



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 conduct the Public Hearing for Ordinance 3044, Social Host Ordinance, and adopt Ordinance 3044 as amended on second reading.

Public Hearing:

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (adopt/deny) Ordinance 3044.”

2. Mayor calls for a second, discussion, and calls for the vote.
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Staff Recommendation: It is the recommendation of the Acting City Attorney that the City Commission adopt Ordinance 3044 to address the problem of consumption of alcoholic beverages by minors by attaching liability to those who knowingly provide a premises for an event, party, or gathering, or those who reasonably should have known that the premises would be used for an event, party, or gathering where minors would be consuming alcoholic beverages and fail to take reasonable steps to prevent the underage consumption or possession of an alcoholic beverage.

Although §7-32-4302, MCA, provides that the City of Great Falls has the power to prevent and punish intoxication, loud noises, disorderly conduct, and acts or conduct calculated to disturb the public peace or which are offensive to public morals within its limits **or within 3 miles of the limits thereof** (emphasis added), it became known after first reading that Cascade County had an objection to the Great Falls Police Department enforcing the Social Host Ordinance outside the

City limits. Therefore, that language has been removed and is reflected as amended in the proposed Ordinance.

Background: The consumption of alcoholic beverages by minors and individuals under the age of 21 at house parties and various other premises within the City limits presents numerous health, safety, and welfare problems for the citizenry of the City of Great Falls, minors, and law enforcement. The failure of current state and local laws to attach liability to those who knowingly provide premises for consumption of alcoholic beverages by minors and individuals under the age of 21 necessitates the creation and approval of Ordinance 3044, the Social Host Ordinance. The approval and passage of the Ordinance will assist law enforcement in combating the problem of underage drinking and provides an avenue for recovery of some of the costs of such efforts.

Concurrences: The Police Department, City Administration, the Legal Department, the Cascade County DUI Task Force, and the EUDL Coalition have reviewed the language of the ordinance and support its execution.

Fiscal Impact: None.

Alternatives: The continuation of City Law Enforcement to use the State Endangering the Welfare of Children statute, codified at § 45-5-622, MCA. However, this statute does not adequately address the source of incidents where the crime of minor in possession of alcohol is committed nor does it affect all age groups capable of committing the offense.