



City of San Antonio

Legislation Details (With Text)

File #: 16-6132

Type: City Code Amendments

In control: City Council A Session

On agenda: 12/15/2016

Title: An Ordinance amending Chapter 21 of the City of San Antonio, Texas to create a new Article XI entitled "Social Host Underage Drinking Accountability" related to underage consumption of alcohol, and creating a civil offense and penalties for violations. [Erik Walsh, Deputy City Manager; William McManus, Chief of Police]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Social Host Ordinance 121216 Final, 2. Ordinance 2016-12-15-0999

| Date | Ver. | Action By | Action | Result |
|------------|------|------------------------|-------------------|--------|
| 12/15/2016 | 1 | City Council A Session | Motion to Approve | Pass |

DEPARTMENT: Police Department

DEPARTMENT HEAD: William P. McManus, Chief of Police

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Proposed Social Host Accountability Ordinance

SUMMARY:

On May 6, 2016, Council member Rey Saldaña requested City Council consider an ordinance that would create a local social host ordinance “aimed at reducing underage drinking at gatherings where minors might consume alcohol.” The proposed ordinance would hold accountable adults legally responsible for property where underage drinking has occurred. On September 7, 2016, the Criminal Justice, Public Safety and Services Committee reviewed the proposed social hosting ordinance and recommended approval for City Council consideration.

BACKGROUND INFORMATION:

Council member Saldaña identifies underage drinking on private property as a threat to the public health,

safety, and general welfare of the community. The proposed social host ordinance would grant local enforcement agencies an additional tool to abate gatherings where alcohol is being consumed on private property by providing the option to issue a citation rather than arrest. It is asserted that the ordinance may “decrease the abuse of alcohol by minors, physical altercations and injuries, sexual assaults, truancy, driving under the influence of alcohol, adolescent crime, motor vehicle crashes, neighborhood vandalism and excessive noise disturbances.”

There is anecdotal evidence provided by cities across the country that suggests social hosting ordinances reduce underage drinking and the frequency with which law enforcement agencies receive house party calls where underage drinking commonly occurs. Furthermore, social hosting laws are considered a “best practice” by the following organizations:

- National Research Council
- Institute of Medicine
- Office of Juvenile Justice and Delinquency

Existing Enforcement Activities

The San Antonio Police Department enforces five alcohol-related codes specific to minors which are referenced in the table below. Over the last five years, a total of 2,893 citations have been issued to minors observed violating these codes. Since 2012, there has been an overall decrease of 68% in minor alcohol-related offenses.

| Offense | Max. Penalty | 2012 | 2013 | 2014 | 2015 |
|-----------------------------|--------------|--------------|------------|------------|------------|
| Purchase of Alcohol | \$200.00 | 1 | 1 | 2 | 0 |
| Attempt to Purchase Alcohol | \$200.00 | 6 | 0 | 0 | 0 |
| Consumption of Alcohol | \$500.00 | 416 | 191 | 190 | 95 |
| Driving Under the Influence | \$500.00 | 52 | 37 | 47 | 42 |
| Possession of Alcohol | \$500.00 | 674 | 365 | 350 | 230 |
| | | 1,149 | 594 | 589 | 367 |

Proposed Ordinance

The purpose of the proposed ordinance is to:

- Protect public health, safety and general welfare
- Promote reduction of underage drinking
- Facilitate enforcement of laws prohibiting alcohol consumption and possession by minors
- Impose civil fee to offset costs associated with providing emergency services to gatherings involving underage drinking

It is important to note that this ordinance does not establish strict liability which would make parents who take reasonable precautions to prevent alcohol consumption by minors susceptible to citation. Parents who are present when this type of behavior is occurring would be in violation of the ordinance.

Individuals cited for a first violation will be subject to a civil penalty not to exceed \$300.00. Subsequent violations will result in a civil penalty not to exceed \$500.00. Multiple violations within a six month period will result in the individual being liable for the cost of providing public safety services (fire, ambulance, law enforcement).

RECOMMENDATION:

Staff recommends that City Council adopt the proposed social hosting ordinance to effectively address issues related to underage drinking.