

ORDINANCE NO. #O-28-15

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, GEORGIA, AS AMENDED, SO AS TO PROVIDE FOR THE REGULATION OF THE PROVISION OF ALCOHOLIC BEVERAGES TO PERSONS UNDER THE AGE OF TWENTY-ONE (21) BY PERSONS WHO HOST EVENTS OR GATHERINGS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, GEORGIA, THAT:

Section 1. Chapter 62, Offenses and Miscellaneous Provisions, Article 1, is hereby amended by adding a new Section 62-18 to read and to be codified as follows:

Sec. 62-18. Social Hosting.

- (a) **Purpose.** The City Council desires to protect the health, safety and welfare of all persons living in and visiting the City. The use of alcohol by persons under the age of twenty-one (21) is prohibited by Georgia law and under the City of Fayetteville Code of Ordinances. This Section prohibits and establishes penalties for any person hosting an event or gathering where alcohol is present and being possessed or consumed by persons under twenty-one (21) years of age.

- (b) **Findings.** The City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The City Council finds that:
 - (1) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
 - (2) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions. Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
 - (3) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.
 - (4) An ordinance is necessary to help further combat underage consumption. A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

- (c) **Definitions.** For purposes of this ordinance, the following terms have the following meanings:

- (1) **Alcohol** means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- (2) **Alcoholic beverage** means all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine.
- (3) **Event or gathering** means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- (4) **Host** means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event, whether that host is present or not.
- (5) **Parent** means any person having legal custody of a juvenile:
 - a. As natural, adoptive parent, or step-parent;
 - b. As a legal guardian; or
 - c. As a person to whom legal custody has been given by order of the court.
- (6) **Person** means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business, trust, receiver, fiduciary or other group or combination acting as a unit, body politic or political subdivision, whether public, private, or quasi-public, or any entity.
- (7) **Residence or Premises** means any home, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, or any other place of assembly, public or private, whether occupied as a dwelling or for any social function, and whether owned, leased, or rented.
- (8) **Underage Person** is any individual under twenty-one (21) years of age.

(d) **Prohibited Acts.**

- (1) 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 the following occurs:
 - a. 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 possesses any alcohol or alcoholic beverage with the intent to consume it;
 - b. the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
- (2) A person is criminally responsible for violating Section 62-18(d) of this ordinance if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

(e) **Exceptions.**

- (1) This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.
- (2) This ordinance does not apply to legally protected religious observances.
- (3) This ordinance does not apply to alcoholic beverage licensees who are licensed by the City of Fayetteville and the State of Georgia.
- (4) This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This 17th day of December 2015.

Gregory C. Clifton, Mayor

Edward Johnson, Mayor Pro Tem

Mickey Edwards, Council Member

Attest:

Paul C. Oddo, Jr., Council Member

Anne Barksdale, City Clerk

Scott Stacy, Council Member

James B. Williams, Council Member