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Sec. 601. Purpose.

Consumption of alcoholic beverages by minors at parties, or gatherings where minors consume alcoholic beverages, present numerous problems for the Fort Peck Tribes, minors, law enforcement, the judicial system, the health system and relative services provided by the Tribes.

Alcohol abuse is linked to numerous health issues for our youth, including sexual assault, unprotected sexual activity, teenage pregnancy, sexually transmitted diseases, physical assault and academic difficulties.

The Tribal Executive Board as the governing body of the Fort Peck Assiniboine and Sioux Tribes finds and declares that the purpose of this ordinance is:

- (a) To protect public health, safety, and general welfare;
- (b) To enforce laws prohibiting the consumption of alcohol by minors;
- (c) To reduce the cost of providing police services to parties, gatherings, or events that call for a response by requiring that social hosts ensure minors are not consuming alcoholic beverages.

Sec. 602. Definitions.

(a) Alcohol means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

(b) Alcoholic beverage means a compound produced and sold for human consumption as a drink that contains more than 0.5% of alcohol by volume; the term also includes, but is not limited to, beer, hard cider, liquor, malt beverages, table wine and wine.

(c) Beer means a malt beverage containing not more than 7% of alcohol by weight.

(d) Gathering means a party or event where a group of three or more persons has assembled or is assembling for a social occasion or social activity.

(e) Hard cider means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than 0.5% alcohol by volume and not more than

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6.9% alcohol by volume, including but not limited to, flavored, sparkling, or carbonated cider.

(f) Liquor means an alcoholic beverage except beer and table wine.

(g) Malt beverage means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their products and with or without other malted cereals and with or without the addition of unmalted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption.

(h) Table wine means wine that contains not more than 16% alcohol by volume and includes cider.

(i) Wine means an alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging, and that contains more than 0.5% but not more than 24% of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of industry. Other alcoholic beverages not defined in this subsection but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine.

(j) Reservation means the area within the exterior boundaries of the Fort Peck Assiniboine and Sioux Indian Reservation.

(k) Immediate family means a spouse, dependent child or children, or dependent parents.

(l) Person means any individual, business association, partnership, corporation, or other legal entity and an individual acting or purporting to act for or on behalf of a joint-stock company, unincorporated association or society, or other corporation of any character whatsoever as defined in the CCOJ.

(m) Parent means any person having legal custody of a juvenile, including a natural parent,

adoptive parent, step-parent, legal guardian, person to whom a court order has given temporary or permanent legal custody.

(n) Premises means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, hall or meeting room, park, pavilion, 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, gathering, or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

(o) Social host means any person who conducts, allows, organizes, supervises, controls, permits or aids another in conducting, allowing, organizing, supervising, controlling, or permitting a party, event, or gathering of any number of individuals. The term shall include, but is not limited to the following:

(1) Any person or persons who own, rent, lease, or otherwise control the premises where an event, a gathering, activity, or party takes place;

(2) The person or persons in charge of or responsible for the premises;

(3) The person or persons who organized the activity, event, gathering, or party.

The term shall not include a property owner or parent who does not have knowledge that the activity, event, gathering, or party, whether or not the activity, event, gathering, or party was permitted or allowed, would result in an underage person being in possession of or consuming an alcoholic beverage.

(p) Underage person means any person younger than 21 years of age.

(q) Emergency responders means law enforcement officers, firefighters, emergency medical service personnel, and any other person having emergency response duties.

(r) Enforcement services or response costs means the monetary cost of salaries and benefits of emergency responders for the amount of time spent responding to or remaining at an event, gathering or party and administrative costs attributable to the incident; the costs for medical

treatment for any injured emergency responder, and the costs of repairing any damage to emergency responder equipment or vehicles, and the cost of such equipment or vehicle.

Sec. 603. Prohibited acts.

A person violates this ordinance when, as a social host, a person knows or reasonably should have known that an underage person is in possession of, is consuming, or has consumed, an alcoholic beverage on premises within the exterior boundaries of the Reservation and fails to take reasonable steps, including, but not limited to, notifying law enforcement to prevent the underage consumption or possession by the underage person. The social host does not have to be present or on the premises at the time the prohibited act occurs.

Sec. 604. Penalties.

(a) A person convicted of violating this ordinance shall be punished as follows:

(1) For the first offense, penalties shall be imprisonment for not more than 3 months and a fine not less than \$250 or more than \$500, plus Court costs;

(2) For the second offense, penalties shall be imprisonment for not more than 6 months and by a fine not less than \$500 or more than \$2,500, plus Court costs;

(3) For the third and subsequent offense shall be a felony and penalties shall be imprisonment for not more than 12 months and by a fine of not less than \$2,500 or more than \$5,000, plus Court costs;

(b) The imposition or execution of the first 5 days of any sentence of jail may not be suspended and the Court may not defer imposition of sentence.

(c) Notwithstanding the penalties listed above, a person convicted of violating this ordinance shall be responsible for reimbursing the cost of enforcement services or response costs to agencies furnishing emergency responders. Any claims for restitution, including, but not limited to, those for enforcement services or response

costs, must be filed with the Court within 90 days of a conviction under this ordinance.

(d) A prosecution for violation of this ordinance may not be deferred.

(RESOLUTION NO. 1452, DATED 12/13/2010.)