

**ORDINANCE 3235**

**AN ORDINANCE AMENDING TITLE 9 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO SOCIAL HOSTS.**

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**WHEREAS**, the City of Great Falls is authorized by its Charter and Montana law to establish laws to protect the health, safety and welfare of the citizens of Great Falls; and

**WHEREAS**, the City Commission has in the exercise of those powers previously established Title 9 of the OCCGF pertaining to minors’ alcohol consumption at events, gatherings, activities or parties; and

**WHEREAS**, the City Commission wishes to expand social host liability to other forms of minors’ illegal use or consumption of substances, such as marijuana; and

**WHEREAS**, for those reasons, the City Commission wishes to amend Title 9 of the OCCGF to address these issues.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:**

Section 1. The provisions of OCCGF Title 9 are hereby amended as depicted by Exhibit “A” attached hereto and by reference incorporated herein with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. This ordinance shall be in full force and effect thirty (30) days after public hearing and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading March 15, 2022.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading and public hearing April 5, 2022.

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Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

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Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

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Jeffrey M. Hindoien, City Attorney

State of Montana    )  
                              : ss  
County of Cascade    )

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3235 on the Great Falls Civic Center posting board and the Great Falls City website.

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Lisa Kunz, City Clerk

(CITY SEAL)

## Ordinance 3235 Exhibit "A"

### Title 9 - PUBLIC PEACE, MORALS AND WELFARE Chapter 10 SOCIAL HOST

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## Chapter 10 SOCIAL HOST

### Sections:

#### 9.10.010 Purpose, findings.

The Commission finds that consumption of alcoholic beverages, marijuana (as defined by Montana Code Annotated), marijuana-containing products or other impairing or intoxicating substances, by minors at parties, or gatherings where minors consume, use alcoholic beverages or ingest these substances, presents numerous problems for the City of Great Falls, Montana, minors, and law enforcement. Specifically:

- A. ~~Alcohol~~ Substance use and/or abuse is linked to numerous other health and life issues for our youth, including, but certainly not limited to, sexual assault, unprotected sexual activity, teenage pregnancy, sexually transmitted diseases, physical assault, and academic difficulties.
- B. The Commission of the City of Great Falls, Montana, further finds and declares that the purpose of the ordinance is:
  1. to protect public health, safety, and general welfare;
  2. to enforce laws prohibiting the consumption of prohibited substances ~~alcohol~~ by minors;
  3. to reduce the cost of providing police services to parties, gatherings, or events that call for a response by requiring that social hosts ensure minors are not consuming ~~alcoholic beverages~~ prohibited substances; and, under Montana Code Annotated §§ 7-1-4123 and 7-1-4124, the Great Falls City Commission has the legislative power, subject to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to:
    - i. preserve the peace and order and secure freedom from dangerous and noxious activities; and,
    - ii. secure and promote the general public health and welfare.
- C. Further, MCA 7-32-4302 provides, in pertinent part, that the City of Great Falls has the power to prevent and punish intoxication, loud noises, disorderly conduct, and acts or conduct calculated to disturb the public peace or which are offensive to public morals within its limits.

(Ord. 3235, 2022; Ord. 3158, 2017; Ord. No. 3044, 2009)

#### 9.10.020 Definitions.

For the purposes of this Chapter the following definitions shall apply:

- A. "Alcohol" is defined by 9.4.010(A).
- B. "Alcoholic Beverage" is defined by 9.4.010(B).
- C. "Beer" means a malt alcoholic beverage meeting the definition provided in 9.4.010(D).
- D. "Gathering" means a party or event where a group of three (3) of more persons has assembled or is assembling for a social occasion or social activity.
- E. "Hard Cider" means an alcoholic beverage meeting the definition provided in 9.4.010(E).
- F. "Liquor" means an alcoholic beverage meeting the definition provided in 9.4.010(F).

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- G. "Malt Beverage" means an alcoholic beverage meeting the definition provided in 9.4.010(C).
- H. "Wine" means an alcoholic beverage meeting the definition provided in 9.4.010(K).
- I. "City" means the area within the incorporated city boundaries of the City of Great Falls.
- J. "Person" means any individual, business association, partnership, corporation, or other legal entity and an individual acting or purporting to act for or on behalf of a joint-stock company, unincorporated association or society, corporation, or other entity of any character whatsoever as defined in MCA 45-2-101 and 27-8-104.
- K. "Premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, hall or meeting room, park, pavilion, 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, gathering, or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
- L. "Social Host" means any person who conducts, allows, organizes, supervises, controls, permits or aids another in conducting, allowing, organizing, supervising, controlling, or permitting a party, event, or gathering of any number of individuals. The term shall include, but is not limited to the following:
1. Any person or persons who own, rent, lease, or otherwise control the premises where an event, a gathering, activity, or party takes place;
  2. The person or persons in charge of or responsible for the premises; or
  3. The person or persons who organized the activity, event, gathering, or party.
    - i. The term shall not include a property owner, or parent, who does not have knowledge that the activity, event, gathering, or party, whether or not the activity, event, gathering, or party was permitted or allowed, would result in an underage person being in possession of or consuming an alcoholic beverage **a prohibited substance**.
- M. "Underage Person" means any person less than twenty-one (21) years of age.
- N. "Emergency Responders" means law enforcement officers, firefighters, emergency medical service personnel, and any other person having emergency response duties.
- O. "Enforcement Services or Response Costs" means the monetary cost of salaries and benefits of emergency responders for the amount of time spent responding to, or remaining at, a gathering, or other administrative costs attributable to the gathering; the costs for medical treatment for any injured emergency responder; and the costs of repairing any damage to emergency responder equipment or vehicles; and/or the cost of use of such equipment or vehicle.
- P. "Marijuana" has the meaning provided in MCA 16-12-102.**
- Q. "Prohibited Substance" means any alcohol, marijuana, marijuana-containing, or other intoxicating or impairing substance, which is consumed, ingested, smoked, or otherwise used by a minor in violation of Montana law.**
- R. "Consumed" or "consumption" means any form of use, including ingestion, smoking, injection, or other means of receiving the benefit of a prohibited substance.**

(Ord. 3235, 2022; Ord. 3158, 2017; Ord. No. 3044, 2009)

### **9.10.030 Prohibited acts.**

- A. A person violates this chapter when, as a social host, a person knows or reasonably should have known, that an underage person is in possession of, is consuming, or has consumed, ~~an alcoholic beverage~~ **a prohibited substance** on a premises within the City, and fails to take reasonable steps, including but not limited to,
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notifying law enforcement to prevent the ~~alcohol~~ **prohibited substance** consumption or possession by the underage person. The social host does not have to be present or on the premises at the time the prohibited act occurs.

- B. Nothing in this chapter shall be construed to supersede the prohibitions or exceptions set forth in 16-6-305, MCA.

(Ord. 3235, 2022; Ord. 3158, 2017; Ord. No. 3044, 2009)

#### **9.10.040 Penalties.**

- A. A person convicted of violating this Chapter shall be guilty of a criminal misdemeanor punishable by:
1. A fine not less than two hundred fifty dollars (\$250.00) or more than five hundred dollars (\$500.00), plus court costs.
  2. A second or subsequent offense lifetime, shall be punishable by a fine not less than five hundred dollars (\$500.00), plus court costs, and imprisonment for a period of not more than six (6) months.
  3. If at the time of the offense one (1) or more underage persons found to have been in possession of or consumed ~~an alcoholic beverage~~ **a prohibited substance** was sixteen (16) years of age or younger, the conviction shall be punishable by imprisonment of not less than five (5) days and not more than six (6) months, which may not be served on home arrest.
- B. Notwithstanding the penalties listed above, a person convicted of violating this Chapter shall be responsible for reimbursing the cost of enforcement services, or the response costs to the agencies furnishing emergency responders. Any claims for restitution, including, but not limited to, those for enforcement services or response costs, must be filed with the Court within ninety (90) days of a conviction under this chapter.
- C. Prosecution and any sentence for a violation of this Chapter may not be deferred.

(Ord. 3235, 2022; Ord. 3158, 2017; 3044, 2009)