

COMMONWEALTH OF KENTUCKY
BRECKINRIDGE FISCAL COURT
ORDINANCE NO. 102405

AN ORDINANCE OF BRECKINRIDGE COUNTY, KY RELATING TO
UNSUPERVISED PARTIES IMPOSING LIABILITY ON SOCIAL
HOSTS WHO ALLOW MINORS TO OBTAIN, POSSESS, OR
CONSUME ALCOHOLIC BEVERAGES AT PARTIES

WHEREAS, Breckinridge County, KY (the "County") finds that unsupervised parties on private property where alcohol is consumed by minors is harmful to the minors themselves and to the communities where such parties are held; and

WHEREAS, police ability to abate gatherings where alcohol is consumed by minors on private property will result in a decrease in abuse of alcohol by minors, physical altercations and injuries, neighborhood vandalism, and excessive noise disturbance thereby improving public safety; and

WHEREAS, problems associated with such gatherings are difficult to resolve unless law enforcement has the legal authority to direct the host to dispense the group; and

WHEREAS, control of large parties, gatherings, or events on private property where minors are consuming alcohol is necessary when such activity is determined to be a threat to the peace, health, safety, or general welfare of the public; and

WHEREAS, the County finds and declares that the purpose of this Ordinance is to protect public health, safety, and general welfare, and to enforce laws prohibiting the consumption of alcohol by minors.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF
BRECKINRIDGE COUNTY, KENTUCKY:

Section 1. Definitions.

A. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

B. "Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one 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.

C. "Guardian" means (1) a person who, under court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

D. "Knowingly" means when with respect to conduct or to a circumstance described by this Ordinance a person is aware that his conduct is of that nature or that the circumstance exist.

E. "Minor" means any person under twenty-one years of age.

F. "Parent" means a person who is a natural parent, adoptive parent, legal custodian, or step-parent of another person.

G. "Party, gathering, or event" means a group of persons who have assembled or are assembling for a social occasion or social activity.

H. "Host" means someone who receives and entertains guests.

Section 2. Prohibition. Except as permitted by the free exercise and enjoyment of religion, it is unlawful for any person to knowingly permit, allow, or host a party, gathering, or event at his or her place of residence or other private property, place, or premises under his or her control where a minor or minors are present and alcoholic beverages are being consumed by any minor.

Section 3. Protected Activities. This section shall not apply to conduct involving the use of alcoholic beverages, which occurs exclusively between a minor child and his or her parent or legal guardian.

Section 4. Prima Facie Evidence. Whenever a person having control of the residence or premises is present at that residence or premises at the time that a minor or minors obtains, possesses, or consumes any alcoholic beverage, it shall be prima facie evidence that such adult had the knowledge or should have had the knowledge, that the minor or minors obtained, possessed, or consumed an alcoholic beverage at the party.

Section 5. Severability. If any section, phrase, or provision of this Ordinance is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases, or provisions of this Ordinance.

Section 6. Conflict. To the extent any resolution, ordinance, or parts thereof is in conflict, the provisions of this Ordinance will prevail and be given effect.

Section 7. Penalties. Violation of this Ordinance is a Class A misdemeanor.

INTRODUCED, SECONDED, READ AND GIVEN FIRST READING APPROVAL at a duly convened meeting of the Fiscal Court of Breckinridge County, Kentucky, held on the 24th day of October, 2005.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Breckinridge County, Kentucky, held on the 14th day of November, 2005, signed by the County Judge/Executive as evidence of his

approval, attested by the Clerk of the Fiscal Court, ordered published and filed as required by law, and declared to be in full force and effect from and after its adoption, approval, and publication according to law.


BRECKENRIDGE CO. JUDGE/EXECUTIVE

ATTEST:


CLERK OF FISCAL COURT