

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

ORDINANCE NO. 2018-O_____

AN ORDINANCE OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS TO AMEND ARTICLE I SECTION 9 OF CHAPTER 38 OF THE CODE OF ORDINANCES OF CHEROKEE COUNTY, GEORGIA TO ENACT PROVISIONS PERTAINING TO SOCIAL HOSTS; TO PROVIDE GUIDELINES FOR ENFORCEMENT AND PENALTIES FOR SUCH ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective as of July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of a county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, having found that alcohol is a contributing factor in many risky behaviors and crimes committed by persons under the age of twenty-one (21), and having found that persons under the age of twenty-one (21) often possess or consume alcoholic beverages at social gatherings held at private residences or upon private property under the control of persons over the age of twenty-one (21), known as "social hosting", the Cherokee County Board of Commissioners finds that it is in the interests of the public safety and welfare of the citizens of Cherokee County, Georgia to prohibit social hosting; and

WHEREAS, this Ordinance change will benefit the safety and welfare of the citizens of Cherokee County; and

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Cherokee County Board of Commissioners, and it is hereby so ordained by authority of the same that:

Section 1

Article I Section 9 of Chapter 38 of the Code of Ordinances of Cherokee County, Georgia shall be amended to enact provisions pertaining to social hosts. Said Ordinance shall read as follows:

CHAPTER 38 – OFFENSES AND MISCELLANEOUS PROVISIONS.

ARTICLE I – IN GENERAL.

Sec. 38-9. Social hosts.

(a) Definitions.

For the purposes of this section, the following definitions shall apply:

- (1) *Alcoholic beverage* shall mean alcohol, spirits, liquor, wine, beer, and every liquid, solid, or gas containing alcohol, spirits, liquor, wine, or beer.
- (2) *Gathering* shall mean an assembled group of three (3) or more non-related persons, at least one of whom is under the age of twenty-one (21) years old and whom is not the child of the person responsible for the property.
- (3) *Social Host* shall mean a person who:
 - (i) Knows or reasonably should know that a gathering will occur on property owned or controlled by that person;
 - (ii) Knows or reasonably should know that alcoholic beverages will be at the gathering; and
 - (iii) Knows or reasonably should know that one (1) or more underage person will be present at the gathering.

(b) Prohibited activities and duties of Social Hosts.

- (1) No social host shall allow a gathering to occur or continue if an underage person at the gathering obtains, possesses, or consumes any alcoholic beverage and the social host knows or reasonably should know that an underage person has obtained, possesses, or is consuming alcoholic beverages at the gathering.
- (2) Every social host shall take reasonable steps to prevent the consumption of alcoholic beverages by any underage person at the gathering. Reasonable steps include, but are not limited to (i) controlling access to alcoholic beverages, (ii) prohibiting and preventing access to alcoholic beverages by any underage person,

(iii) verifying the age of persons at the gathering, (iv) supervising the activities of underage persons at the event, and (v) remaining on the property during the gathering.

- (3) If a social host determines or has reason to believe that an underage person has consumed an alcoholic beverage before or during the gathering, then the social host shall make reasonable efforts to terminate the gathering including, but not limited to, contacting law enforcement to report the suspected underage consumption.

(c) Penalty for violation of section.

Any person who violates any provision of this Section shall, upon conviction, be guilty of a violation of such ordinance and shall be punished in accordance with Section 1-12 of the Cherokee County Code of Ordinances and as it may be amended from time to time.

(d) Exceptions.

- (1) This Section shall not apply to conduct solely between an underage person and his or her parent while present in the parent's household.
- (2) This article shall not apply to any situation for which state or federal law establishes an exception or exemption.

Secs. 38-10 – 38-80. – Reserved.

Section 2.

It is hereby ordained that the provisions of this Ordinance shall become a part of the Code of Ordinances of Cherokee County, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3.

(a) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Cherokee County Board of Commissioners to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of

this Ordinance. It is hereby further declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Cherokee County Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 5.

This Ordinance shall become effective immediately upon its adoption.

SO ORDAINED, APPROVED, AND ADOPTED this ____ day of _____, 2018.

By: _____
L.B. AHRENS, JR., Chairman

Attest: _____
CHRISTY BLACK, County Clerk

(SEAL)