

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING AN UNDERAGE DRINKING —
SOCIAL HOSTING ORDINANCE**

Whereas, alcohol is a drug and illegal for persons under the age of twenty-one to possess or consume;

Whereas, the Board of Commissioners of Hendricks County, Indiana acknowledges that alcohol is widely consumed by persons under the age of twenty-one in Indiana and is all too often a contributing factor in the three leading causes of death for young people;

Whereas, the Board desires to promote the reduction of underage drinking and the negative effects of the same by imposing penalties on persons responsible for gatherings where alcohol is consumed by, served to, or in the possession of minors; and

Whereas, the Board finds it necessary to adopt an ordinance aimed at reducing underage drinking in order to protect public health, welfare, and safety of Hendricks County and its citizens.

Now, therefore, it is hereby ordained by the Board as follows:

Section 1. _____ Code of Ordinances for the County shall be amended to include the following:

Social Hosting Ordinance

A. Definition

For the purpose of this ordinance, the following definitions shall apply.

- 1. "Alcohol" means the compound C₂H₅OH, known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.**
- 2. "Alcoholic Beverage" means a liquid or solid that:
(a.) is, or contains, one-half percent (0.5%) or more alcohol by volume;
(b.) is fit for human consumption; and**

(c.) is reasonably likely, or intended to be used as a beverage.

3. "Minor" means a person less than twenty-one (21) years of age.

4. "Residence" means:

(a.) The premises in which a person resides and includes: the aggregation of the rooms inhabited by him, including the cellar and basement under them; also any buildings existing on the property on which the residence is located; and,

(b). Also means a room equipped for sleeping or a suite located in a hotel when actually occupied by a traveler, or by a person as his bona fide residence.

5. "Loud or Unruly Party or Gathering" means a gathering or party of at least two (2) or more persons at a residence or on other private property or rented public property on which loud or unruly conduct occurs at which alcohol is consumed by minors. Such loud or unruly gatherings include but are not limited to gatherings resulting in:

(a) Excessive noise;

(b) Excessive traffic;

(c) Obstruction of public streets and/or the presence of unruly crowds that have spilled out into the street;

(d) Public drunkenness or unlawful public consumption of alcohol or alcoholic beverages;

(e) Assaults, batteries, fights, domestic violence or other disturbances of the peace;

(f) Vandalism;

(g) Litter; or

(h) Any other conduct which constitutes a threat to the public health, safety, or quiet enjoyment of residential property or the general welfare.

B. DUTY TO PREVENT CONSUMPTION OF ALCOHOL BY MINORS AND VIOLATION

(1) It is the duty of any person who permits, allows or hosts a loud or unruly gathering at his or her place of residence or

other private property, public place, or any other premises under his or her control, who permits minors to consume or be in possession of alcoholic beverages shall be in violation of this Ordinance unless that person takes all reasonable steps to prevent consumption or possession of alcoholic beverages by any minor at the gathering. reasonable steps include, but are not limited to the following:

- (a) controlling access to alcoholic beverages at a gathering;**
- (b) controlling the quantity of alcoholic beverages at the gathering;**
- (c) verifying the age of persons attending the gathering through drivers licenses or other forms of state issued identification to ensure that minors do not consume alcoholic beverages at the gathering.**

(2) A person who host a loud or unruly gathering shall not be in violation of this ordinance if:

- (a) prior to any other person making a complaint to the appropriate county/local law enforcement agency about the gathering, he or she:**
 - (i) seeks the assistance of the appropriate local Law Enforcement Agency to remove any person who refuses to abide by the host's performance of duties imposed by this Ordinance; or**
 - (ii) terminates the gathering because the host has been unable to prevent minors from consuming alcoholic beverages despite having taken all the reasonable steps to do so.**
- (b) any person at the gathering seeks emergency assistance to respond to any medical emergency occurring on the premises.**

(C) PENALTY

The violation of this ordinance shall be an infraction carrying the penalty as prescribed by **Code ID** of the code.

Nothing in this Ordinance in any way limits any other remedy that may be available to be imposed by County or State.

Section 2. **Code ID** of the Code shall be amended to include the following:

Code Reference	Violation	Penalty	Court Fees	Total Cost**
XXXXX	Hosting a social gathering and allowing minors to consume or possess alcoholic beverages.	\$750.00 For up to 2 minors present: \$100.00 for each additional minor present	\$158.00	Determined By number of minors present at the gathering.

Section 3. Any Section or Subsection of the Code that is not specifically amended or restated herein remains in full force and effect.

Section 4. If any provision in this Ordinance is declared invalid, the remaining provisions of the Ordinance shall remain in full force and effect.

Section 5. Any ordinances or provisions thereof that are inconsistent with this Ordinance are hereby superseded.

Section 6. This Ordinance is not intended to impose, and shall not be construed to give effect in a manner that imposes upon the County, or any officer, employee, agent or representative of the County, a mandatory duty of care toward persons or property within or without the County limits, so as to provide

**basis of civil liability for damages, except as my otherwise be
Imposed by law.**

**Section 7. This Ordinance shall not be interpreted in any manner
that conflicts with the laws or constitution of the United States
or Indiana.**

**Passed and adopted by the Board of County Commissioners of
Hendricks County, Indiana this 1 day of March 2011.**