

ORDINANCE NO. 906

AN ORDINANCE OF THE CODE OF THE CITY OF CLINTON, OKLAHOMA, AMENDING TITLE 6, CHAPTER 2 TO PROHIBIT THE HOSTING OR PERMITTING GATHERINGS WHERE MINORS CONSUME ALCOHOLIC BEVERAGES; PROVIDING CODIFICATION; PROVIDING FOR REPEAL OF ORDINANCES INCONSISTENT HEREWITH; ALLOWING FOR SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLINTON, OKLAHOMA, to amend the following Code sections that shall become and be part of the Code of Ordinances of the City of Clinton:

SECTION I: That this section shall be amended to include the following in the City of Clinton Code of Ordinances:

**TITLE 6; CHAPTER 2;
OFFENSES AGAINST THE PUBLIC**

6-2-4 Allowing Gatherings Where Minors are Consuming Alcoholic Beverages.

A. Definitions. For purposes of this section, the following definitions shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“ALCOHOL” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source, or by whatever process produced.

“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 (1) percent or more of alcohol by volume and which is intended at sale for beverage purposes either alone or when diluted, mixed, or combined with other substances. This term includes intoxicating beverages and low point beer as defined herein.

“CODE” means the compilation of Ordinances as amended and provided in the Code of the City of Clinton, State of Oklahoma.

“GATHERING” Is a party, gathering, or event; where one or more minors have assembled or are assembling for a social occasion or social activity.

“INTOXICATING BEVERAGE” includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.

“LEGAL GUARDIAN” means (1) a person who, by 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.

“LOW POINT BEER” means and includes beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt *or* similar products

“MINOR” means any person under twenty-one (21) years of age.

“PARENT” means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

“PREMISES” means any residence or other private property, place, or premises, including any commercial or business premises.

“YEAR OF AGE” continues from one birthday, such as the 17th, to but not including the day of the next, such as the 18th or the 21st birthday.

B. Consumption of Alcohol by Minor In Public Place, Place Open to Public, or Place Not Open to Public.

Except as permitted by state law, it is unlawful for any minor to:

1. consume at any public place or any place open to the public, an alcoholic beverage; or
2. consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.

C. Hosting, Permitting, or Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited.

1. It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps include, among other things, controlling access to alcoholic beverages at the gathering;

D. This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.

E. Nothing in this Section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be *held* responsible in the same manner as a non-family gathering.

F. Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious

gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a non-religious gathering.

- G. This Section shall not apply to any premises licensed by the State of Oklahoma to dispense alcoholic beverages.
- H. **Local Authority**. This Section shall not apply where prohibited or preempted by state or federal law.
- I. Any person who shall violate this provision shall be guilty of an offense and shall be subject to punishment according to 1-4-1 of this Code.

SECTION II: That this section shall repeal all Ordinances or section of Ordinances, that are inconsistent therewith.

SECTION III: If, regardless of cause, any section, subsection, paragraph or clause of this Ordinance is held invalid or unconstitutional, the remaining sections, subsections, paragraphs or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provision of this Ordinance.

PASSED AN APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF CLINTON, OKLAHOMA ON THIS _____ DAY OF _____, 2007.

MAYOR

ATTEST:

CITY CLERK