

**AN ORDINANCE OF
THE BOARD OF COMMISSIONERS OF DAWSON COUNTY**

**REGULATING SOCIAL HOSTING AND CONSUMPTION OF ALCOHOLIC
BEVERAGES BY MINORS; TO PROVIDE FOR PENALTIES; TO REPEAL
CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; AND FOR
OTHER PURPOSES**

WHEREAS, O.C.G.A. § 3-3-23 prohibits furnishing or causing to be furnished any alcoholic beverage to any person under 21 years of age; and

WHEREAS, O.C.G.A. § 51-1-18 provides that parents have a right of action against any person who sells or furnishes alcoholic beverages to that parent's underage child for the child's use without the permission of the child's parent; and

WHEREAS, the purpose of these two (2) statutes is to prevent the furnishing of alcoholic beverages to underage children absent parental consent; and

WHEREAS, the Board of Commissioners deems this ordinance appropriate to protect the public health, safety, and welfare by further deterring underage drinking.

NOW, THEREFORE, the Board of Commissioners hereby adopts this ordinance as follows:

SECTION 1. Definitions.

- A. An "alcoholic beverage" means alcohol, distilled spirits, liquor, beer, malt beverage, wine and fortified wine.
- B. A "gathering" is defined as the assembly of five or more individuals at one location that includes at least one individual who is underage and who is not the child of the person responsible for the property.
- C. A "social host" is a person who:
- (1) knows or reasonably should know that a gathering will occur on property owned or controlled by that person;
 - (2) knows or reasonably should know that alcoholic beverages will be at the gathering; and
 - (3) knows or reasonably should know that one or more underage person will be present at the gathering.
- D. An "underage person" is any person under the age of 21 years.

SECTION II. Prohibited Activities and Duties of Social Host.

- A. No social host shall allow a gathering to occur or continue if an underage person at the gathering obtains, possesses, or consumes any alcoholic beverage and the social host knows or reasonably should know that an underage person has obtained, possesses, or is consuming alcoholic beverages at the gathering.

- B. Every social host shall take reasonable steps to prevent the consumption of alcoholic beverages by any underage person at the gathering. Reasonable steps include, but are not limited to (i) controlling access to alcoholic beverages, (ii) prohibiting and preventing access to alcoholic beverages by any underage person, (iii) verifying the age of persons at the gathering, (iv) supervising the activities of underage persons at the event, and (v) remaining on the property during the gathering.

- C. If a social host determines or has reason to believe that an underage person has consumed an alcoholic beverage before or during the gathering, then the social host shall make reasonable efforts to terminate the gathering including, but not limited to, contacting law enforcement to report the suspected underage consumption.

SECTION III. Penalties.

- A. Any person who violates this ordinance shall be punished by a fine of up to one thousand dollars (\$1,000.00) and shall be required to perform not less than 24 hours of community service for the first offense.

- B. Any person who violates this ordinance a second time within one (1) year shall be punished by a fine of at least \$500.00 and up to \$1,000.00 and shall be required to perform not less than 48 hours of community service.

- C. Any person who violates this ordinance a third or subsequent time with two (2) years shall be punished by a fine of \$1,000.00 and shall be required to perform not less than 100 hours of community service.

SECTION IV. Exceptions.

- A. This ordinance shall not apply to conduct solely between an underage person and his or her parent while present in the parent's household.
- B. This ordinance shall not apply to any situation for which state or federal law establishes an exception or exemption.

SECTION V. Repealer.

All resolutions or ordinances or parts of resolutions or ordinances and any part of the Dawson County Code of Ordinances currently in effect in conflict with the terms of this ordinance are hereby repealed, but any resolution or ordinance that may be

applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof is hereby adopted as a part hereof.

SECTION VI. Severability.

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provision of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be construed to affect the portions of the Ordinance not held to be invalid, nor shall the application of the Ordinance to other circumstances be held invalid. It is hereby declared to be the intent of the Board of Commissioners of Dawson County to provide for separable and divisible parts, and the Board of Commissioners hereby adopts any and all parts that are not held invalid.

Approved this 2nd day of July, 2015

**DAWSON COUNTY BOARD
OF COMMISSIONERS**

ATTEST:

By: Mike Berg
Mike Berg, Chairman
Dawson County Commission

By: Danielle Yarbrough
Danielle Yarbrough, County Clerk

Approved:

Billy Carlisle
Billy Carlisle
Dawson County Sheriff

Dates of Public Hearings:

June 18, 2015

July 2, 2015

Dates of Advertisements:

May 27, 2015

June 3, 2015

June 10, 2015

Vote: 3 Yes

1 No