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AN ORDINANCE AMENDING TITLE 8, CHAPTER 6 OF THE ORLAND PARK VILLAGE CODE (OFFENSES: SOCIAL HOSTING)

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WHEREAS, the President and Board of Trustees of the Village of Orland Park (“Village”) intend to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to impose penalties on those persons who host events for gatherings where persons under twenty-one (21) years of age possess or consume alcohol regardless of whether the person(s) hosting or allowing the event or gathering supplied the alcohol; and

WHEREAS, the President and Board of Trustees of the Village find that:

- (1) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of the irresponsible user.
- (2) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one (21) are harmful to some persons and constitute a potential threat to public health, safety and welfare requiring prevention or abatement.
- (3) Prohibiting underage consumption of alcohol protects underage persons, and the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
- (4) Events or gatherings involving underage possession and consumption often occur outside the presence of parents or other responsible adults. However, there are occasions when the parent(s) or other adult(s) is/are present and condone(s) the activity, and, in some circumstances, provide(s) the alcohol.
- (5) Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove; therefore, an ordinance is necessary to further combat underage consumption.
- (6) A deterrent effect will be created by holding person(s) responsible for hosting or allowing an event or gathering where underage possession or consumption of alcohol occurs; and

WHEREAS, the President and Board of Trustees of the Village have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/1-2-1, the Village may pass all ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to municipalities; and

WHEREAS, the Village has determined that the amendment set forth below is in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

Title 8, Chapter 6, of the Orland Park Village Code is hereby amended by adding thereto the following Section 8-6-15:

“8-6-15: PROHIBITED SOCIAL HOSTING:

A. Generally.

It is hereby declared to be unlawful to host or allow an event or gathering within the Village in violation of this Section as further defined and provided.

B. Definitions.

For the purposes of this Section the following terms shall have the meanings stated:

Adult means any person eighteen (18) years of age or older.

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

Alcoholic beverage means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer and which contains one-half (1/2) of one (1) 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.

Event or gathering means any group of three or more persons assembled or gathered together for a social occasion or other activity.

Host or allow means to aid, conduct, entertain, organize, supervise, control or permit an event or gathering.

Parent means any person having legal custody of a juvenile as a natural parent, adoptive parent, step parent, legal guardian, or a person to whom legal custody has been given by order of the court.

Person means any individual, partnership, co-partnership, corporation, or any association of one (1) or more individuals. A person does not include any municipal, county, or state agency.

Residence, premises, or private property means any location, including a house, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, yard, field, park, or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or residence or specifically for a social or business function, and whether owned, leased, rented or used with or without permission or compensation.

Underage person means any person under the age of twenty-one (21) years.

C. Prohibited Acts.

1. It is a violation of this Section for any person(s) to host or allow an event or gathering at any residence, premises or on any other public or private property where alcohol or alcoholic beverages are present, when the person(s) knows or reasonably should know that:

a. alcohol or an alcoholic beverage is being possessed or consumed by an underage person; and

b. the person failed to prevent such possession or consumption by an underage person.

2. It is a violation of this Section if the person intentionally aids, advises, hires, counsels or conspires with another or otherwise procures another to commit the prohibited act.

3. A person who hosts or allows an event or gathering does not have to be present at the event or gathering to be responsible for a violation of this Section.

D. Exceptions.

1. This Section does not apply to conduct of an underage person specifically authorized by his or her parent while present in the parent's household.

2. This Section does not apply to legally protected religious observances.

3. This Section does not apply to law enforcement activities supervised by a law enforcement agency.

4. This Section does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

5. This Section does not apply to a landlord, mortgagee, college, university, hotel or motel owner, or operator who has not actually participated in hosting or allowing an event or gathering where alcohol is present.

E. Penalty

Any person who violates this Section shall, upon conviction thereof, be subject to a fine of up to ONE THOUSAND DOLLARS (\$1,000.00) in accordance with APPENDIX B: FINE SCHEDULE appearing at the end of this Code.

SECTION 2:

APPENDIX B: FINE SCHEDULE appearing at the end of this Code shall be amended by adding thereto the following:

“APPENDIX B: FINE SCHEDULE

Title and Chapter	Ordinance	Fine Ranges
Title 8 Chapter 6 – Social Hosting	(Insert Ordinance No.)	First offense \$250.00
		Second Offense \$500.00 *
		Third Offense \$1,000.00 *

SECTION 3:

All ordinances or parts or ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 4:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5:

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.

SECTION 6:

The Village Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.