



MAYOR & COUNCIL COMMUNICATION

May 1, 2007

Subject: Amending the Tucson Code by adopting a Social Host ordinance; prohibiting persons from knowingly permitting illegal consumption of alcohol by underage persons (City-wide) Page: 1 of 1

Issue – This item has been scheduled to adopt a proposed ordinance that would add a new section to Tucson City Code Chapter 11, Article 1, titled “permitting or encouraging underage drinking,” and making a violation of the section a class 1 misdemeanor.

Recommendation – It is recommended that the Mayor and Council adopt the proposed ordinance.

Background – The City Attorney was asked to research and prepare a draft social host ordinance in order to help curb underage drinking in Tucson. On April 17, 2007, Mayor and Council discussed this proposed ordinance and then requested that it be placed on the regular agenda for May 1, 2007, for adoption.

The attached social host ordinance would do the following:

1. Mandate that no person of legal drinking age in Arizona may knowingly permit or fail to take reasonable action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the person or under the person’s control.
2. Exempt the consumption of alcohol beverages used exclusively as part of a religious service.
3. Designate violation of the section a class 1 misdemeanor.

Financial Considerations – None.

Respectfully submitted,


Mike Hein
City Manager

mr/dc
MAY1-07-250
Attachment: Ordinance

ADOPTED BY THE
MAYOR AND COUNCIL

ORDINANCE NO. 10396

RELATING TO UNDERAGE DRINKING; AMENDING TUCSON CODE, CHAPTER 11, ARTICLE 1, IN GENERAL BY ADDING A NEW SEC. 11-39; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. Tucson Code Chapter 11, Article 1, *In General*, is amended to add language as follows:

* * *

“Sec. 11-39. Permitting or encouraging underage drinking.

(a) No person of legal drinking age in Arizona may knowingly permit or fail to take reasonable action to prevent the illegal consumption of spirituous liquor by an underage person on premises owned by the person or under the person’s control. This subsection does not apply to spirituous liquor used exclusively as part of a religious service.

(b) A person who violates this section is guilty of a class 1 misdemeanor.

SECTION 2. If any portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 3. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this Ordinance become immediately effective, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, _____, 2007.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED BY:



CITY MANAGER

 KPI:tme
04/09/2007 3:13 PM