

McCreary County Fiscal Court

Ordinance NO. 1030.2

An ordinance of the McCreary County Fiscal Court imposing liability on social host who allow minors to obtain, possess, or consume alcoholic beverages at parties in McCreary County, Kentucky.

Policy:

The Magistrates of the County of McCreary find and determine that it is harmful for minors to obtain, possess, and consume alcoholic beverages at parties held at private residences or private premises that are under the control of an adult who knows or should know of the illegal conduct but fails to stop the conduct. The magistrates further finds that underage drinking results in an increase in alcohol by minors, physical altercations, violent crimes including rape and other sexual offenses, accidental injury, neighborhood vandalism, and excessive noise disturbance, all of which may require intervention by law enforcement. This ordinance imposes civil and criminal liability on adults who own or control that private residence or private premises and fail to properly supervise or stop minors from obtaining, possessing, and consuming alcoholic beverages. It further requires reimbursement for the costs associated with law enforcement including reasonable attorney's fees in the event of litigation.

Section 1: Findings and Intent:

The County of McCreary finds and declares that:

- a. Underage persons often possess or consume alcoholic beverages at parties or social gatherings held on private residences and other private property under the control of a person who knows or reasonably should know of such conduct fails to prevent it.
- b. Underage consumption of alcoholic beverages at parties poses an immediate threat to the public health, safety, and welfare in that it increases alcohol abuse by underage persons, physical altercations, violent crimes including rape and other sexual offenses, accidental injury, neighborhood vandalism, and excessive noise disturbances, all of which may require intervention by local law enforcement.
- c. Law enforcement responses to disturbances involving underage consumption of alcoholic beverages at parties at or on private residence or other private property frequently require the use of extensive resources. Further, when law enforcement personnel respond to disturbances at parties at or on a private residence or other private property, it limits their ability to respond to other service calls in the community, thereby placing the community at increased risk. Law enforcement is not currently reimbursed for their expenses when call to a party at or on a private residence or other private property.
- d. The prohibitions found in this chapter are reasonable and expected to deter the possession and consumption of alcoholic beverages by underage persons by holding responsible