

## LOCAL LAW NO. 2 OF 2016

### A LOCAL LAW IN RELATION TO PREVENTING THE CONSUMPTION OF ALCOHOL BY MINORS ON PREMISES ("ORANGE COUNTY SOCIAL HOST LAW").

**BE IT ENACTED**, by the County Legislature of the County of Orange, as follows:

#### **SECTION ONE. Short Title**

This law shall be known as the Orange County Social Host Law.

#### **SECTION TWO. Legislative Intent**

This Legislature finds that underage drinking is a significant societal problem that has generated widespread concern in Orange County. Although the New York State Legislature has acted to proscribe the unlawful giving, selling, and possessing of alcohol in relation to minors, it has not regulated the situation where a person eighteen (18) years of age or older knowingly permits the consumption of alcohol by a minor on premises. The underage consumption of alcohol, whether at a party or a smaller gathering, poses an immediate threat to the public health, safety, and welfare of the residents of Orange County, often leading to alcohol abuse by minors, physical altercations, accidental injuries, neighborhood vandalism, excessive noise requiring the intervention of local law enforcement, and the commission of violent crimes including sexual offenses and serious assaults. This Local Law will serve to deter the consumption of alcoholic beverages by minors, by holding those eighteen (18) years of age or older responsible when they permit on premises the consumption of alcoholic beverages by minors.

#### **SECTION THREE. Definitions**

For purposes of this Local Law the following terms shall be defined as follows:

- a. "Alcohol" shall mean ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or by whatever means produced.
- b. "Alcoholic beverage" shall mean any liquor, wine, beer, spirits, cider, or other liquid or solid, patented or not, composed of, or containing, alcohol or spirits, whether or not brewed, fermented, or distilled, and capable of being consumed by a person, except that confectionary containing alcohol as provided by subdivision twelve of section two hundred of the New York State Agriculture and Markets Law shall not be regarded as an alcoholic beverage within the meaning of this section.
- c. "Knowingly" shall mean aware of, or having reason to be aware of, the consumption of alcohol by a minor.
- d. "Minor" shall mean any person under the age of twenty-one.
- e. "Premises" shall mean any home, apartment, condominium, co-operative unit, or other dwelling unit of any kind and public and private property, including yards and open areas adjacent thereto.

#### **SECTION FOUR. Unlawful Consumption of Alcohol by Minor on Premises**

a. It shall be unlawful for any person eighteen (18) years of age or older who owns, rents, or otherwise controls premises, to knowingly allow the consumption of alcohol or alcoholic beverages by any minor on such premises, or to fail to take reasonable corrective action upon learning of the consumption of alcohol or alcoholic beverages by any minor on such premises. Reasonable corrective action shall include, but not be limited to: 1) making a prompt demand that such minor either forfeit the alcohol or alcoholic beverages and refrain from further consumption of the alcoholic beverages and 2) if such minor does not comply with such request, either promptly report such underage consumption of alcohol; i) to the local law enforcement agency; or ii) to any other person having a greater degree of authority over the conduct of such minor.

b. The provisions of subdivision a. of this section shall not apply to: i) the consumption of alcohol or alcoholic beverages by a minor whose parent or guardian is present and has expressly permitted such consumption; or ii) the use and consumption of alcohol or alcoholic beverages by a minor for religious purposes.

#### **SECTION FIVE. Penalties**

A violation of section four of this Local Law shall be punished as follows:

a. First Offense. Failure to comply with section four of this Local Law, for the first time, shall constitute a violation and be punishable by a fine of five hundred dollars (\$500.00). The Court shall also order the completion of an alcohol awareness program and/or an appropriate amount of community service not to exceed thirty hours.

b. Second Offense. Failure to comply with section four of this Local Law by a person who has previously been found guilty of failing to comply with this law, shall constitute an unclassified misdemeanor punishable by either a fine of one thousand dollars (\$1,000.00), and a term of imprisonment not to exceed one year, or both such fine and imprisonment.

c. Disposition of Fines. Any and all fines collected under this Local Law shall be deposited in an account designated by the Commissioner of Finance.

#### **SECTION SIX. Effect on Other Laws**

The provisions of section four of this Local Law shall not in any way affect the application of any other law, where appropriate, including but not limited to New York Penal Law Section 260.10 (Endangering the Welfare of a Minor) and Section 260.20(2) (Unlawfully Dealing with a Child).

#### **SECTION SEVEN. Severability**

If any clause, sentence, paragraph, or section of this Local Law shall be held invalid by any court of competent jurisdiction, or the application of this Local Law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this Local Law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this Local Law are hereby declared to be severable.

**SECTION EIGHT. Effective Date**

This Local Law shall take effect immediately as provided by the New York State Municipal Home Rule Law and upon the completion of the requisite filings and proceedings.

**DATED: FEBRUARY 4, 2016**

ENACTED BY THE FOLLOWING VOTE:

Ayes 21; Noes 0

Filed with the Secretary of State: 3/17/16

Effective: 3/17/16

**STATE OF NEW YORK  
COUNTY OF ORANGE  
OFFICE OF THE CLERK OF  
THE COUNTY LEGISLATURE**

**THIS IS TO CERTIFY THAT I**, Jean M. Ramppen, Clerk of the County Legislature of said County of Orange, have compared the foregoing copy of Local Law with the original thereof now on file in my office and which was passed by the County Legislature of said County of Orange on the 4th day of February, 2016, 21 votes being in favor of said Local Law and 0 votes being against the same, and which was approved by the County Executive of the County of Orange on the 1<sup>st</sup> day of March, 2016 and that the same is a correct and true transcript of such original Local Law and the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and the official seal of said County Legislature this 25<sup>th</sup> day of March, 2016.

  
CLERK OF THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE