

City of St. Charles, Illinois

Ordinance No. 2011-M-16

Ordinance Amending Title 9 "Public Peace, Morals, and Welfare" of the St. Charles Municipal Code

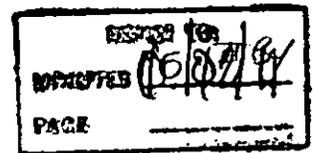
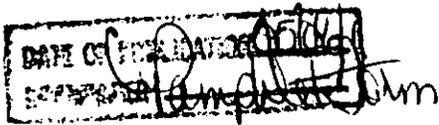
**Adopted by the
City Council
of the
City of St. Charles
May 2, 2011**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, May 6, 2011**

Nancy Garrison

City Clerk





City of St. Charles, Illinois
Ordinance No. 2011-M-16

**An Ordinance Amending Title 9 “Public Peace, Morals and Welfare”, of
the St. Charles Municipal Code**

WHEREAS, Illinois law authorizes municipalities to enact ordinances proper or necessary to protect public health and safety and otherwise to carry into effect the powers granted to municipalities; and

WHEREAS, the Center for Disease Control has identified alcohol use by persons under the age of 21 to be a “major public health problem” and has determined that “reducing underage drinking will require community-based efforts to monitor the activities of youth and decrease youth access to alcohol”; and

WHEREAS, underage drinking and drug use is a foreseeable hazard that can be reduced by enactment and enforcement of appropriate regulations prohibiting unsupervised gatherings and assigning responsibility to those who host such gatherings; and

WHEREAS, the Mayor and City Council of the City of St. Charles have determined that it is in the best interests of the City, its residents, and the general public to adopt regulations prohibiting social gatherings where underage drinking and drug use may occur.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated into this Ordinance as findings of the City Council.

2. That Title 9, “Public Peace, Morals and Welfare”, of the St. Charles Municipal Code, be and is hereby amended by adding thereto a new Chapter 9.55 as follows:

9.55.010 Definitions

For purposes of this Chapter, the following terms shall have the meanings hereinafter set forth.

A. Alcohol: Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

B. Alcoholic Beverage: Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

C. Conveyance: Any vehicle, trailer, watercraft or container operated for the transportation of persons or property.

D. Event or Gathering: Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

E. Host: To aid, conduct, allow, entertain, organize, supervise, control, or permit an event or gathering.

F. Illicit Drugs: Any drug, substance, or compound prohibited by law, including drugs prescribed by a physician that are in the possession of or used by someone other than the person to whom the drug was prescribed.

G. Parent: Any person having legal custody of a juvenile:

1. As a natural, adoptive parent, or step-parent.

2. As a legal guardian; or

3. As a person to whom legal custody has been given by order of the

court.

H. Person: Any individual, firm, association, partnership, corporation, trust or any other legal entity.

I. Public Place: Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, parks, businesses or parking lots.

J. Reasonable Steps: Controlling access to alcoholic beverages at the event or gathering; controlling the quantity of alcoholic beverages present at the event or gathering; verifying the age of persons attending the event or gathering by inspecting drivers licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the event or gathering; and supervising the activities of minors at the event or gathering, and/or calling for police assistance in the event people under 21 are in possession of alcohol at the event or gathering.

K. Religious Ceremony: The possession, consumption and dispensing of alcohol or an alcoholic beverage for the purpose of conducting any bona fide rite or religious ceremony.

L. Residence or Premises: Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, property, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

M. Underage Person: Any individual less than 21 years of age.

9.55.020 Offenses

A.1. It is unlawful for any person to host, permit, allow, or fail to take reasonable steps to prevent an event or gathering at any residence or premises, or on any other property whether private or public, or in any conveyance, over which that person has control or a reasonable opportunity for control where illicit drugs or alcoholic beverages are present when that person knows or reasonably should know that an underage person will or does consume or possess any illicit drugs or alcoholic beverage. The fact that a person has taken all reasonable steps may be considered as an affirmative defense as to whether such person

“reasonably” should know” that an underage person will or does consume or possess any illicit drugs or alcoholic beverages.

A.2. It also is unlawful for any person to fail to take reasonable steps to prevent possession or consumption of illicit drugs or alcoholic beverages by an underage person at any such event or gathering. A person who hosts an event or gathering does not have to be present at the event or gathering to be in violation of this Subsection A.

B.1. A person is responsible for violating Subsection A of this Section if that person intentionally aids, advises, hires, counsels, conspires with, or solicits another person to commit a violation of Subsection A.

B.2. A person is responsible for violating Subsection A of this Section if that person knows or should have known about the committing of a prohibited act and failed to take reasonable steps to prevent the prohibited act.

C.1. A person who hosts an event or gathering shall not be in violation of this Chapter if he or she undertakes one of the following steps before any other person makes a complaint about the event or gathering:

(a) seeks assistance from the St. Charles Police Department or other law enforcement agency to remove any person who refuses to abide by the host’s performance of the duties imposed by this Chapter, or,

(b) terminates the event or gathering because the host has been unable to prevent underage persons from consuming illicit drugs or alcoholic beverages despite having taken all reasonable steps to do so.

D. This Chapter does not apply to conduct involving the use of alcoholic beverages that occurs at a religious ceremony or that is exclusively between an underage person and his or her parent, as permitted by Illinois State Law.

9.55.030 Fines; Penalties.

Any person who violates or assists in the violation of any provision of this Chapter shall be deemed to have committed a petty offense and shall be subject to a fine of not more than \$750.00 for each such violation. Each day on which, or during which, a violation occurs shall constitute a separate offense.

1. The first violation of this Chapter shall be punishable by a fine of no less than \$250.00 nor more than \$500.00.

2. A second violation of this Chapter by the same person within a 12-month period shall be punishable by a fine of no less than \$500.00 nor more than \$750.00.

3. A third or subsequent violation of this Chapter by the same person within a 12-month period shall be punishable by a fine of \$750.00.

3. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are to the extent of such conflict, expressly repealed.

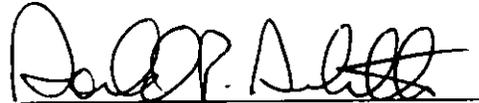
4. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 2nd
day of May 2011.

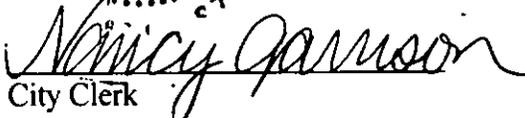
PASSED by the City Council of the City of St. Charles, Illinois, this 2nd day of
May 2011.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 2nd day of
May 2011.




Donald P. DeWitte, Mayor

ATTEST:


Nancy Garrison
City Clerk

COUNCIL VOTE:

Ayes: 10

Nays: 0

Absent:

Abstain:

APPROVED AS TO FORM:

City Attorney

DATE: _____

State of Illinois)
)
) ss.
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on May 2, 2011, the Corporate Authorities of such municipality passed and approved Ordinance No. 2011-M-16, entitled

"Ordinance Amending Title 9 "Public Peace, Morals,
and Welfare" of the St. Charles Municipal Code,"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2011-M-16, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 6, 2011, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 2nd day of May 2011.



Nancy Garrison
Municipal Clerk