

# CITY OF GLASGOW

ORDINANCE NO. 2017 - 2897

## AN ORDINANCE RELATING TO SOCIAL HOSTS AND CONSUMPTION OF ALCOHOL BY MINORS

**BE IT HEREBY ORDAINED**, by the City of Glasgow, Kentucky, as follows:

### SECTION 1. DEFINITIONS

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

“Alcoholic beverage” includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one (1) 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.

“Party, gathering or event” means a group of persons (two or more) who have assembled or are assembling for a social occasion, activity or gathering.

“Parent” means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

“Legal Guardian” means (1) a person who, under court order, is the guardian of the person of a minor, or (2) a public or private agency with whom a minor has been placed by the court.

“Adult” means any one person over eighteen (18) years of age.

“Minor” means any person under twenty-one years of age (21).

“Host” means someone who receives and entertains guests.

“Knowingly” means when, with respect to conduct or to a circumstance described by this Ordinance, a person is aware that his conduct is of that nature or that the circumstance exists.

“Household or premises” means any home, apartment, condominium, premises or other dwelling unit or meeting room or hall, including the yard and curtilage of such household or premises which are owned, rented, leased, or under the control of the person or persons responsible for the party, regardless of whether such premises are occupied on a permanent or temporary basis, or merely occupied as premises for a social function.

“Response Costs” are the costs associated with responses by law enforcement, fire, and

other emergency response providers to a 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 a 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 a gathering; (3) the cost of repairing any government equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and (4) any other allowable costs related to the enforcement of this ordinance.

**SECTION 2. HOSTING, PERMITTING, OR ALLOWING A PARTY, GATHERING OR EVENT WHERE MINORS CONSUMING ALCOHOLIC BEVERAGES PROHIBITED, CONSUMPTION OF ALCOHOL BY MINOR PROHIBITED, PRESUMPTION.**

(a) (1) It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps include: controlling access to alcoholic beverages present at the gathering; verifying the age of persons attending the gathering; and supervising the activities of minors at the gathering.

(2) It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (a)(1) of this Section.

(3) It is unlawful for a person under the age of twenty-one (21) years to consume alcohol, except as permitted by statute. A person under the age of twenty-one years is presumed to have consumed alcohol if they have an alcohol concentration of 0.02 or more as measured by scientifically reliable test or tests of a sample of the person's breath or blood taken within two (2) hours of the initial contact by a law enforcement officer.

(b) This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian, as permitted by KRS 530.070 (1)(A).

(c) This Section shall not apply to any Kentucky Department of Alcoholic Beverage Control licensee at any premises regulated by the Department of Alcoholic Beverage Control.

(d) This Section shall not apply to conduct involving the use of alcoholic beverages for legally protected religious activities.

**SECTION 3. PRIMA FACIE EVIDENCE:**

Whenever a person having control of the residence or premises is present at that residence or premises at the time that a minor or minors obtains, possesses or consumes any alcoholic beverage, it shall be prima facie evidence that such adult had the knowledge or should have had the knowledge, that the minor or minors obtained, possessed, or consumed an alcoholic beverage at the party.

**SECTION 4. PENALTY FOR VIOLATION; MANDATORY MINIMUM FINES:**

Persons found violating this ordinance shall be subject to the following penalties:

- A. A fine of \$250.00 for the first offense; and
- B. A fine of \$500.00 for the second and all subsequent offenses.

For any offense, neither the fine nor the appropriate court costs shall be suspended.

**SECTION 5. ENFORCEMENT:**

Enforcement of this ordinance shall be by citation issued by any police officer.

**SECTION 6. SEVERABILITY CLAUSE:**

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity will not affect the remaining parts of the ordinance.

**SECTION 7. EFFECTIVE DATE:**

This ordinance shall take effect upon its passage and publication according to law.

  
 \_\_\_\_\_  
**DICK DOTY, MAYOR**

**ATTEST:**

  
 \_\_\_\_\_  
**JOHN GARRETT**

**FIRST READING:**                                03-27-17          

**SECOND READING:**                              04-10-17