

BILL NO. 2888

ORDINANCE NO. 2708

**AN ORDINANCE ADDING SECTION 21-78 TO CHAPTER 21-
OFFENSES AGAINST PUBLIC PEACE OF THE CHESTERFIELD
CITY CODE RELATING TO THE SOCIAL HOSTING OF
UNDERAGE DRINKING AND LOUD AND UNRULY
GATHERINGS**

WHEREAS, there has been on occasions groups of underage people gathering on or near private property; and

WHEREAS, groups of underage people have been served alcohol at parties on private property by hosts or other persons responsible for the private property; and

WHEREAS, underage drinking, drunk driving, excessive noise, vandalism, littering, fighting, public drunkenness and the blocking of public and private streets has occurred in these areas; and

WHEREAS, there exists the need to prohibit the hosting of loud and unruly parties where underage drinking occurs and hold the parties responsible for allowing these parties to take place to be fined and be assessed the costs of the City incurred in enforcing this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AS FOLLOWS:

SECTION 1: DEFINITIONS

For the purposes of this Article, the following definitions shall apply:

Alcoholic Beverage: A liquor or brew containing alcohol as the active agent.

Controlled Substances: A drug or chemical substance whose possession and use are controlled by law.

Controlled Substance Act: Chapter 195, RSMo. in effect upon the passage of this Section.

Juvenile: Any person under seventeen (17) years of age.

Loud or Unruly Gathering: A party or gathering of five (5) or more persons at or on a residence or other private property upon which loud or unruly conduct occurs. Such loud or unruly conduct includes but is not limited to:

- A. Excessive noise;

- B. Excessive and/or restrictive traffic
- C. Obstruction of public streets, or crowds which have spilled onto public streets;
- D. Public drunkenness, unlawful public consumption or possession of alcohol or alcoholic beverages by underage persons;
- E. Service to, or consumption of, alcohol or alcoholic beverages by any underage person, except as permitted by City Code, State law or Missouri Constitution;
- F. Assaults, batteries, fights, domestic violence or other disturbances of the peace;
- G. Vandalism;
- H. Litter; and
- I. Any other conduct which constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare

SECTION 2: ALLOWING PARTY INVOLVING UNDERAGE DRINKERS PROHIBITED

Person Responsible For The Event: The person who owns the property where the party, gathering, or event takes place and/or the person in charge of the premises and/or the person who organized the event. If the person responsible for the event is a minor, then the parents or guardians of that minor will be jointly and severally liable for the costs incurred for police services regardless of their presence at the event.

Response Costs: The costs associated with responses by law enforcement, fire and other emergency response providers to loud or unruly gatherings including, but not limited to:

- A. Salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at or otherwise dealing with loud or unruly gatherings and the administrative costs attributable to such response(s).
- B. The cost of any medical treatment to or for any law enforcement, fire or other emergency response personnel injured responding to, remaining at or leaving the scene of a loud or unruly gathering.

Responsible Person: A person or persons with a right of possession in the residence or other private property on which a loud or unruly gathering is conducted including, but not limited to:

- A. A responsible person of the residence or other private property;
- B. A tenant or lessee of the residence or other private property;
- C. The person(s) in charge of the residence or other private property; and
- D. The person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering.

In cases where a person under the age of 21 hosts a party, the responsible person of the property will be held accountable regardless of their presence at the party to include the responsible person being away from the residence or out of town

If a responsible person for the gathering is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the response costs incurred pursuant to this Article. To incur liability for response costs imposed by this Article, the responsible person for the loud or unruly gathering need not be present at such gathering resulting in the response giving rise to the imposition of response costs. This Article therefore imposes vicarious as well as direct liability upon a responsible person, regardless of their presence or absence at the event.

Underage Person: Any person under twenty-one (21) years of age.

SECTION 3: RESPONSIBILITY FOR PROPER MANAGEMENT OF PROPERTY

Every responsible person, occupant, lessee or holder of any possessory interest of a residence or other private property within the City of Chesterfield is required to maintain, manage and supervise the property and all persons thereon in a manner so as not to violate the provisions of this Article. This shall include Adults, with persons under the age of 21 living within their residence, whether or not that adult is present during the party or other illegal activity.

SECTION 4: VIOLATIONS AND PENALTIES

- A. It shall be unlawful for any responsible person to allow, permit or host a loud or unruly gathering at a residence or other private property. Such gathering may be abated by an order of a Police Officer directing the host or other responsible person to cause all persons in or on said premises who are not lawful residents thereof to disperse not more than fifteen (15) minutes after the host or other responsible person receives an order to do so issued by a Police Officer.

Whenever an adult having control of the residence or premises is present at that residence or premises at the time an underage person obtains, possesses, or consumes any alcoholic beverage or controlled substance, it shall be prima facie evidence that such an adult had the knowledge or should have had the knowledge that the underage person obtained, possessed or consumed an alcoholic beverage or controlled substance at the gathering. An adult responsible person allowing a person under the age of 21 to host a party, regardless of whether the adult is present in or out of town shall be held mutually responsible.

No responsible person shall allow a loud or unruly gathering to take place or continue at said residence or premises if an underage person at the party obtains, possesses or consumes any alcoholic beverages or controlled substances and the responsible person knows or reasonably should know that the underage person has obtained, possesses or is consuming alcoholic beverages or controlled substances at the gathering.

- B. Fines: A fine may be imposed up to the maximum amount provided for within the Chesterfield Code for any violation of this Article.
- C. The fines imposed pursuant to Subsection (B) are in addition to any response costs that may be assessed pursuant to this Article.

SECTION 5

This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 16th day of July, 2012.



MAYOR

ATTEST:


CITY CLERK

FIRST READING HELD: 6/18/12