



# Lake County Illinois

## Legislation Text

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**File #:** 10-0238, **Version:** 2

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### Ordinance Prohibiting Social Events Involving Underage Persons Consuming Alcoholic Beverages or Illicit Drugs within the unincorporated area of Lake County.

- The Lake County Sheriff, in response to a wide range of devastating consequences that result from underage drinking (traffic fatalities, sexual assault, violence and suicide), requests the passage of this social hosting ordinance as a part of a comprehensive set of strategies to reduce underage drinking parties and other gatherings.
- Today the most frequent source of alcoholic beverages for underage persons is family members, friends, adult purchasers, and parties. For high school and college students these parties are associated with heavy drinking and binge drinking.
- Most laws prohibit the furnishing of alcoholic beverages to underage persons. This ordinance targets the location where the underage drinking takes place. This law holds non-commercial individuals responsible for underage drinking events on property they own, lease or control.
- This ordinance will make it unlawful for any parent or person to knowingly host, either on premises owned or controlled by the parent or person, or at any public place, or in any conveyance, a social event where the parent or person knows, or reasonably should know, that underage persons are in possession of, or are consuming illicit drugs or alcoholic beverages.
- Anyone who violates this ordinance shall be fined not more than One Thousand Dollars (\$1,000.00) for each such violation. Each twenty-four hour period on which, or during which, a violation occurs shall constitute a separate offense.

WHEREAS: The General Assembly, pursuant to 720 ILCS 5/47-5 has empowered county boards to declare nuisances;

WHEREAS: The General Assembly has empowered county boards to abate nuisances, as they exist outside the corporate limits of a city, village, or incorporated town through local ordinance;

WHEREAS: The County Board of Lake County declares certain social events involving Underage Persons consuming Alcoholic Beverages or Illicit Drugs to be nuisances;

NOW THEREFORE Let it be ordained as follows:

Upon the authority granted to county boards by the General Assembly under 720 ILCS 5/47-5, social hosting events as defined below are declared as nuisances and are hereby abated.

### DEFINITIONS:

**ALCOHOLIC BEVERAGE:** Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

**CONVEYANCE:** Any vehicle, trailer, or container designed for the transportation of persons or property.

**HOST:** To enable, conduct, entertain, organize, supervise, control, or permit a social event.

**ILLCIT DRUGS:** Any drug, substance or compound prohibited by law, including drugs prescribed by a physician which are in the possession of or used by someone other than the person for whom the drug was prescribed or are being taken by an individual in a manner not consistent with a physician's orders.

**PARENT:** Any person having legal custody of a person under the age of twenty-one (21) years:

1. As a natural, adoptive, or step-parent;
2. As a legal guardian.

**PERSON:** Any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

**PREMISES:** Any residence, home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, 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 or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

**PUBLIC PLACE:** any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, parks, businesses or parking lots.

**RELIGIOUS CEREMONY:** the possession, consumption and dispensation of an Alcoholic Beverage for the purpose of conducting any bona fide rite or religious ceremony.

**REASONABLE STEPS:** Actions taken that are reasonably likely to ensure that Underage Persons do not consume or possess Illicit Drugs or Alcoholic Beverages during the Social Event. Reasonable Steps may also include requesting the aid of law enforcement once the Parent or Person becomes aware that Underage Persons are possessing or consuming Alcoholic Beverages or Illicit Drugs.

**SOCIAL EVENT:** A gathering of two or more individuals, at least one of whom is an Underage Person, on a premises, or in a conveyance, for a social activity or social occasion that is not a Religious Ceremony.

**UNDERAGE PERSON:** Any individual under twenty-one (21) years of age.

- A. It shall be unlawful for any Parent or Person to knowingly Host, either on Premises owned or controlled by the Parent or Person, or at any Public Place, or in any conveyance, a Social Event where the Parent or Person knows, or reasonably should know, that Underage Persons are in possession of, or are consuming, Illicit Drugs or Alcoholic Beverages;
- B. It shall be unlawful for any Parent or Person to otherwise knowingly enable, permit, or

authorize the consumption, or possession, of Illicit Drugs, or Alcoholic Beverages by Underage Persons, at a Social Event either on any Premises of the Parent or Person, in any conveyance, or at any Public Place;

- C. A Parent or Person shall not be in violation of this ordinance if that Parent or Person takes Reasonable Steps with respect to the possession or consumption of Illicit Drugs or Alcoholic Beverages by Underage Persons. Nor shall it be a violation of this ordinance if the consumption of Alcoholic Beverages occurs exclusively between an Underage Person and his or her parent as otherwise permitted by the laws of the State of Illinois. Nor shall it be a violation of this ordinance if the Parent or Person terminates, or otherwise ends, the Social Event once the Parent or Person becomes aware that Underage Persons are in possession of, or are consuming, Alcoholic Beverages or Illicit Drugs.
- D. It shall be a violation of this ordinance for a Parent or Person to permit, or not otherwise prevent, an Underage Person, whom the Parent or Person believes, or reasonably should believe to be under the influence of Illicit Drugs or an Alcoholic Beverage, from leaving the Social Event with the intent to operate a motor vehicle.
1. It shall not be a violation of this ordinance, with respect to Subsection D above, if the Parent or Person confiscates the keys to the vehicle that the Underage Person intends to operate, and maintains possession of those keys until such time as the Underage Person is no longer under the influence of Illicit Drugs or an Alcoholic Beverage; or until such time as another individual, who otherwise may properly take possession of said keys, and is not under the influence of Illicit Drugs or an Alcoholic Beverage, offers or agrees to drive the Underage Person from the Social Event;
  2. Further, it shall not be a violation of this ordinance, with respect to Subsection D above, if a Parent or Person requests the aid of law enforcement to assist in preventing the Underage Person from operating a motor vehicle before the Underage Person has left the Social Event.

Penalties:

Any Person who violates or assists in the violation of any provision of this chapter shall be deemed to have committed an ordinance violation and shall be fined not more than One Thousand Dollars (\$1,000.00) for each such violation. Each twenty-four hour period on which, or during which, a violation occurs shall constitute a separate offense.

The first violation of this Section shall be punishable by a fine of no less than \$250.00.

A second violation of this Section by the same Parent or Person, within a twelve month period shall be punishable by a fine of no less than \$750.00.

A third or subsequent violation of this Section by the same Parent or Person, within a twelve month period shall be punishable by a fine of \$1,000.00.