

ORDINANCE NO. 3852

AN ORDINANCE PROHIBITING PURCHASE, POSSESSION OR CONSUMPTION OF ALCOHOL BY MINORS AND PROHIBITING THE PROVISION OF ALCOHOL TO MINORS

Recitals.

Consumption of alcohol is harmful to the health, well-being, safety and development of minors. It can also lead to accidents, injuries and the commission of other crimes that might otherwise not occur or be avoided.

State law prohibits underage purchase, possession and drinking of alcohol; however, the high number of criminal cases in state court may be contributing to the under-enforcement of alcohol offenses.

A municipal prohibition of possession, consumption and purchase of alcohol by minors will enhance the community's ability to deal more effectively with underage drinking.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following Section 24-22 shall be added to Chapter 24 of the Code of Ordinances, City of Grand Junction, Colorado, to prohibit the provision of alcohol to persons under 21 years of age, and the purchase, possession or consumption of alcohol by persons under 21 years of age, all as follows:

Sec. 24-22. Purchase, possession, consumption or sale of alcohol by or to persons under the age of 21.

Definitions

Alcoholic beverage, as used in this section, shall mean any vinous, spirituous or malt liquor and/or any fermented malt beverage, including 3.2 percent beer, of any kind and in any quantity.

Providing alcohol to minor

(1) It shall be unlawful for any person to knowingly sell, serve, give away, dispose of, exchange or deliver, or to permit the sale, serving, giving or procuring of any alcoholic beverage to or for anyone under the age of 21 years.

(2) It shall be unlawful for any person to knowingly permit any person under the age of 21 years to violate subsections (3), (4) or (5) of this section.

Purchase of alcohol by minor

(3) It shall be unlawful for any person under the age of 21 years to obtain or attempt to obtain any alcoholic beverage by misrepresentation of age or any other method in any place selling or providing alcoholic beverages.

(4) It shall be unlawful for any person under the age of 21 years to purchase any alcoholic beverage.

Possession or consumption of alcohol by minor

(5) It shall be unlawful for a person under the age of 21 years to possess or consume any alcoholic beverage.

Defenses, exceptions

(6) It shall be an affirmative defense to any violation of this section 24-22 that the person under the age of 21 years was participating in a religious ceremony or practice, or was participating in a supervised and bona fide investigation conducted by a law enforcement agency, or that the conduct was permitted by Articles 46 and/or 47 of Title 12, Colorado Revised Statutes.

(7) Nothing in this section 24-22 shall prohibit any person under the age of 21 from possessing or consuming any alcoholic beverage in their own home with the knowledge and permission of, and in the presence and under the supervision of, their natural parent(s) or legal guardian, nor to prohibit any natural parent or legal guardian from providing any alcoholic beverage to their child(ren) in their own home.

Penalties

(8) Each violation of subsections (1) or (2) (providing alcohol to a minor) of this ordinance, Section 24-22, shall be punishable by a fine of up to \$1,000, useful public service, up to 30 days in jail, or any combination thereof, in the discretion of the Court.

(9) Each violation of subsections (3), (4) or (5) (purchase, possession or consumption of alcohol by a minor) of this ordinance, Section 24-22, shall be punishable by useful public service, suspension of drivers' license, alcohol education classes, alcohol evaluation and treatment, fines, or any combination of these in the discretion of the court, subject to the following:

(a) Useful public service of no less than 24 hours for any single offense shall be imposed.

(b) Drivers license shall be suspended for a period of three (3) months for a first offense and up to one (1) year for subsequent offenses.

(c) Fines of up to \$250 for a first offense, up to \$500 for a second offense and up to \$1000 for a third offense, may be imposed. Fines may be suspended on the condition of timely completion of useful public service and alcohol classes or treatment. This subsection (9)(c) shall not limit the discretion of the court to suspend fines for other reasons it deems appropriate. It is the intention of the City Council in adopting this subsection (9)(c) to establish a preference for useful public service, alcohol education and/or treatment over fines.

(10) Each violation of subsections (3), (4) or (5) (purchase, possession or consumption of alcohol by a minor) of this ordinance, Section 24-22, by a person who is 18 years of age or older may be punishable by up to 30 days in jail, in combination with or in lieu of any penalties set forth in subsection (9) of this ordinance, Section 24-22, in the discretion of the Court.

All other provisions of Chapter 24 shall remain in full force and effect.

PASSED for first reading this 7th day of December, 2005.

PASSED AND ADOPTED this 21st day of December, 2005 on Second Reading.

/s/: Bruce Hill
Bruce Hill
President of the Council

Attest:

/s/: Stephanie Tuin
Stephanie Tuin
City Clerk