



**Item:** Ordinance 3044; Social Host Ordinance

**From:** Chad G. Parker, Acting City Attorney

**Initiated By:** Chad G. Parker, Acting City Attorney

**Presented By:** Chad G. Parker, Acting City Attorney

**Action Requested:** City Commission to remove Ordinance 3044, Social Host Ordinance, from the table and adopt Ordinance 3044, as amended.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission remove Ordinance 3044, the Social Host Ordinance, from the table and (adopt/deny) Ordinance 3044 as amended.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

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**Staff Recommendation:** It is the recommendation of the Acting City Attorney that the City Commission remove Ordinance 3044 from the table and adopt the same after having amended the ordinance for clarification purposes and to reflect the desires of the Commission and public regarding the terms of enforcement.

**Background:** Ordinance 3044 was tabled by the City Commission after the Public Hearing at the August 18, 2009 City Commission Meeting to allow members of the community concerned about the legal effect of the proposed ordinance to meet with the Acting City Attorney to resolve any pending issues. Further the Ordinance was tabled to allow for amendment of the penalty section to reflect the Commission's recommendations.

On August 24, 2009 representatives of the Great Falls Landlord Association met with the Acting City Attorney and suggested addition of the phrase, "[t]he term shall not include a property owner who does not have knowledge that the activity, event, gathering, or party, whether or not the activity, event, gathering, or party was permitted or allowed, would result in an underage person being in possession of or consuming an alcoholic beverage," to the definition of "Social Host" under § 9.10.020 (14). This phrase was added into the definition of "Social Host" along with the phrase, "or parent." This change has been made to assist the public in understanding the true intent and effect of the ordinance.

Other changes include minor additions to the "Definitions" section for clarification purposes and the phrase, "within the City" to the "Prohibited Acts" section to complete the previously requested amendments regarding jurisdiction.

The "Penalties" section has also been changed to remove a sentence of imprisonment for a first conviction.

**Concurrences:** The Police Department, City Administration, the Legal Department, the Cascade County DUI Task Force, and the EUDL Coalition support its execution.

**Fiscal Impact:** None.

**Alternatives:** Require City Law Enforcement to continue using State law §§ 45-5-622, 45-5-623, and 45-5-624 MCA as their primary tool to combat underage drinking. However, these statutory sections do not adequately address the source of incidents where the crime of minor in possession of alcohol are committed nor do they affect all age groups capable of committing the offense.