



Text File

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Committee: Committee on Public Safety
Services

Status: Passed Finally

Ordinance Amending the Pittsburgh City Code, Title Six: Conduct, Article I: Regulated Rights and Actions; Chapter 601: Public Order, by adding Section 601.19, Social Hosts and Disorderly Gatherings and supplementing Title Six: Conduct, Article 7: Disruptive Properties: Chapter 670: Disruptive Property Abatement, by amending Section 670.02, Disruptive Property Defined, by adding the following to the list of Sections in 670.02(a)(1): 601.19 (Social Host and Underage Drinking)

Whereas, Events and gatherings held on residential property where alcohol is possessed or consumed by persons under the age of twenty-one (21) years are harmful to those persons and constitute a potential threat to public health, safety, and welfare requiring prevention or abatement; and

Whereas, Holding residential property owners and residential property lessees are responsible for accommodating or conducting an event or gathering where underage possession or consumption of alcohol occurs will help deter underage consumption; and

Whereas, Social Host ordinances in communities across the country, such as Minneapolis-St.Paul, MN, Eugene, OR, Laguna Beach, CA, San Diego, CA and several others, have been found to reduce underage drinking and associated crimes or destruction of property; and

Whereas, Social Host ordinances are a means to protect residential property owners and property lessees from serious state civil liability for the actions of their guests; now therefore

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh City Code is hereby supplemented at Title Six: Conduct, Article 1: Regulated Rights and Actions; Chapter 601: Public Order, by adding Section 601.19, Social Hosts and Disorderly Gatherings and supplementing Title Six: Conduct, Article 7: Disruptive Properties: Chapter 670: Disruptive Property Abatement, by amending Section 670.02, Disruptive Property Defined, by adding the following to the list of Sections in 670.02(a)(1): 601.19 (Social Host and Underage Drinking), as follows:

§ 601.19 SOCIAL HOSTS AND UNDERAGE DRINKING.

(a) *Purpose:* City Council seeks to reduce underage possession and consumption of alcohol by imposing penalties on those person(s) who host events where persons under twenty-one (21) years of age possess or consume alcohol.

(b) *Definitions:* As used in this section, the following terms shall have the meaning indicated, unless a different

meaning clearly appears from the context:

(1) *Constructive knowledge.* Knowledge which a person is presumed by law to have, regardless of whether he or she actually does, where that knowledge is obtainable by the exercise of reasonable care.

(2) *Gathering.* An assembly for a social occasion or other activity. A gathering shall not include assemblies on the licensed property of a retail intoxicating liquor or three and two-tenths (3.2) percent malt liquor licensee, municipal liquor store, or bottle club permit holder who is regulated by 47 P.S. § 744-307.

(3) *Host.* A person who owns, leases or is in possession and control of the residential property where a gathering takes place.

(4) *Person.* Any individual, partnership, co-partnership, corporation or any association of one (1) or more individuals.

(5) *Underage drinking.* Any gathering involving the serving of alcoholic beverages to a person under the age of twenty-one (21) years and/or the consumption of alcoholic beverages by a person under the age of twenty-one (21) years.

(c) *Prohibited conduct.* A host may not, knowingly or with constructive knowledge, conduct or accommodate a gathering including underage drinking.

(d) *Penalties.* Any host who violates the provisions of this section shall be subject to: A fine not to exceed five hundred dollars (\$500.00) and in default thereof, imprisonment not exceeding seventy-two (72) hours.

(e) *Exceptions.*

(1) It will be an affirmative defense to a violation of section (c) that the conduct was part of a legally protected religious observance.

(2) It will be an affirmative defense to a violation of section (c) that the defendant is a parent or guardian of the underage person and the defendant gave or furnished the alcoholic beverage to that person solely for the consumption in the defendant's household.

(f) *Severability.* If any provision of this section or the application to any person or circumstance is held invalid in a court of competent jurisdiction, the invalidity does not affect other provisions. Any other application of this section which can be given effect without the invalid provision or application and for this purpose the provisions of this section are declared severable.

Section 2. The Pittsburgh City Code is hereby supplemented at Title Six: Conduct. Article 7: Disruptive Properties: Chapter 670: Disruptive Property Abatement, by amending Section 670.02, Disruptive Property Defined, by adding the following to the list of Sections in 670.02(a)(1): 601.19 (Social Host and Underage Drinking)