

SOCIAL HOSTING

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9.55.010 Definitions

For purposes of this Chapter, the following terms shall have the meanings hereinafter set forth.

- A. Alcohol: Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- B. Alcoholic Beverage: Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combines with other substances.
- C. Conveyance: Any vehicle, trailer, watercraft or container operated for the transportation of persons or property.
- D. Event or Gathering: Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- E. Host: To aid, conduct, allow, entertain, organize, supervise, control, or permit an event or gathering.
- F. Illicit Drugs: Any drug, substance, or compound prohibited by law, including drugs prescribed by a physician that are in the possession of or used by someone other than the person to whom the drug was prescribed.
- G. Parent: Any person having legal custody of a juvenile:
 - 1. As a natural, adoptive parent, or step-parent.
 - 2. As a legal guardian; or
 - 3. As a person to whom legal custody has been given by order of the court.
- H. Person: Any individual, firm, association, partnership, corporation, trust or any other legal entity.
- I. Public Place: Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartments houses, office buildings, transport facilities, parks, businesses or parking lots.
- J. Reasonable Steps: Controlling access to alcoholic beverages at the event or gathering; controlling the quantity of alcoholic beverages present at the event or gathering; verifying the age of persons attending the event or gathering by inspecting drivers licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the event or gathering; and supervising the activities of minors at the event or gathering, and/or calling for police assistance in the event people under 21 are in possession of alcohol at the event or gathering.
- K. Religious Ceremony: The possession, consumption and dispensing of alcohol or an alcoholic beverage for the purpose of conducting any bona fide rite or religious ceremony.
- L. Residence or Premises: Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, property, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
- M. Underage Person: Any individual less than 21 years of age.

9.55.020 Offenses

- A.1. It is unlawful for any person to host, permit, allow, or fail to take reasonable steps to prevent an event or gathering at any residence or premises, or on any other property whether private or public, or in any

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conveyance, over which that person has control or a reasonable opportunity for control where illicit drugs or alcoholic beverages are present when that person knows or reasonably should know that an underage person will or does consume or possess any illicit drugs or alcoholic beverage. The fact that a person has taken all reasonable steps may be considered as an affirmative defense as to whether such person “reasonably should know” that an underage person will or does consume or possess any illicit drugs or alcoholic beverages.

- A.2. It also is unlawful for any person to fail to take reasonable steps to prevent possession or consumption of illicit drugs or alcoholic beverages by an underage person at any such event or gathering. A person who hosts an event or gathering does not have to be present at the event or gathering to be in violation of this subsection A.
- B.1. A person is responsible for violating Subsection A of this Section if that person intentionally aids, advises, hires, counsels, conspires with, or solicits another person to commit a violation of Subsection A.
- B.2. A person is responsible for violating Subsection A of this Section if that person knows or should have known about the committing of a prohibited act and failed to take reasonable steps to prevent the prohibited act.
- C.1. A person who hosts an event or gathering shall not be in violation of this Chapter if he or she undertakes one of the following steps before any other person makes a complaint about the event or gathering:
 - a. seeks assistance from the St. Charles Police Department or other law enforcement agency to remove any person who refuses to abide by the host’s performance of the duties imposed by this Chapter, or
 - b. terminates the event or gathering because the host has been unable to prevent underage persons from consuming illicit drugs or alcoholic beverages despite having taken all reasonable steps to do so.
- D. This Chapter does not apply to conduct involving the use of alcoholic beverages that occurs at a religious ceremony or that is exclusively between an underage person and his or her parent, as permitted by Illinois State Law.

9.55.030 Fines; Penalties.

Any person who violates or assists in the violation of any provision of this Chapter shall be deemed to have committed a petty offense and shall be subject to a fine of not more than \$750.00 for each such violation. Each day on which, or during which, a violation occurs shall constitute a separate offense.

- 1. The first violation of this Chapter shall be punishable by a fine of no less than \$250.00 nor more than \$500.00.
- 2. A second violation of this Chapter by the same person within a 12-month period shall be punishable by a fine of no less than \$500.00 no more than \$750.00.
- 3. A third or subsequent violation of this Chapter by the same person within a 12-month period shall be punishable by a fine of \$750.00.

(Ord. 2011-M-16 § 2.)