risk. These activities include physical and sexual assault, risky sexual behavior, loud and unruly behavior, property damage, unintentional injuries, violence, and even death. For example, "about 45 percent of people who die in car crashes involving a drinking driver under the age of 21 are people other than the driver." (page 11)

(b) Moreover, the mayor and the board of aldermen finds as follows:

- (1) Persons who are less than the age of 21 often possess or consume alcoholic beverages at social parties or gatherings held at or on private residences and other private property under control of a person who either has provided the alcoholic beverages or who knows or reasonably should know of such conduct, but fails to take steps to prevent it.
- (2) Law enforcement agency responses to disturbances involving underage consumption of alcoholic beverages at parties or gatherings at or on private residences or other private property frequently require the use of extensive public resources.
- (3) Further, when law enforcement personnel respond to such disturbances it limits their ability to respond to other service calls in the community, thereby placing the community at increased risk.

Law enforcement is not currently reimbursed for their expenses when called to a party or gathering at or on a private residence or other private property.

(c) As such, the mayor and the board of aldermen declare as follows:

- (1) Protecting health and safety in the city is a reasonable cause to deter the possession and consumption of alcoholic beverages by persons under the age of 21. It is also reasonable and prudent to do by holding responsible persons who encourage, are aware of, or should be aware of, the illegal conduct, yet fail to take steps to prevent it.
- (2) Further, there is data to demonstrate that public efforts to deter the possession and consumption of alcoholic beverages by persons under the age of 21 will result in significant costs savings with regard to law enforcement (citation and prosecution), healthcare (i.e., emergency room treatment) and rehabilitation (addiction and recovery). As such, the revenue received by the city, after cost reimbursement to responding law enforcement agencies, will be directed toward law enforcement strategies and prevention programs in the city.

(Ord. No. 2014-23, § 1, 10-2-2014)

Sec. 6-202. - Definitions.

For the purposes of enforcing this article, the following definitions will apply. The following words, terms and phrases, used in this article, shall have the meanings subscribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine from whatever source or by whatever process produced.

Alcoholic beverage means and includes alcohol, distilled spirits, malt beverage, hard cider, wine or fortified wine.

- (1) Distilled beverages include alcohol, ethanol, or spirits.
- (2) Beer includes, but is not limited to; ale, lager, porter, stout, sake, and other similar fermented beverages brewed or produced from malt, wholly or in part, or any substitute therefore.
- (3) Wine in any form, including all dilutions and mixtures thereof from whatever process produced.

Gathering means an assembled group of people for the purpose of a social event or activity; at least one of the people in attendance is an underage person.

Party means a gathering or event at which two or more persons assemble or gather for a social occasion or activity.

Location means the place or site where a gathering or event occurs. These locations may include, but not be limited to:

- (1) Dwelling unit means, without limitations, any of the following:
  - a. Any single and multi-family residence including, but not limited to, any apartment, cabin, duplex, condominium, house, or log cabin, and the land on which it is located, whether owned, leased, rented, or occupied for no compensation by the occupant or occupants.
  - (b) Any mobile home and the land on which the mobile home is located, whether or not rent is paid for the mobile home, for the land upon which the mobile home is located, or for both.
  - (c) Any recreational vehicle, whether located on privately owned or publically owned property, whether rent is paid or not paid for the recreational vehicle, and the land upon which the vehicle is located.
  - (d) Any public property (including a park) where a gathering is staged.

Other private property:

- (1) The term "other private property" includes, but is not limited to:
  - a. The following locations:
    1. A hotel or motel room;
    2. An assembly hall or meeting room;
    3. A common room of a dwelling used for a party (e.g. a recreation room of an apartment building or a common room of a condominium complex);
    4. A site in a privately- owned campground;
  - f. Privately owned vacant lot; or
  - g. Privately owned land or real estate of any type.

Private residence means the following:

- (1) A dwelling unit whether occupied on a temporary basis, whether occupied as a dwelling, or for a party or other social function, and whether owned, leased, rented, or used with or without compensation.
- (2) Any other item on the same land parcel as the dwelling unit, which includes, but is not limited to any of the following:
  - a. An animal pen; an animal shed;
  - b. A barn; a stable; a corn crib; a silo; a granary;
  - c. A garage; an equipment shed; a tool shed; a shed;
  - d. A boat dock; a boat house;
  - e. A cabana; a gazebo; a tent; a tree house;
  - f. A sauna; a hot tub; a swimming pool; area adjacent to a swimming pool;
  - g. A private office; a free standing office; a studio;
  - h. A hunting cabin;
  - i. A tractor; or a vehicle of any type or nature.
- (3) Other items or areas accompanying or on the same land parcel as the dwelling unit, whether improved or unimproved, such as a yard, (whether fenced or unfenced) patio, outdoor grilling or eating area, open fields, jetty, pier, dock, or lake shore;
- (4) Water bodies contiguous to or on the same land parcel as a dwelling unit, such as a basin, bayou, brook, creek, dam, lagoon, lake, march, pond, river, stream, or swamp.

Social host will be defined as hosting a gathering where alcohol, wine, or beer are in the possession of or have been furnished to persons under the age of 21. This hosting of a gathering shall hitherto be referred to as "social host. "

- (1) A social host shall mean anyone who is in legal and actual control of any location where a gathering occurs. This may include a parent, guardian, or any adult over the age of 21.
  - a. Parent means any person who is a natural parent, an adoptive parent, a step-parent, a foster parent, or a person who stands in loco parentis.
  - b. Guardian is one who has the legal authority to care for an underage person.

(Ord. No. 2014-23, § 1, 10-2-2014)

Sec. 6-203. - Violations.

- (a) Liabilities for penalties shall be assigned when the following conditions are met:
- (1) It shall be a violation of this article for any person who has a right of possession of a dwelling unit, a private residence, or other private property to knowingly host, permit, or allow a party or gathering to take place or continue at or on such private residence or other private property if any underage person at the party or gathering possesses or consumes any alcoholic beverage that the person knows that the underage person is possession or consuming any alcoholic beverage at the party or gathering.
  - (2) It shall be a violation of this article for a parent or legal guardian to allow any underage person under the care of that parent or legal guardian to allow to attend a party or social gathering if that parent or legal guardian knows that the underage person will possess or consume any alcoholic beverage at that party or social event.
  - (3) It is the duty of any person having a right of possession of a dwelling unit, a private residence, or other private property, who knowingly hosts, permits or allows a party or gathering at or on the dwelling unit, the private residence, or other private property, to take reasonable steps to prevent the possession or consumption of alcoholic beverages by any underage person at the party or gathering. A breach of this duty shall be a violation of this article.
  - (4) Any violation of O.C.G.A. 3-3-23 as amended shall also be a violation of this article.
- (b) The following shall be considered protected activities under this article:
- (1) Nothing in this article should be interpreted to prohibit legally protected practices held at or on a dwelling unit, a private residence, or other private property that includes the possession and/or consumption of alcohol by persons under the age of 21.
    - a. As a part of religious practices on private property; or
    - b. For medical purposes pursuant to a prescription of a physical duly authorized to practice medicine in this state and the consumption occurs on private property pursuant and in accordance with that prescription; or
    - c. When the parent or legal guardian of the underage person physically gives the alcohol to that underage person when in their own residence and while in their presence and as permitted under O.C.G.A. § 3-3-23, as amended.
- (c) Each incident in violation of City of Acworth, Georgia, Code of Ordinances shall constitute a separate offense.
- (d) Enforcement authority. The city police department, the city prosecutor/solicitor, and any other person designated by the mayor and board of aldermen are authorized to administer and enforce the provisions of this article. The city police department, the city prosecutor/solicitor, and any other person designated by the mayor and the board of aldermen may exercise any enforcement powers provided by law.

(Ord. No. 2014-23, § 1, 10-2-2014)

Sec. 6-204. - Penalties.

- (a) If a person is charged with a violation of this article the following shall be the penalties assessed for violations:
- (1) They can be cited for the first offense and shall not be fined less than \$1,000.00.
  - (2) If cited for a second offense they shall not be fined less than \$2,500.00.
  - (3) If cited for a third and/or subsequent offenses the fine shall not be less than \$5,000.00 per each offense.

- (4) If a person violates the code under any of the offenses sited in the social host ordinance [this article], they shall be required to be present at all related court appearances.
  - (5) The parents, guardian, or any person over the age of 21, who is cited for furnishing to, purchase of, or possession of alcoholic beverages with the purpose of providing to a minor; use of false identification by a minor to purchase alcohol, will be required to attend any and all rehabilitative sessions mandated to encourage understanding of risks of early alcohol use and to promote an environment of prevention of alcohol use by a minor.
- (b) Should a person/persons be cited on a second occasion for any of the offenses cited in this article, then the following sessions will be required for the offender/offenders and the minor/minors involved.
- (1) Training to consist of at least three sessions to provide understanding of:
    - a. Risks of early alcohol use;
    - b. Physical, emotional, and developmental impact of early alcohol use;
    - c. Alcohol poisoning, indicators of alcohol dependence, treatment options.
- (c) Should a third offense in violation of this article occur, the offender/offenders and the minors involved will receive a mandatory referral to a professional therapist or institution licensed for assessment and treatment of alcohol abuse. The assessment and any recommendations for a treatment plan will be reported to the court. The treatment plan will be implemented on a schedule coordinated between the court and the licensed provider. Co-operation and progress of the participants will be reported to the court on a scheduled basis agreed upon by the court and the assessor.

(Ord. No. 2014-23, § 1, 10-2-2014)