

ORDINANCE 17-01
City of Krebs, Oklahoma
Social Host Ordinance

PERMITTING OR ALLOWING GATHERINGS WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES IS PROHIBITED:

A. Definitions: For purposes of this section, the following definitions shall apply:

ALCOHOL: Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

ALCOHOL 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 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. This term includes intoxicating beverages and "low point beer" as defined herein.

GATHERING: A party, gathering, or event, where a group of three (3) or more persons have assembled or are assembling for a social occasion or social activity.

INTOXICATING BEVERAGE: Includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.

LEGAL GUARDIAN: 1. A person who, by 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.

LOW POINT BEER: Means and includes beverages containing more than one-half of one percent alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including, but not limited to, beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

MINOR: Any person under twenty one (21) years of age.

PARENT: A person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

PREMISES: Any residence or other private property, place, or premises, including any commercial or business premises.

RESPONSE COSTS: 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 city 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 section.

B. Consumption Of Alcohol By Minor In Public Place, Place Open To Public, Or Place Not Open To Public: Except as permitted by state law, it is unlawful for any minor to:

1. Consume at any public place or any place open to the public any alcoholic beverage; or
2. Consume at any public place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.

C. Hosting, Permitting, Or Allowing A Party, Gathering, Or Event Where Minors Are Consuming Alcoholic Beverages Is Prohibited:

1. a. 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 are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.
- b. 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 C1a of this section.
2. 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.
3. Nothing in this section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a nonfamily gathering.
4. Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a nonreligious gathering.
5. This section shall not apply to any premises licensed by the state of Oklahoma to dispense alcoholic beverages.

D. Penalty: Any person who shall violate the provisions of this section shall be deemed guilty of an offense against the city and upon conviction thereof shall be punished for violation of an offense, with a fine of five hundred dollars (\$500.00), or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment, plus all court costs and statutory penalties.

E. Reservation Of Legal Options: Violations of this section may be prosecuted by the city of Vian criminally, civilly, and/or administratively as provided by this code. The city may seek administrative fees and response costs associated with enforcement of this section through all remedies or procedures provided by statute, ordinance, or law. This section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this section, nor shall they limit the city's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this section.

F. Local Authority: This section shall not apply where prohibited or preempted by state or federal law. (Ord.)

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF KREBS, STATE OF OKLAHOMA, THIS 18th day of April, 2017.



(Seal)

A handwritten signature in blue ink that reads "Bobby Watkins". The signature is written in a cursive style and is positioned above a horizontal line.

Bobby Watkins, Mayor

ATTEST

A handwritten signature in blue ink that reads "W. Kay Scott". The signature is written in a cursive style and is positioned above a horizontal line.

W. Kay Scott, City Clerk/Treasurer