

# City Ordinances as a *Mechanism* for Community Change

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## Links and Notes

- Each section of this PDF should have links to the city or county codes being discussed.
- Pictures have been removed to save disk space and make this easier to share online.
- Please do not share or publish online without permission from the author.
- For all Idaho State Codes go to:  
<https://legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm>

## **ORDINANCES YOUR CITY CAN USE....**

### Criminal Code Sections

- Disorderly House/Premises (a.k.a. Social Host)
- Possession of A False ID Card
- Illegal Consumption/Possession of Alcohol
- Illegally Serving to Minors
- Reducing Access to Alcohol

### Business Regulation Code Sections

- Server Training
- All You Can Drink Pricing
- Over-Service to Patrons
- Zoning Alcohol Use

## Social Host Ordinance a.k.a. Disorderly Household / Premises

## Disorderly Household / Premises

Boise City Code – 6-01-08

<http://cityclerk.cityofboise.org/media/223588/0601.pdf>

It shall be unlawful for any person or persons to host a party, gathering or event on private property within any residential area of the City:

1. which is disruptive to the **public peace, health, safety, or welfare** due to the magnitude of the **crowd, loud music** or other noise, **disturbances, unruly behavior** by those attending the party, **excessive traffic** or **destruction of property**;

## Disorderly Household / Premises

2. where a person under the age of twenty-one (21) years is in possession of, is consuming or is under the influence of an alcoholic beverage and the person or persons responsible for the party knew or reasonably should have known that the person in possession of, consuming, or under the influence of an alcoholic beverage is under the age of twenty-one (21) years.

## Social Host / Disorderly House

### Definitions:

1. "Party" means a party gathering or event or other assembly of persons for a social occasion or activity.
2. "Household or premises" means any home, apartment, condominium, premises or other dwelling unit or meeting room or hall, including the yard and curtilage of such household or premises which are owned, rented, leased or under the control of the person or persons responsible for the party, regardless of whether such premises are occupied on a permanent or temporary basis, or merely occupied as a premises for a social function.
3. "Person responsible for the party" means: a. The person or persons in charge of the premises where the party takes place; and/or b. The person or persons authorizing the use of the premises for the party; and/or c. The person or persons who organized the party.
4. "Minor" means a person under the age of twenty-one (21) years.
5. "Alcoholic beverage" means any beverage containing alcohol, including liquor, spirits, beer, and wine.
6. "Knowingly" for purposes of this Section means having a general knowledge of or reason to know which warrants further inquiry or inspection.

## Other Examples

- Madd [Social Host Model](#) for Cities
- [http://www.madd.org/underage-drinking/the-power-of-parents/high-school-parents/social-host/Model\\_Social\\_Host\\_Ordinance\\_Cities.pdf](http://www.madd.org/underage-drinking/the-power-of-parents/high-school-parents/social-host/Model_Social_Host_Ordinance_Cities.pdf)
- Irvine, California [Social Host Code](#)
- [https://www.municode.com/library/ca/irvine/codes/code\\_of\\_ordinances?nodeId=TIT4PUSA\\_DIV11NUAB\\_CH5LOPALIHOCAALUNPEBESEPOCOALGA\\_S4-11-503.1PRPAGAEVWHALISSECOPOUNPE](https://www.municode.com/library/ca/irvine/codes/code_of_ordinances?nodeId=TIT4PUSA_DIV11NUAB_CH5LOPALIHOCAALUNPEBESEPOCOALGA_S4-11-503.1PRPAGAEVWHALISSECOPOUNPE)



MCC 6-3-3

[http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=306](http://www.sterlingcodifiers.com/codebook/index.php?book_id=306)

- A. Definitions: For purposes of this section, the following terms shall be defined as follows:

**ALCOHOLIC BEVERAGE:** Any beverage containing alcohol, including liquor, spirits, beer, and/or wine.

**HOST:** The person(s) in charge or control of a premises; the person(s) authorizing the use of a premises; the person(s) organizing or hosting a party at a premises; and/or the act of being in charge or control of, authorizing the use of, and/or hosting a party at a premises.

**MINOR:** A person under the age of twenty one (21) years.

**PARTY:** A party, gathering, event, or other assembly of persons for a social occasion or activity.

**PREMISES:** Any private or public property, structure, or enclosure, including, but not limited to, a home, apartment, condominium, dwelling unit, meeting room, and/or hall, and/or the yard and/or curtilage thereof, whether such property is owned, rented, leased, or otherwise occupied.



MCC 6-3-3

- B. Disorderly Premises Unlawful: It shall be unlawful for any person or persons to host a party:

1. Which is disruptive to the public peace, health, safety, or welfare due to the number of persons present, excessive noise, unruly behavior, excessive traffic, and/or destruction of property.
2. Where a minor is in possession of, consuming, or under the influence of an alcoholic beverage and the host knew or should have known that such person is a minor.

C. Penalty: A violation of any provision of this section shall be a misdemeanor, punishable by such fine and/or imprisonment as established by Idaho Code. In addition to such penalty, any person violating, allowing, or causing any provision of this section shall be subject to any and all other applicable administrative, criminal, and/or civil penalties. The court may order restitution to be paid by the host of a party that requires a law enforcement or emergency response for the actual costs of such services incurred for the purpose of abating or responding to such violations. (Ord. 09-1435, 12-8-2009)



Hailey, Idaho – 9.08.030.01

[http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=1005](http://www.sterlingcodifiers.com/codebook/index.php?book_id=1005)

30.01 Definition: For the purpose of this section, the term "minor" shall mean any person under the age of twenty one (21) years.

30.02 Prohibition: Except as otherwise permitted by law, it shall be unlawful for any host to knowingly permit a gathering on any premises where a minor is in possession of or consumes an alcoholic beverage.

30.03 Penalty: A violation of this section shall be a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.


## Disorderly Household / Premises

### Boise City Code Penalty

### Disorderly House Penalty Section

The Court may order restitution to be paid by the person or persons responsible for a party or gathering that requires a subsequent law enforcement or emergency response. Such restitution, if ordered, would include actual costs for law enforcement or other emergency services incurred for the purpose of abating any of the conditions or violations described in subsection A.

## Education on SHO



**Don't be a party to underage drinking**

**It's against the law.**

- [Texans Standing Tall](#)
- <http://www.sacada.org/wp-content/uploads/2014/03/TST-Issue-Brief-Social-Host-Ordinances-03-2014.pdf>
- [Contra Costa County, California](#)
- [http://cchealth.org/aod/pdf/social\\_host\\_ordinance.pdf](http://cchealth.org/aod/pdf/social_host_ordinance.pdf)
- [San Diego County Sheriff's Department](#)
- <http://www.sdsheriff.net/social-host/>



**NEEDHAM PARENTS KNOW**

**POLICE DEPT. THE SOCIAL HOST LAW IS CLEAR.**

*Anyone supplying alcohol or allowing underage drinking is breaking the law.*

**Criminal and Civil Consequences:**

- Fine of up to \$2,000, imprisonment for up to one year or both (see General Law, ch. 118)
- Potential litigation and judgment costs for harm caused to or by underage drinkers

Remember to lock and monitor the alcohol in your home.

[socialhostliability.org](http://socialhostliability.org) | [needhamma.gov/substanceabuse](http://needhamma.gov/substanceabuse)



"If my kid drinks alcohol at your home, you'll be answering to **both** of us."

**KNOW THE NEW LAW.**

**CALL TO REPORT A LOUD PARTY WITH UNDERAGE DRINKING**

Camarillo, Fillmore, Moorpark, Ojai & all Unincorporated - 654-9511  
 Oxnard - 385-7740 • Port Hueneme - 986-6530 • Santa Paula - 525-4474  
 Simi Valley - 583-8950 • Thousand Oaks - 494-8200 • Ventura - 650-8010

\* Social Host laws vary by community.

Ventura County Behavioral Health  
 VENTURA COUNTY LIMITS  
[VENTURACOUNTYLIMITS.ORG](http://VENTURACOUNTYLIMITS.ORG)

## POSSESSION OF A FALSE ID CARD

Boise City Code 6-01-19  
<http://cityclerk.cityofboise.org/media/223588/0601.pdf>

It shall be unlawful for any person who is under 21 years of age to display or have in his or her possession a driver's license, identification card, or any other written, printed or photographic evidence of age and identity which is fraudulent, reproduced, altered or not actually his or her own.

A violation of this Section shall be an infraction.

## Fake ID Card Prosecution

Since 2007, 192 cases of False ID have gone to court.

Many more have just been paid at the counter as an infraction.

This code has resulted in a major boost in cooperation between alcohol retail and police.

## Making Fake ID Cases Successful

Infraction Fine is 100+cc for penalty.

Successful Prosecution Requires Working with Alcohol Retailers for Training.

Convince Alcohol Retailers to Seize the IDs.

### Illegal Consumption/ Possession of Alcohol Idaho Codes 23-949, 18-1502 and 23-604

### Illegal Consumption **Standard Penalty**

- Infraction
- \$300
- plus court costs of \$56.50
  
- = \$356.50



### 2<sup>nd</sup> and 3<sup>rd</sup> Offense Penalties

#### Second Offense Standard:

- \$300 dollar fine with \$150 suspended, plus court costs
- 30 days jail, 28 days suspended
- 1 year drivers license suspension
- 16 Hour Alcohol Class or Alcohol Evaluation and Comply
- 1 to 2 year probation

#### Third Offense Standard:

- \$1000 dollar fine with \$750 suspended, plus court costs
- 60 days jail, 50 days suspended
- 1 year driver license suspension
- Alcohol Evaluation and Comply
- 2 year probation

### Serving to Minors I.C. 23-603

DISPENSING TO A PERSON UNDER THE AGE OF TWENTY-ONE YEARS. Any person who is eighteen (18) years of age or older who shall sell, give, or furnish, or cause to be sold, given, or furnished, alcohol beverage, including any distilled spirits, beer or wine, to a person under the age of twenty-one (21) years shall be guilty of a misdemeanor and upon conviction thereof may be punished **by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) per violation, or by imprisonment in the county jail for a period not to exceed one (1) year, or by both such fine and imprisonment.**

### Serving to Minors I.C. 23-603

- A second or subsequent violation of this section by the same defendant shall constitute a misdemeanor and upon conviction thereof the defendant shall be punished by a fine of **not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) per violation, or imprisonment in the county jail for a period not to exceed one (1) year,** or by both such fine and imprisonment.
- Upon conviction of any person for a violation of the provisions of this section, the court shall notify the director of the Idaho state police. The director shall review the circumstances of the conviction, and if the dispensing took place at a licensed establishment or other retailer or distributor, **the director may take administrative action he considers appropriate against the licensee or business including suspension of the license for not to exceed six (6) months, a fine, or both such suspension and fine.**

### Reducing Access to Alcohol

#### **Idaho Code 23-612. BEER, WINE OR OTHER ALCOHOLIC BEVERAGES ON PUBLIC SCHOOL GROUNDS.**

Every person who possesses or consumes any beer, wine or other alcoholic beverage while present at any public school function on the property of a school district is guilty of a misdemeanor.

## Reducing Access to Alcohol

**Idaho Code 23-943. PERSONS UNDER SPECIFIED AGES FORBIDDEN TO ENTER, REMAIN IN OR LOITER AT CERTAIN LICENSED PLACES.**

No person under the age of twenty-one (21) years shall enter, remain in or loiter in or about any place, as herein defined, licensed for the sale of liquor by the drink at retail, or sale of beer for consumption on the premises; nor shall any licensee of either such place, or any person in charge thereof, or on duty while employed by the licensee therein, permit or allow any person under the age specified with respect thereto to remain in or loiter in or about such place.

## CITY ORDINANCES & BUSINESS REGULATIONS

### Server Training

- Boise City Code Title 5, Chapter 7
- [http://cityclerk.cityofboise.org/media/223576/36494\\_0507.pdf](http://cityclerk.cityofboise.org/media/223576/36494_0507.pdf)

### Server Training Ordinance

- Unless already certified, a Server of Alcohol as defined in this Chapter must complete an Approved Server Training Program by July 1, 2009, or within sixty (60) days of the date the alcohol server begins employment at a licensed establishment and must maintain that certification throughout his or her employment as a Server of Alcohol.
- Licensees operating establishments where alcoholic beverages are served and consumed on the premises must ensure that each Server of Alcohol employed on the premises is either already certified or completes an Approved Server Training Program by July 1, 2009, or within sixty (60) days of the date the server begins employment at the establishment and that each Server of Alcohol maintains that certification throughout his or her employment as a server of alcohol. Club Licensees are required to have no less than one Server of Alcohol, whether employed or a volunteer, on the premises at all times to supervise the service of alcohol to members and the guests of members. Club Licensees are required to ensure that all supervising Servers of Alcohol have completed an Approved Server Training Program by July 1, 2009, or prior to supervision the service of alcohol to members and the guests of members.

### Server Training Ordinance

- Servers of Alcohol must maintain records of their training and show proof of current certification upon request to officers of the Boise Police Department or other law enforcement officers.
- Licensees must maintain training verification records or proof of current certification for each server employed and must present those records upon request to officers of the Boise Police Department or other law enforcement officers. Club Licensees must maintain records of training and show proof of records of training and show proof of current certification for each supervising Server of Alcohol and must present those records upon request to officers of the Boise Police Department or other law enforcement officers.

### All You Can Drink Pricing Ordinance

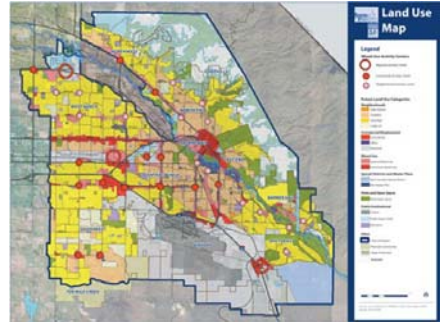
- On premises where alcoholic beverages are sold by the drink, a licensee or a licensee's agent or employee may not sell, offer to sell, or deliver an unlimited number of alcoholic beverages to a person or group of persons for a fixed or single price.
- The above prohibition applies only when one price is charged for an unlimited number of alcoholic beverages and does not apply to the purchase of a ticket for a special event where food will also be served, such as a wine tasting, wine or beer dinner, fund raiser, etc.
- The prohibition of this Chapter shall not apply to licensees selling or serving alcoholic beverages pursuant to a catering permit issued by the City Clerk.
- Any person violating this provision shall be deemed guilty of a misdemeanor.

## Over-Service of Alcohol

**Idaho Code 23-605. DISPENSING TO DRUNK.**

Any person who sells, gives, or dispenses any alcohol beverage, including any distilled spirits, beer or wine, to another person who is intoxicated or apparently intoxicated shall be guilty of a misdemeanor.

## Zoning to Reduce Alcohol Issues



## 10 to 10 Alcohol Zone

- Boise City Code
- 6-01-15 (B)(4)
- <http://cityclerk.cityofboise.org/media/223588/0601.pdf>



## 10 to 10 Zone



Specific areas off-campus where people may consume alcoholic beverages, following the rules below, from 10am to 10pm on Boise State University home football game days only.

### RULES FOR ALCOHOLIC BEVERAGES:

- Allowed only in opaque plastic cups within the Zone.
- Glass containers, beer cans, any type of liquor bottle or cups with alcoholic labeling are prohibited.
- Anyone consuming alcohol must be at least 21 years of age.



## 10 to 10 Zone



### Goals of the "10 to 10 Zone"

- Reduce the number of open container tickets issued within the Boise State University game day tailgating areas given to otherwise law-abiding citizens.
- Reduce the number of problems that occur in the neighborhoods south and east of the stadium.
- Allow police officers to focus law enforcement resources on other, more pressing safety on game days like behavior that threatens safety.

## Alcohol Catering Permits

- Authorized by Idaho State Code 23-934A
- Allows a state liquor licensee to use their license one time off their premise at an event.
- Managed by the City of Boise
- Feedback/Rules from the Police and Fire Chief
- Approved by the City Clerk
- Boise City Code 5-05-15
- <http://cityclerk.cityofboise.org/media/223476/0505.pdf>

## **Alcohol Catering Permit**

23-934. UNLICENSED ROOMS UNLAWFUL -- EXCEPTION. It shall be unlawful for any person to keep or maintain any rooms or premises in which liquor is received or kept, whether owned by such person or by another, or to which liquor is brought, for consumption on the premises by members of the public or of any club, incorporated or unincorporated, or a corporation or association, unless such person and the premises are licensed under this act, **except as provided under a liquor catering permit.**

[23-934A covers the process...](#)



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