

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. 2241

SOCIAL HOST ORDINANCE - AN ORDINANCE REQUIRING PERSONS OWNING, LEASING, OR OTHERWISE CONTROLLING PRIVATE PROPERTY TO PREVENT THE USE OF THE PROPERTY BY UNDERAGE PERSONS POSSESSING OR CONSUMING ALCOHOLIC BEVERAGES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that the consumption of alcohol by underage persons is a significant and ongoing problem in the community which current regulations address by prohibiting the sale or distribution of alcoholic beverages to underage persons and the possession or consumption of alcoholic beverages by underage persons; and

WHEREAS, current regulations do not expressly impose any duty upon the owner, renter, lessee, or any other person in control of private property, as defined herein, to prevent the use of such property by underage persons possessing or consuming alcoholic beverages; and

WHEREAS, law enforcement agencies are generally unable to detect or prevent the possession or consumption of alcoholic beverages by underage persons on private property, as defined herein, before said consumption leads to behavior that poses a threat to the public health, safety and welfare, to wit: excessive noise, driving while intoxicated or under the influence, physical altercations, violent crimes including rape and other sexual offenses, accidental injury, vandalism, and disturbances, all of which often require a response from law enforcement; and

WHEREAS, the City Council finds that the threat posed to the public health, safety and welfare by underage persons possessing and consuming alcohol on private property, as defined herein, requires owners of or persons in control of private property to ensure that they do not knowingly permit underage persons to use the private property for the purpose of possessing or consuming alcoholic beverages.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. Chapter 10, Article VI of the Steamboat Springs Revised Municipal Code is hereby revised by the addition of the following (Section 10-206):

"Section 10-206. Knowingly providing private property to underage persons possessing or consuming alcoholic beverages is unlawful."

(a) DEFINITIONS.

- (1) Alcoholic Beverage:** Shall have the same meaning as "alcohol beverage" per C.R.S. 12-47-103(2).
- (2) Person:** Is any individual, partnership, co-partnership, corporation, or any association of one or more individuals. A person does not include any city, county, or state agency.
- (3) Private Property:** means any privately owned real property that is not open to the public.
- (4) Trespass:** The entry onto the private property of another without permission from the owner, occupant, or other person legally, or otherwise, entitled to possession of the private property.

(b) MISCELLANEOUS. All words herein in the singular number shall extend to and include the plural number. All words used herein in the plural number shall extend to and include the singular number. All words used in any gender, male, female or neuter shall extend to and include all genders as may be applicable in any particular context.

(c) PROHIBITION. No person who owns, rents, leases or controls private property shall knowingly allow an underage person to possess or consume any alcoholic beverage anywhere on the private property under his control. The terms "rent" and "lease" as used in this section apply to persons entitled to occupy or possess the private property per the rental/lease agreement and do not apply to management companies or other agents managing rental properties.

(d) TRESPASS. The provisions of this ordinance shall not apply to the possession or consumption of alcoholic beverages by an underage person or persons trespassing on the private property. A person or persons shall not be considered trespassers if they are in the company of any person who is an owner, occupant of, or other person legally or otherwise entitled to be present on the private property.

(e) SEPARATE VIOLATIONS FOR EACH INCIDENT. Each incident in violation of this ordinance shall constitute a separate offense.

(f) ENFORCEMENT AUTHORITY. All City of Steamboat Springs Police Services Officers are authorized to administer and enforce the provisions of this ordinance.

(g) PENALTIES FOR VIOLATION. Any person over eighteen years of age who is found guilty or pleads guilty or nolo contendere in Steamboat Springs Municipal Court to violating this Social Host Ordinance (the "offender") shall be punished by a fine of not less than \$500.00 for the First Offense, not less than \$750.00 for the Second Offense, and not less than \$999.00 for the Third Offense. Additionally, the offender shall be required to perform not than less twenty-four (24) hours of community service, shall be required to complete an alcohol education program paid for by the offender and, in the discretion of the Municipal Court Judge, the offender may be sentenced to a term in the Routt County jail per the terms of Section 1-15 of this Code. No portion of the fines shall be deferred and all required community service must be completed during hours when the offender is not employed and/or attending school.

Any person under eighteen (18) years of age who violates the provisions of this ordinance shall be subjected to penalties prescribed by the Steamboat Springs Municipal Court Judge, as contained herein, except that the Municipal Court Judge shall not impose any sentence of incarceration for the violation of this Ordinance by a person who was under the age of eighteen (18) years at the time of the violation.

(h) EXCEPTION—PARENTAL SUPERVISION. This section shall not apply to conduct involving the use or possession of alcoholic beverages by an underage person authorized by C.R.S. 18-13-122(3)(a) and (7).

(i) EXCEPTION—PERSONS SEEKING MEDICAL ASSISTANCE.

A person or and one or two other persons who violate the provisions of this ordinance shall be immune from criminal prosecution hereunder if they establish the following:

- (a) One of the persons called 911 and reported that an underage person was in need of medical assistance due to alcohol consumption;
- (b) The person who called 911 and, if applicable, one or two

other persons acting in concert with the person who called 911 provided each of their names to the 911 operator;
(c) The person was the first person to make the 911 report; and
(d) The person and, if applicable, one or two other persons acting in concert with the person who made the 911 call remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene."

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect, and shall be in no way affected, impaired, voided, or invalidated.

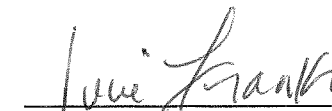
Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

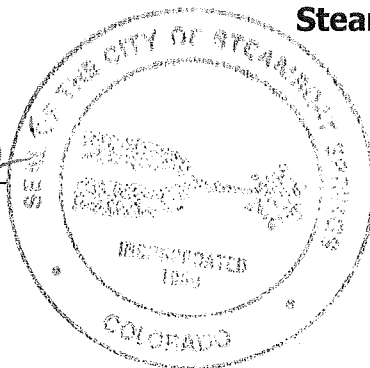
Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6(h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the 21st day of April, 2009.

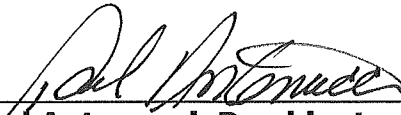

**Paul Antonucci, President
Steamboat Springs City Council**

ATTEST:


**Julie Franklin, CMC
City Clerk**




FINALLY READ, PASSED AND APPROVED this 5th day of
May, 2009.



Paul Antonucci, President
Steamboat Springs City Council

ATTEST:



Julie Franklin, CMC
City Clerk

