EXHIBIT #16 1/7
DATE 2/19/2013
HB 497

Bozeman PD Loud Party Report
07/01/2012 - 02/13/

Date of Call	Time of Call	Street #	Street	apt_flr
7/5/2012 0:00	2246	2615	ANNIE ST	
9/1/2012 0:00	0047	2602	ANNIE ST	
10/12/2012 0:00	2346	2517	ANNIE ST	
9/1/2012 0:00	2320	403	ARTHUR ST	
11/18/2012 0:00	0200	403	ARTHUR ST	
8/12/2012 0:00	0100	2236	BAXTER LN	10
10/26/2012 0:00	0046	3883	BOSAL ST	
9/29/2012 0:00	2350	4020	BROADWATER ST	
10/27/2012 0:00	2346	3063	CAMEAHWAIT ST	
2/1/2013 0:00	2321	3087	CAMEAHWAIT ST	
8/29/2012 0:00	2253	4619	CASCADE ST	
1/1/2013 0:00	0042	2831	CATRON ST	
9/15/2012 0:00	2352	379	CHASE WAY	B
10/26/2012 0:00	2231	402	CHRISTOPHER WAY	
1/25/2013 0:00	2223	402	CHRISTOPHER WAY	
8/23/2012 0:00	2233	2736	COBBLESTONE PL	
10/14/2012 0:00	0019	2714	COBBLESTONE PL	D
11/2/2012 0:00	0004	2714	COBBLESTONE PL	C
7/7/2012 0:00	0116	405	CUTTING ST	
9/16/2012 0:00	0033	2512	DAISY DR	
10/13/2012 0:00	0253	2401	DAWS DR	B
11/30/2012 0:00	2221	72	DROULLIARD AVE	
11/30/2012 0:00	2243	64	DROULLIARD AVE	
11/30/2012 0:00	2249	68	DROULLIARD AVE	
1/26/2013 0:00	0024	72	DROULLIARD AVE	
8/12/2012 0:00	0029	1409	DURSTON RD	
10/13/2012 0:00	2358	2752	DURSTON RD	
11/19/2012 0:00	2352	1826	DURSTON RD	
9/8/2012 0:00	0001		DURSTON RD / GREENWAY AVE	
10/6/2012 0:00	0044	109	E GRANITE AVE	D
10/6/2012 0:00	0052	109	E GRANITE AVE	D
7/20/2012 0:00	0137	315	E GRIFFIN DR	20
8/3/2012 0:00	0048	1207	E MAIN ST	134
10/29/2012 0:00	2248	1010	E MAIN ST	
7/19/2012 0:00	2301	314	E OLIVE ST	
9/30/2012 0:00	0204	653	EMILY DR	C
1/19/2013 0:00	2330	693	EMILY DR	A
2/1/2013 0:00	2302	613	EMILY DR	A
10/18/2012 0:00	0151	3242	FARMALL ST	
11/24/2012 0:00	2209	2728	FEN WAY	D
9/7/2012 0:00	2331	825	FORESTGLEN DR	
10/12/2012 0:00	2323	894	FORESTGLEN DR	
1/25/2013 0:00	2359	1531	GALE CT	
8/24/2012 0:00	2239	4511	GLENWOOD DR	
2/2/2013 0:00	0127	4320	GLENWOOD DR	A
9/14/2012 0:00	0038	2713	GOLDEN ROD LN	

7/27/2012 0:00	2238	3404	GOLDEN VALLEY DR	
8/22/2012 0:00	2221	412	GOLDEN VALLEY DR	
12/14/2012 0:00	2350	3404	GOLDEN VALLEY DR	
11/10/2012 0:00	0326	1811	GREEK	D
9/8/2012 0:00	0005		GREEK WAY / W KAGY BLVD	
8/24/2012 0:00	0223	434	GREENWAY AVE	
9/6/2012 0:00	2330	415	GREENWAY AVE	
2/1/2013 0:00	2313	411	GREENWAY AVE	
9/27/2012 0:00	2345	321	GREENWAY CT	
10/27/2012 0:00	2359	777	HAGGERTY LN	22
9/1/2012 0:00	0141	200	HUNTERS WAY	
9/1/2012 0:00	0241	31	HUNTERS WAY	
9/14/2012 0:00	2239	139	HUNTERS WAY	A
9/14/2012 0:00	2357	207	HUNTERS WAY	B
12/7/2012 0:00	2246	207	HUNTERS WAY	A
1/11/2013 0:00	0014	133	HUNTERS WAY	
1/21/2013 0:00	0053	31	HUNTERS WAY	
1/25/2013 0:00	2354	139	HUNTERS WAY	
1/27/2013 0:00	0047	207	HUNTERS WAY	4
9/21/2012 0:00	2336		HUNTERS WAY / W MENDENHALL ST	
1/29/2013 0:00	0307	507	IDA AVE	206
8/23/2012 0:00	0400	975	JESSIE WAY	
1/7/2013 0:00	0125	893	JOSEPHINE DR	
11/3/2012 0:00	2247	262	KIMBALL AVE	A
11/3/2012 0:00	2315	262	KIMBALL AVE	
7/28/2012 0:00	0055	2708	LANGOHR AVE	
11/3/2012 0:00	2337	3606	LAREDO DR	
8/5/2012 0:00	0123	2908	LILY DR	
9/21/2012 0:00	0035	2507	LILY DR	
9/25/2012 0:00	2238	2908	LILY DR	
10/7/2012 0:00	0130	1120	LONGBOW LN	H
7/3/2012 0:00	2327	3186	MADRONA LN	
11/30/2012 0:00	2302	1434	MAE ST	
10/19/2012 0:00	2320	323A	MAGDALENE WAY	
7/15/2012 0:00	0333	115	MEGHANS WAY	
8/31/2012 0:00	2128	515	MICHAEL GROVE AVE	34
9/14/2012 0:00	2327	515	MICHAEL GROVE AVE	
9/29/2012 0:00	0128	325	MICHAEL GROVE AVE	
1/12/2013 0:00	2349	515	MICHAEL GROVE AVE	27
1/13/2013 0:00	0008	320	MICHAEL GROVE AVE	D
10/14/2012 0:00	0014	504	MINERAL AVE	
12/13/2012 0:00	2210	4272	MONROE ST	D
9/1/2012 0:00	2359	511	MORROW ST	
8/25/2012 0:00	2347	105	N 10TH AVE	
10/19/2012 0:00	2308	105	N 10TH AVE	
8/17/2012 0:00	0107	116	N 11TH AVE	
7/26/2012 0:00	0009		N 11TH AVE / W VILLARD ST	

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8/12/2012 0:00	0242	412	N 16TH AVE	
9/9/2012 0:00	0136	901	N 17TH AVE	
9/22/2012 0:00	2327	510	N 18TH AVE	
7/29/2012 0:00	0211	306	N 20TH AVE	
8/26/2012 0:00	0421		N 20TH AVE / W BEALL ST	
8/17/2012 0:00	0109	716	N 3RD AVE	
9/8/2012 0:00	2136	617	N 5TH AVE	A
7/22/2012 0:00	0335	309	N 9TH AVE	
2/8/2013 0:00	2238	431	N 9TH AVE	
7/12/2012 0:00	0044	301	N BOZEMAN AVE	1
7/21/2012 0:00	2228	309	N BOZEMAN AVE	
8/30/2012 0:00	2333	332	N COTTONWOOD RD	D
1/26/2013 0:00	2015	802	N GRAND AVE	2B2
7/18/2012 0:00	0139	414	N MONTANA AVE	A5
7/8/2012 0:00	2023	502	N ROUSE AVE	
9/8/2012 0:00	0406	421	N ROUSE AVE	
7/15/2012 0:00	0441	1203	N SPRUCE DR	
11/18/2012 0:00	0331	1203	N SPRUCE DR	
9/9/2012 0:00	0318	325	N SWEETGRASS AVE	
8/25/2012 0:00	2350	240	PETER PL	
8/26/2012 0:00	0146	232	PETER PL	A
7/18/2012 0:00	0326	1068	PIN AVE	
9/23/2012 0:00	0031	225	PIONEER DR	
9/13/2012 0:00	2350	3650	PIPESTONE ST	
8/10/2012 0:00	0147	110	PONDERA AVE	A
12/6/2012 0:00	0002	3772	POTOSI ST	
1/15/2013 0:00	2203	3772	POTOSI ST	
8/25/2012 0:00	2337	2225	REMINGTON WAY	102
10/27/2012 0:00	0249	2225	REMINGTON WAY	
10/12/2012 0:00	2237	2614	ROSE ST	
8/4/2012 0:00	0120	521	S 10TH AVE	
8/10/2012 0:00	2200	305	S 10TH AVE	
8/31/2012 0:00	1953	521	S 10TH AVE	
9/1/2012 0:00	0011	301	S 10TH AVE	
9/3/2012 0:00	0040	508	S 10TH AVE	
9/21/2012 0:00	2338	508	S 10TH AVE	
11/2/2012 0:00	2319	521	S 10TH AVE	
8/30/2012 0:00	1719		S 10TH AVE / W DICKERSON ST	
9/2/2012 0:00	1852		S 10TH AVE / W STORY ST	
9/14/2012 0:00	2119	405	S 11TH AVE	
10/20/2012 0:00	2210	608	S 11TH AVE	
11/3/2012 0:00	2304	515	S 11TH AVE	
7/4/2012 0:00	2324	612	S 12TH AVE	
7/14/2012 0:00	0246	310	S 12TH AVE	
7/14/2012 0:00	0252	310	S 12TH AVE	
7/30/2012 0:00	0308	310	S 12TH AVE	
9/21/2012 0:00	2305	505	S 12TH AVE	

10/13/2012 0:00	2301	**505**	**S 12TH AVE**	
10/18/2012 0:00	2320	416	S 12TH AVE	
10/20/2012 0:00	2238	515	S 12TH AVE	
7/14/2012 0:00	0254		S 12TH AVE / W KOCH ST	
9/21/2012 0:00	2216		S 12TH AVE / W STORY ST	
9/14/2012 0:00	2242	**222**	**S 13TH AVE**	
9/15/2012 0:00	2310	712	S 13TH AVE	
9/22/2012 0:00	2310	**222**	**S 13TH AVE**	
11/4/2012 0:00	0034	408	S 13TH AVE	
9/21/2012 0:00	2118	618	S 14TH AVE	
9/29/2012 0:00	0025	418	S 14TH AVE	
9/29/2012 0:00	0026	417	S 14TH AVE	
9/29/2012 0:00	2354	**411**	**S 14TH AVE**	
12/1/2012 0:00	0055	**411**	**S 14TH AVE**	
2/1/2013 0:00	2307	730	S 14TH AVE	
8/26/2012 0:00	0103		S 14TH AVE / W ALDERSON ST	
7/1/2012 0:00	0311	125	S 15TH AVE	B
8/24/2012 0:00	2316	312	S 15TH AVE	4
9/21/2012 0:00	2121	520	S 15TH AVE	
10/27/2012 0:00	2333	315	S 15TH AVE	
10/28/2012 0:00	0132	**623**	**S 15TH AVE**	
11/1/2012 0:00	2235	132	S 15TH AVE	13
1/25/2013 0:00	2344	**623**	**S 15TH AVE**	
1/26/2013 0:00	0053	730	S 15TH AVE	
8/25/2012 0:00	0012		S 15TH AVE / P42 DR	
9/7/2012 0:00	2223		S 15TH AVE / PIONEER DR	
8/20/2012 0:00	0122	714	S 16TH AVE	
11/11/2012 0:00	2318	302	S 16TH AVE	B
8/25/2012 0:00	2111		S 16TH AVE / W KOCH ST	
10/21/2012 0:00	0129	215	S 18TH AVE	4
9/9/2012 0:00	0400	510	S 20TH AVE	
9/29/2012 0:00	0002	504	S 20TH AVE	2
10/21/2012 0:00	0123	212	S 20TH AVE	
10/13/2012 0:00	0252	504	S 22ND AVE	53
2/9/2013 0:00	2237	734	S 23RD AVE	3
8/25/2012 0:00	0134	1404	S 3RD AVE	
9/2/2012 0:00	0043	1209	S 3RD AVE	
10/20/2012 0:00	0043	1303	S 4TH AVE	
9/8/2012 0:00	2301		S 4TH AVE / W COLLEGE ST	
7/1/2012 0:00	0228		S 4TH AVE / W GRANT ST	
7/3/2012 0:00	0053	1222	S 5TH AVE	2
8/22/2012 0:00	0034	1216	S 5TH AVE	
8/23/2012 0:00	2323	**825**	**S 5TH AVE**	
10/27/2012 0:00	0027	**825**	**S 5TH AVE**	
7/21/2012 0:00	2240	516	S 6TH AVE	
8/18/2012 0:00	0335	**214**	**S 7TH AVE**	
8/20/2012 0:00	2343	**214**	**S 7TH AVE**	

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9/7/2012 0:00	2318	214	S 7TH AVE	
10/14/2012 0:00	0042	714	S 7TH AVE	
7/22/2012 0:00	0254	202	S 8TH AVE	
9/8/2012 0:00	2145	403	S 9TH AVE	A
10/20/2012 0:00	0048	116	S 9TH AVE	
10/20/2012 0:00	0110	124	S 9TH AVE	
9/8/2012 0:00	2204		S 9TH AVE / W KOCH ST	
9/8/2012 0:00	2206		S 9TH AVE / W KOCH ST	
9/2/2012 0:00	2221	812	S BLACK AVE	
10/19/2012 0:00	2352	1920	S BLACK AVE	
10/19/2012 0:00	2353	1915	S BLACK AVE	
11/2/2012 0:00	2311	1915	S BLACK AVE	
12/9/2012 0:00	0157	1405	S BLACK AVE	
12/22/2012 0:00	0329	1811	S BLACK AVE	
12/30/2012 0:00	0024	703	S BLACK AVE	
7/26/2012 0:00	2332	405.5	S BOZEMAN AVE	
9/2/2012 0:00	0018	1412	S BOZEMAN AVE	
9/16/2012 0:00	0008	219	S BOZEMAN AVE	
9/29/2012 0:00	2335	1412	S BOZEMAN AVE	
9/30/2012 0:00	0047	1412	S BOZEMAN AVE	
9/30/2012 0:00	0055	424	S BOZEMAN AVE	
11/11/2012 0:00	0052	1412	S BOZEMAN AVE	
2/1/2013 0:00	2259	1412	S BOZEMAN AVE	
2/9/2013 0:00	2303	1216	S BOZEMAN AVE	
8/14/2012 0:00	0020		S BOZEMAN AVE / E OLIVE ST	
9/14/2012 0:00	2022	1122	S CEDARVIEW DR	
10/7/2012 0:00	0045	1122	S CEDARVIEW DR	
10/31/2012 0:00	2203	237	S FERGUSON AVE	3
7/28/2012 0:00	2344	1117.5	S GRAND AVE	
9/8/2012 0:00	2317	1217	S GRAND AVE	
10/28/2012 0:00	0128	1007	S GRAND AVE	
8/25/2012 0:00	2324	14	S HUNTERS WAY	
8/31/2012 0:00	2206	8	S HUNTERS WAY	A
7/7/2012 0:00	2309	1202	S MONTANA AVE	
9/4/2012 0:00	2310	1133	S PINECREST DR	
7/5/2012 0:00	2220	1222	S ROUSE AVE	
8/21/2012 0:00	2359	2002	S TRACY AVE	
9/7/2012 0:00	2317	1518	S TRACY AVE	
9/29/2012 0:00	2225	2002	S TRACY AVE	
8/24/2012 0:00	0120	1419	S WILLSON AVE	
9/9/2012 0:00	0047	1419	S WILLSON AVE	
9/21/2012 0:00	2357	901	S WILLSON AVE	
9/22/2012 0:00	2328	1322	S WILLSON AVE	
10/27/2012 0:00	2255	901	S WILLSON AVE	
12/1/2012 0:00	0000	1316	S WILLSON AVE	1
9/1/2012 0:00	2321	303	S YELLOWSTONE AVE	
11/21/2012 0:00	0239	110	S YELLOWSTONE AVE	

10/28/2012 0:00	0107	5	SANDERS AVE	
7/30/2012 0:00	0230	340	SHERIDAN AVE	
8/19/2012 0:00	2211	26	SHERIDAN AVE	
8/31/2012 0:00	2140	26	SHERIDAN AVE	
9/14/2012 0:00	2352	119	SILVER MAPLE DR	
8/18/2012 0:00	2232	3366	SORA WAY	
2/2/2013 0:00	2309	4029	SUNSTONE ST	
2/8/2013 0:00	2313	4029	SUNSTONE ST	
10/13/2012 0:00	2310	2775	TEMPEST CT	
1/12/2013 0:00	0018	2775	TEMPEST CT	
9/15/2012 0:00	0321	402	TETON AVE	
10/5/2012 0:00	2316	402	TETON AVE	
2/2/2013 0:00	0104	402	TETON AVE	
8/4/2012 0:00	2358	3701	TRAKKER TRL	2A
9/30/2012 0:00	0113	1103	W ALDERSON ST	
12/30/2012 0:00	0212	1103	W ALDERSON ST	
7/8/2012 0:00	0020	3308	W BABCOCK ST	D
8/22/2012 0:00	0146	1204	W BABCOCK ST	
9/15/2012 0:00	2207	2320	W BABCOCK ST	
10/11/2012 0:00	2232	3234	W BABCOCK ST	D
10/28/2012 0:00	0002	1423	W BABCOCK ST	
7/8/2012 0:00	2230	2015	W BEALL ST	
9/15/2012 0:00	2351	2015	W BEALL ST	
9/30/2012 0:00	0113	2015	W BEALL ST	
12/9/2012 0:00	0026	415	W CLEVELAND ST	
1/19/2013 0:00	0005	415	W CLEVELAND ST	
7/13/2012 0:00	0055	2205	W COLLEGE ST	
8/7/2012 0:00	2326	424	W COLLEGE ST	
8/26/2012 0:00	2133	2555	W COLLEGE ST	13
9/3/2012 0:00	2204	2123	W COLLEGE ST	101
9/15/2012 0:00	2212	2405	W COLLEGE ST	9
12/1/2012 0:00	2130	2109	W COLLEGE ST	203
1/18/2013 0:00	0248	2405	W COLLEGE ST	54
1/19/2013 0:00	2301	2123	W COLLEGE ST	205
2/9/2013 0:00	2307	1621	W COLLEGE ST	2
8/2/2012 0:00	2231	815	W CURTISS ST	
9/21/2012 0:00	2140	1418	W DICKERSON ST	
10/27/2012 0:00	0225	903	W DICKERSON ST	
11/17/2012 0:00	2252		W GARFIELD ST / S WILLSON AVE	
8/25/2012 0:00	0159	201	W GRANT ST	
8/30/2012 0:00	1733	422	W GRANT ST	
12/20/2012 0:00	0321	707	W HARRISON ST	
7/1/2012 0:00	0128	1729	W KAGY BLVD	
7/5/2012 0:00	0011	1779	W KAGY BLVD	
7/5/2012 0:00	0012	1729	W KAGY BLVD	
7/21/2012 0:00	0059	1729	W KAGY BLVD	
7/22/2012 0:00	0004	1779	W KAGY BLVD	

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8/16/2012 0:00	0131	1779	W KAGY BLVD	
8/16/2012 0:00	2253	1751	W KAGY BLVD	
8/19/2012 0:00	0107	1717	W KAGY BLVD	
8/23/2012 0:00	2204	1775	W KAGY BLVD	
8/25/2012 0:00	0032	1755	W KAGY BLVD	
8/25/2012 0:00	2242	1749	W KAGY BLVD	
8/25/2012 0:00	2243	1715	W KAGY BLVD	
8/25/2012 0:00	2324	1751	W KAGY BLVD	
8/25/2012 0:00	2359	1715	W KAGY BLVD	
8/26/2012 0:00	0018	1731	W KAGY BLVD	
8/31/2012 0:00	0013	1771	W KAGY BLVD	
12/1/2012 0:00	2322	1723	W KAGY BLVD	
1/11/2013 0:00	2316	1747	W KAGY BLVD	
7/25/2012 0:00	2322	907	W KOCH ST	
8/16/2012 0:00	0203	1904	W KOCH ST	
9/23/2012 0:00	0022	1415	W KOCH ST	
10/12/2012 0:00	2345	1921	W KOCH ST	
10/21/2012 0:00	0121	1415	W KOCH ST	
1/25/2013 0:00	2255	1415	W KOCH ST	
7/8/2012 0:00	0031	17	W LAMME ST	
7/15/2012 0:00	1841	2220	W MAIN ST	130
12/24/2012 0:00	0000	16	W MAIN ST	21
8/11/2012 0:00	0200	714	W OLIVE ST	
9/21/2012 0:00	2235	1120	W STORY ST	
9/21/2012 0:00	2243	1120	W STORY ST	
10/27/2012 0:00	2334	710	W STORY ST	
7/20/2012 0:00	2311	3024	W VILLARD ST	D
8/27/2012 0:00	2244	2717	W VILLARD ST	
10/15/2012 0:00	2314	2723	W VILLARD ST	
1/26/2013 0:00	2344	2717	W VILLARD ST	
10/8/2012 0:00	0113	3216	WARBLER WAY	6
2/1/2013 0:00	2305	3216	WARBLER WAY	5
7/12/2012 0:00	2352	3048	YORK ST	B

Sir.

11 January 2013

20 December 2012 T. Palmer, a city policeman badge # 224 approached Son Ok Henry at the Missouri River Diner (work place) and related to her that if there were anymore disturbances at her 8-plex (rental units) at 1405 13th ST. S. here in Great Falls. she would get a ticket and would have to face the Judge to pay a fine. 20 December 2012, I called T. Palmer at 771-1180 Ext 223 to find out what's going on and what regulation/ordinance does this come under. No response. 21 December 2012 I called again with no response. If there is a policy whereby the landlord is held responsible for all disturbances from tenants at their rentals, who is responsible if someone get hurt or injured? So from not getting a ticket/fine, all tenants must first call the landlord to straighten things out or in turn call the City Police Dept. for a response?

Son Ok Henry has no idea how many incidents have taken place at the rental because no one has reported them to her.

Delbert Henry

899-7424

cc MT Landlord association
Rick Lamphiller 452-8276

Jerr wel Bock
Chicken POTATOS.

ED
PRIME POTATOS.

BOZEMAN SOCIAL HOST

ARTICLE 5. - OFFENSES AGAINST PUBLIC PEACE

Sec. 24.05.020. - Special security service charges at loud or unruly gatherings.

A. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1. "Responsible person" shall mean a person with a right of possession in the property on which a loud or unruly gathering is conducted, including, but not limited to, an owner or tenant of the property if the gathering is on private property, or a permittee if the gathering is a permitted gathering on public property, or any person accepting responsibility for such a gathering. The term "responsible person" shall additionally include the landlord of another responsible person and the parents and/or legal guardians of responsible persons under the age of 21 years. To incur liability for special security service charges imposed by this section, the responsible person need not be present at the loud or unruly gathering resulting in the emergency response giving rise to the imposition of special security service charges. This section therefore imposes vicarious as well as direct liability upon responsible persons.

2. "Special security services" shall mean the provision of any police, fire or other emergency response service to a loud or unruly gathering within 12 months of a first response as provided in this section.

3. "Loud or unruly gathering" shall mean a gathering of two or more persons on private property or a permitted gathering of two or more persons on public property whose loud or unruly conduct constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare, including violations of chapter 16, article 2. This term excludes incidents of domestic violence. A loud or unruly gathering shall constitute a public nuisance.

B. *Response to loud or unruly gatherings.* When a police officer responds to a first loud or unruly gathering at premises in the city with a given address, the officer shall inform any responsible person at the scene that:

1. The officer has determined that a loud or unruly gathering exists; and

2. Responsible persons will be charged for the cost of any special security services required for subsequent responses to the scene within the next 12 months.

Only one warning will be given pursuant to this subsection before the city assesses special security service costs pursuant to subsection C of this section. If a responsible person cannot be identified at the scene, the police department may issue a warning to one of the other responsible persons identified in subsection A of this section or subsequently return to the scene and issue the warning to a then-present responsible person. Warnings given to responsible persons who do not reside at the premises in question shall be delivered by certified mail.

C. *Cost recovery for special security services.* When the police department or fire department or other city emergency responder responds to a loud or unruly gathering at premises with a given address in the city within 12 months of a warning given to a responsible person for those premises pursuant to subsection B of this section, or while any such warning remains in effect pursuant to subsection E of this section, all responsible persons shall be jointly and severally liable for the city's costs of providing special security service for that response and all subsequent responses during that warning period.

D. *Billing and collection.* Charges for special security service shall include a reasonable charge for the emergency responder's time and actual costs of any equipment used or damaged in connection with the response, together with an additional 33 percent of the special security charge for administrative overhead. These charges shall be computed and a bill submitted to the responsible person. The chief of police shall promulgate notice and billing procedures for this purpose. The bill shall be a debt owed to the city and failure to pay that bill within 30 days is a violation of this Code. If the city is obliged to initiate litigation or other proceedings authorized by this Code to recover this debt, the responsible person shall be liable for:

1. Costs of suit;

2. Attorney's fees; and

3. Costs of collection.

E. *Violations/fines.*

1. It shall be an infraction for a responsible person to conduct or allow a loud or unruly gathering on premises owned by the responsible person or on premises rented by or to the responsible person. A third or subsequent violation within a 12-month period shall constitute a misdemeanor.

2. Fines.

a. A first violation of this section shall be punishable by a $100.00 fine.

b. A second violation of this section at a given address in the city within a given 12-month period shall be punishable by a fine of $250.00.

c. A third or subsequent violation of this section at a given address in the city within a given 12-month period shall be punishable by a fine of $500.00.

3. The fines prescribed in subsection E.2 of this section are in addition to any special security service charges that may be assessed pursuant to this section.

4. The second, third or subsequent violation fines prescribed in subsections E.2.b and c of this section are payable whether or not the responsible person at the time of the current loud or unruly gathering is the same person who was the responsible person for any prior loud or unruly gathering at those premises.

5. The fine schedule prescribed in subsection E.2 of this section is a "rolling schedule" meaning that in calculating the fine payable the police department or city attorney shall count backward starting from the date of the most recent loud or unruly gathering to determine how many prior loud or unruly gatherings have taken place at the premises in question during the statutory 12-month period. A warning given pursuant to subsection B of this section shall remain in effect for the premises at a given address until a full 12-month period has elapsed during which there have been no loud or unruly gatherings at those premises.

F. *Service of alcoholic beverages to minors.* The city commission hereby finds that the service of alcohol to minors at loud and unruly gatherings and the consumption of alcohol by minors at loud or unruly gatherings has in the past and continues to pose a threat to the health and safety of all persons who reside in the city and also causes significant disruption of city residents' quiet enjoyment of their households, especially in the city's residential neighborhoods. In addition, such conduct on behalf of persons who serve alcohol to minors and minors who consume alcohol at loud or unruly gatherings results in the expenditure of a disproportionate percentage of the city's police, fire and public safety resources which are underwritten primarily by general municipal taxes paid to the city by its taxpayers and residents. It is therefore the policy of the city commission that in responding to loud or unruly gatherings, the city police department shall strictly enforce any and all applicable state laws pertaining to the service of alcohol to minors, and the consumption of alcohol by minors, and with respect to minors in possession of alcohol, the police department shall establish a "no tolerance" protocol by which the police department contacts, or causes the minor's school to contact, the minor's parents or legal guardians whenever the minor is found to be in possession of alcohol or narcotics or found to be intoxicated at a loud or unruly gathering. Where the minor's school has an internal student disciplinary office, any such incident shall likewise be reported to that office.

(Ord. No. 1656, § 1(9.72.010—9.72.060), 12-12-2005)

CITY OF BOZEMAN POLICE DEPT.

Sec. 24.05.020. - Special security service charges at loud or unruly gatherings.

A.

Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1.

"Responsible person" shall mean a person with a right of possession in the property on which a loud or unruly gathering is conducted, including, but not limited to, an owner or tenant of the property if the gathering is on private property, or a permittee if the gathering is a permitted gathering on public property, or any person accepting responsibility for such a gathering. The term "responsible person" shall additionally include the landlord of another responsible person and the parents and/or legal guardians of responsible persons under the age of 21 years. To incur liability for special security service charges imposed by this section, the responsible person need not be present at the loud or unruly gathering resulting in the emergency response giving rise to the imposition of special security service charges. This section therefore imposes vicarious as well as direct liability upon responsible persons.

2.

"Special security services" shall mean the provision of any police, fire or other emergency response service to a loud or unruly gathering within 12 months of a first response as provided in this section.

3.

"Loud or unruly gathering" shall mean a gathering of two or more persons on private property or a permitted gathering of two or more persons on public property whose loud or unruly conduct constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare, including violations of chapter 16, article 2. This term excludes incidents of domestic violence. A loud or unruly gathering shall constitute a public nuisance.

B.

Response to loud or unruly gatherings. When a police officer responds to a first loud or unruly gathering at premises in the city with a given address, the officer shall inform any responsible person at the scene that:

1.

The officer has determined that a loud or unruly gathering exists; and

2.

Responsible persons will be charged for the cost of any special security services required for subsequent responses to the scene within the next 12 months.

Only one warning will be given pursuant to this subsection before the city assesses special security service costs pursuant to subsection C of this section. If a responsible person cannot be identified at the scene, the police department may issue a warning to one of the other responsible persons identified in subsection A of this section or subsequently return to the scene and issue the warning to a then-present responsible person. Warnings given to responsible persons who do not reside at the premises in question shall be delivered by certified mail.

C.

Cost recovery for special security services. When the police department or fire department or other city emergency responder responds to a loud or unruly gathering at premises with a given address in the city within 12 months of a warning given to a responsible person for those premises pursuant to subsection B of this section, or while any such warning remains in effect pursuant to subsection E of this section, all responsible persons shall be jointly and severally liable for the city's costs of providing special security service for that response and all subsequent responses during that warning period.

D.

Billing and collection. Charges for special security service shall include a reasonable charge for the emergency responder's time and actual costs of any equipment used or damaged in connection with the response, together with an additional 33 percent of the special security charge for administrative overhead. These charges shall be computed and a bill submitted to the responsible person. The chief of police shall promulgate notice and billing procedures for this purpose. The bill shall be a debt owed to the city and failure to pay that bill within 30 days is a violation of this Code. If the city is obliged to initiate litigation or other proceedings authorized by this Code to recover this debt, the responsible person shall be liable for:

1.

Costs of suit;

2.

Attorney's fees; and

3.

Costs of collection.

E.

Violations/fines.

1.

It shall be an infraction for a responsible person to conduct or allow a loud or unruly gathering on premises owned by the responsible person or on

premises rented by or to the responsible person. A third or subsequent violation within a 12-month period shall constitute a misdemeanor.

2.

Fines.

a.

A first violation of this section shall be punishable by a $100.00 fine.

b.

A second violation of this section at a given address in the city within a given 12-month period shall be punishable by a fine of $250.00.

c.

A third or subsequent violation of this section at a given address in the city within a given 12-month period shall be punishable by a fine of $500.00.

3.

The fines prescribed in subsection E.2 of this section are in addition to any special security service charges that may be assessed pursuant to this section.

4.

The second, third or subsequent violation fines prescribed in subsections E.2.b and c of this section are payable whether or not the responsible person at the time of the current loud or unruly gathering is the same person who was the responsible person for any prior loud or unruly gathering at those premises.

5.

The fine schedule prescribed in subsection E.2 of this section is a "rolling schedule" meaning that in calculating the fine payable the police department or city attorney shall count backward starting from the date of the most recent loud or unruly gathering to determine how many prior loud or unruly gatherings have taken place at the premises in question during the statutory 12-month period. A warning given pursuant to subsection B of this section shall remain in effect for the premises at a given address until a full 12-month period has elapsed during which there have been no loud or unruly gatherings at those premises.

F.

Service of alcoholic beverages to minors. The city commission hereby finds that the service of alcohol to minors at loud and unruly gatherings and the consumption of alcohol by minors at loud or unruly gatherings has in the past and continues to pose a threat to the health and safety of all persons who reside in the city and also causes significant disruption of city residents' quiet enjoyment of their households, especially in the city's residential neighborhoods. In addition, such conduct on behalf of persons

who serve alcohol to minors and minors who consume alcohol at loud or unruly gatherings results in the expenditure of a disproportionate percentage of the city's police, fire and public safety resources which are underwritten primarily by general municipal taxes paid to the city by its taxpayers and residents. It is therefore the policy of the city commission that in responding to loud or unruly gatherings, the city police department shall strictly enforce any and all applicable state laws pertaining to the service of alcohol to minors, and the consumption of alcohol by minors, and with respect to minors in possession of alcohol, the police department shall establish a "no tolerance" protocol by which the police department contacts, or causes the minor's school to contact, the minor's parents or legal guardians whenever the minor is found to be in possession of alcohol or narcotics or found to be intoxicated at a loud or unruly gathering. Where the minor's school has an internal student disciplinary office, any such incident shall likewise be reported to that office.

HELENA SOCIAL HOST

F

Title 5 Chapter 14

SOCIAL HOST ORDINANCE

5-14-1: TITLE:

This chapter shall be known as the *SOCIAL HOST ORDINANCE*. (Ord. 3099, 7-7-2008)

5-14-2: DEFINITIONS:

As used in this chapter, the following definitions apply:

ALCOHOL: An intoxicating agent in alcoholic beverages, ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

ALCOHOLIC BEVERAGE: A compound produced and sold for human consumption as a drink that contains more than 0.5 percent of alcohol by volume including beer, liquor, spirits, wine, and table wine.

GATHERING: A party or event, where a group of three (3) or more persons have assembled or are assembling for a social occasion or social activity.

PERSON: Any individual over eighteen (18) years old, firm, association, corporation or any organization of any kind.

PREMISES: Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, hall or meeting room, park, 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 or other social function, and whether owned, leased, or rented or any other legal or possessory interest.

SOCIAL HOST: Any person who knows or reasonably should know that an underage person is in possession of or is consuming an alcoholic beverage at a gathering on the person's premises.

UNDERAGE PERSON: Any person less than twenty one (21) years of age. (Ord. 3099, 7-7-2008)

5-14-3: DUTY TO NOTIFY LAW ENFORCEMENT:

A social host shall immediately and by the quickest means of communication give notice to the Helena police

department that an underage person is in possession of or is consuming an alcoholic beverage at a gathering on the host's premises. (Ord. 3115, 11-2-2009)

5-14-4: EXCEPTIONS:

Section 5-14-3 of this chapter does not apply to the provision of an alcoholic beverage in a nonintoxicating quantity to an underage person by the underage person's parent or legal guardian, physician, or dentist for medicinal purposes, a licensed pharmacist upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance. (Ord. 3099, 7-7-2008)

5-14-5: PENALTIES:

A violation of this chapter is a misdemeanor. Any person who fails to comply with the requirements of this chapter may, upon conviction thereof, be fined not more than five hundred dollars ($500.00) for each violation and, in addition, may be ordered to pay all costs and expenses involved with the case. (Ord. 3115, 11-2-2009)

Billings Social Host

ORDINANCE NO. 09-5491

AN ORDINANCE AMENDING CHAPTER 18 (OFFENSES) OF THE BILLINGS CITY CODE BY ADDING A NEW ARTICLE 12 TO BE KNOWN AS THE SOCIAL HOST ORDINANCE

Section 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

That Chapter 18 of the Billings City Code is hereby amended by adding a new Article 12 as follows:

Chapter 14
SOCIAL HOST

18-1201 Purpose, Findings

WHEREAS consumption of alcoholic beverages by minors and parties where minors consume alcoholic beverages present numerous problems for our community, minors and law enforcement. Specifically:

- Montana teens report one of the highest binge drinking rates in the nation (defined as 5 or more drinks in one sitting)
- Eighty-four percent (84%) of underage drinkers were in their own home or in someone else's home when they had their last drink.
- In Yellowstone County in 2008:
  One out of ten (10.6%) of eighth graders, almost one out of four (23.5%) tenth graders, and more than one third of twelfth graders (36.3%) reported binge drinking in the two weeks prior to being surveyed.

WHEREAS alcohol abuse is also linked to several other health and life issues for our youth including but certainly not limited to sexual assault, unprotected sexual activity, teenage pregnancy, STDs, physical assault and academic difficulties; and,

WHEREAS, the CITY COUNCIL of the City of Billings finds and declares that the purpose of this ordinance is:

(1) to protect public health, safety and general welfare;

(2) to enforce laws prohibiting the consumption of alcohol by minors;

(3) to reduce the costs of providing police services to parties, gatherings, or events that require a response by requiring social hosts to ensure minors are not consuming alcoholic beverages; and,

WHEREAS under Montana Code Annotated 7-1-4123, Legislative powers, the City of Billings has the legislative power, subject to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to:

(1) Preserve peace and order and secure freedom from dangerous of noxious activities;

(2) Secure and promote the general public health and welfare; and,

WHEREAS Montana Code Annotated 7-32-4302, allows the City of Billings to both control disturbances of the peace as well as prevent intoxication and disorderly conduct within the city and within three miles of the limits.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL:

18-1202 Definitions
Alcohol or Alcoholic Beverage:

Mont. Code Annotated 16-1-106. Definitions. As used in this Article, the following definitions apply:

(1) "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.
(2) "Alcoholic beverage" means a compound is produced and sold for human consumption as a drink that contains more than 0.5% of alcohol by volume.
(3) "Beer" means a malt beverage containing not more than 7% of alcohol by weight
(4) "Table wine" means wine that contains not more than 16% alcohol by volume and includes cider.
(5) "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 the industry. Other alcoholic beverages not defined in this subsection but made in the manner of wine and labeled and sold ad wine in accordance with federal regulations are also wine.

Emergency Responders:

Includes, but is not limited to, law enforcement officers, firefighters, emergency medical service personnel and other persons having emergency response duties.

Enforcement Services or Response Costs:

Includes the salaries and benefits of emergency responders for the amount of time actually spent responding to or remaining at an event, gathering or party and administrative costs attributable to the incident; the actual 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 use of such equipment of vehicle.

Parent:

Any person having legal custody of a juvenile including natural parent, adoptive parent, step-parent; legal guardian; person to whom legal custody has been given by court order.

Person:

"Person" includes a corporation, company, partnership, association or society as well as a natural person.

Premises:

Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, hall or meeting room, park 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 or other social function, and whether owned, leased, rented or used with or without permission or compensation.

Social Host:

Any person who conducts, allows, organizes, supervises, controls, permits or aids another in conducting, allowing, organizing, supervising, controlling or permitting an event or gathering. The term includes, but is not limited to the following:

(1) Any person or persons who owns, rents, leases or otherwise controls the premises where the event, gathering or party takes place;
(2) The person or persons in charge of the premises;
(3) The person or persons who organized the activity.

Underage Person:

Any person less than 21 years of age.

18-1203 Prohibited Acts

It is a violation of this Chapter for a social host who knows or reasonably should know that an underage person has possessed or consumed alcohol at an event, gathering or party, to fail to take reasonable steps to prevent the underage consumption or possession by the underage person. The social host does not have to be present at the event, gathering or party at the time the prohibited act occurs.

18-1204 Penalties

Any person found guilty of a violation of this Chapter shall be guilty of a misdemeanor, and punished as provide in BMCC Sec. 1-110. In addition to penalties provided therein, the Municipal Judge shall consider any response costs incurred by the City associated with any event, gathering, or party resulting in a violation of this Chapter, and may order restitution to the City for such response costs upon conviction.

18-1205 Exceptions

The provision of an alcoholic beverage in a non-intoxicating quantity to a person under 21 years of age by the person's parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance shall not constitute a violation of this Chapter. (See Mont. Code Ann. 16-6-305).

Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading the 13th day of April, 2009.

PASSED, ADOPTED and APPROVED on second reading the 27th day of April, 2009.

CITY OF BILLINGS

By _____
Ron Tussing, Mayor

CITY OF BILLINGS SEAL YELLOWSTONE COUNTY, MONTANA

ATTEST:

By _____
Cari Martin, City Clerk

Sec. 1-110. - Violations; penalty.permanent link to this piece of content

(a) Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code or any ordinance of this city or any rule or regulation adopted pursuant to this Code, shall be guilty of a misdemeanor, and any person convicted of a misdemeanor under this Code or any ordinance of this city, shall be punished by a fine of not more than five hundred dollars ($500.00), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code or any ordinance of this city, is committed, continued or permitted by any such person, and he/she shall be punished accordingly.

(b) In addition to the above penalty the city may abate any condition which is in violation of this Code.

(c) Any person found to have committed an offense specifically designated as a municipal infraction shall be subject to civil penalties as specified in section 18-1304

(Code 1967, § 1.04.070; Ord. No. 10-5501, § 1, 1-11-10)

State law reference— Limitation on penalties, MCA 7-1-111(8), 7-5-109.

Sec. 18-1304. - Penalties.permanent link to this piece of content

(a) A municipal infraction is a civil offense and for a proven violation, a civil penalty may be imposed.

(b)For a first violation, a civil penalty of not more than three hundred dollars ($300.00) shall be imposed.

(c)For each repeat violation, a civil penalty not to exceed five hundred dollars ($500.00) shall be imposed. Each day that a violation occurs or is permitted to exist constitutes a separate and distinct infraction.

(d) Seeking a civil penalty as authorized in this article does not preclude the city from seeking alternative relief from the court in the same action.

(e) Statutory surcharges and required city surcharges must be imposed, as provided in MCA 3-1-317(1)(a), 3-1-318(1), and 46-18-236 (6), on municipal infractions that are criminal offenses under state law, and the amounts must be distributed as provided in those sections.

(f) All penalties and forfeitures collected by the municipal court for a municipal infraction shall be remitted to the city in the same manner as fines and forfeitures collected for criminal offenses.

(g) A defendant against whom judgment is entered shall pay court costs and fees as in small claims court under Title 25, Chapter 35 of the Montana Code Annotated in addition to the penalties imposed by the court.

(h) In addition to the imposition of civil penalties authorized by law against a defendant, the court may impose alternative relief in the same action. Alternative relief may consist of any of the following:

(1) Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court;

(2) Order the defendant to abate or cease the violation;

(3) Authorize the city to abate or correct the violation;

(4) Order the city's costs for abatement or correction of the violation be entered as a judgment against the defendant or assessed against the property where the violation occurred or both.

(i) The municipal court may assess or enter judgment for costs of abatement or correction in any amount not to exceed the jurisdictional amount for a money judgment in a civil action under MCA 3-11-103. If the city seeks abatement or correction costs in excess of this amount, the matter shall be referred to district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appealed under MCA 25-35-803.

(j) A defendant who willfully violates the terms of an order imposed by the municipal court is guilty of contempt.

GREAT FALLS SOCIAL HOST

Title 9 - PUBLIC PEACE, MORALS AND WELFARE

Chapter 10 - SOCIAL HOST

Sections:

9.10.010 - Purpose, findings.

Consumption of alcoholic beverages by minors at parties, or gatherings where minors consume alcoholic beverages, present numerous problems for the City of Great Falls, Montana, minors, and law enforcement. Specifically:

- Montana teens report one (1) of the highest binge drinking (heavy episodic - defined as five (5) or more drinks in one (1) sitting) rates in the nation, thirty-four and four tenths (34.4) percent of Montana Youth admit to binge drinking episodes. This is the highest in the United States.

- Great Falls' teens report a higher binge drinking rate than the Montana average. In Cascade County, thirty-eight and nine tenths (38.9) percent of youth admit to binge drinking. This is one (1) of the highest rates in the state.

- In Great Falls, the Municipal Court, the Youth Court, the Great Falls Police Department, and the Cascade County Sheriff's Office have dealt with or issued 2,066 Minor in Possession of Alcohol violations in the City of Great Falls since January 1, 2006. Due to alcohol abuse problems, in 2005 alone, six thousand six hundred eighty-nine (6,689) persons were admitted to alcohol treatment programs in Montana.

- The Great Falls Police Department has expended countless man-hours and countless resources on enforcement of underage drinking laws which has detracted from their ability to tend to violent crime and other necessary law enforcement activities. Recent reports state that Montana spends an average of forty-nine point one (49.1) million dollars annually on alcohol related criminal offenses.

• Due to the severity of the problem in Cascade County, and especially the City of Great Falls, the Great Falls Police Department has written a grant for and received over one million dollars ($1,000,000.00) in federal grant funds to be used solely for combating underage drinking and alcohol related crimes in the community. Despite this funding and the efforts of law enforcement and community groups, the problem of underage drinking in Great Falls continues to grow.

Alcohol abuse is also linked to numerous other health and life issues for our youth, including, but certainly not limited to, sexual assault, unprotected sexual activity, teenage pregnancy, sexually transmitted diseases, physical assault, and academic difficulties.

The Commissioners of the City of Great Falls, Montana, find and declare that the purpose of the ordinance is:

1) to protect public health, safety, and general welfare;

2) to enforce laws prohibiting the consumption of alcohol by minors;

3) 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; and, under Montana Code Annotated §§ 7-1-4123 and 7-1-4124, the City of Great Falls has the legislative power, subject to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to:

a) preserve the peace and order and secure freedom from dangerous and noxious activities; and,

b) secure and promote the general public health and welfare.

Further, Montana Code Annotated § 7-32-4302 provides, in pertinent part, that the City of Great Falls has the power to prevent and punish intoxication, loud noises, disorderly conduct, and acts or conduct calculated to disturb the public peace or which are offensive to public morals within its limits.

(Ord. No. 3044, § 1, 9-15-2009)

9.10.020 - Definitions.

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

(2) "Alcoholic Beverage" means a compound produced and sold for human consumption as a drink that contains more than one-half of one (0.5) percent of alcohol by volume; the term also includes, but is not limited to, Beer, Hard Cider, Liquor, Malt Beverage, Table Wine, and Wine.

(3) "Beer" means a malt beverage containing not more than seven (7) percent of alcohol by weight.

(4) "Gathering" means a party or event where a group of three (3) of more persons has assembled or is assembling for a social occasion or social activity.

(5) "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 one-half of one (0.5) percent alcohol by volume and not more than six and nine tenths (6.9) percent alcohol by volume, including but not limited to flavored, sparkling, or carbonated cider.

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

(7) "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 parts 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.

(8) "Table Wine" means wine that contains not more than sixteen (16) percent alcohol by volume and includes cider.

(9) "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 one-half of one (0.5) percent but not more than twenty-four (24) percent 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 the 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.

(10) "City" means:

(a) the area within the incorporated city boundaries of the City of Great Falls.

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

(12) "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 Montana Code Annotated §§ 45-2-101 and 27-8-104.

(13) "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.

(14) "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.

(15) "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:

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

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

(c) 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.

(16) "Underage Person" means any person younger than twenty-one (21) years of age.

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

(18) "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 use of such equipment or vehicle.

(Ord. No. 3044, § 1, 9-15-2009)

9.10.030 - Prohibited acts.

(1) A person violates this chapter 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 a premises within the City 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.

(2) Nothing in this chapter shall be construed to supersede the prohibitions or exceptions set forth in § 16-6-305, MCA.

(Ord. No. 3044, § 1, 9-15-2009)

9.10.040 - Penalties.

(1) A person convicted of violating this chapter shall be guilty of a criminal misdemeanor and shall be punished as follows:

(a) for the first offense, shall be fined not less than two hundred fifty dollars ($250.00) or more than five hundred dollars ($500.00), plus court costs;

(b) for the second or subsequent offense, shall be fined five hundred dollars ($500.00), plus court costs, and imprisoned for not more than six (6) months, except that if one (1) or more underage persons found to have been in possession of or consumed an alcoholic beverage was sixteen (16) years of age or under, the person convicted of violating this chapter shall be punished by imprisonment of not less than five (5) days, which may not be served on home arrest.

(2) The imposition or execution of the first two (2) days of any sentence of jail may not be suspended and the court may not defer imposition of sentence.

(3) Notwithstanding the penalties listed above, a person convicted of violating this chapter shall be responsible for reimbursing the cost of enforcement services or response costs to the 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 ninety (90) days of a conviction under this chapter.

(4) A prosecution for violation of this chapter may not be deferred.

(Ord. No. 3044, § 1, 9-15-2009)

MISSOULA SOCIAL HOST

Chapter 9.58

SOCIAL HOST AND RENTAL SPACE GATHERINGS

INVOLVING CONSUMPTION OF ALCOHOL BY MINOR PERSONS

Sections:

9.58.010 Purpose, Findings.

A. Consumption of alcoholic beverages by minor persons presents numerous problems for the Missoula community, minor persons, and law enforcement. Specifically:

1. Underage consumption and possession of alcohol are ongoing problems in the Missoula community;

2. Reportedly Montana teens have one of the highest binge drinking (heavy episodic – defined as 5 or more drinks in one sitting) rates in the nation;

3. Provision of alcohol to individuals less than 21 years of age is generally unlawful and generates problems for law enforcement;

4. Law enforcement has expended countless man-hours and countless resources on enforcement of underage drinking laws which has detracted from their ability to tend to violent crime and other necessary law enforcement activities;

5. Parties and gatherings at locations where unlawful alcohol related offenses occur are significant problems for Missoula law enforcement; and

6. Alcohol abuse is also linked to numerous other health and life issues for our youth, including, but certainly not limited to, injuries and death due to vehicle crashes as a result of impaired driving, sexual assault, teenage and pre-teen sexual activity, and pregnancy, sexually

transmitted diseases, physical assault, and academic difficulties.

B. The Missoula City Council finds and declares that the purpose of this ordinance includes:

1. Providing accountability to those persons responsible for unlawful alcohol related conduct at parties and gatherings;

2. Protecting public health, safety, and general welfare;

3. Enforcing laws prohibiting the consumption of alcohol by minor persons; and

4. Pursuant to Mont. Code Ann. §§ 7-1-4123, 7-1-4124, and 7-32-4302, the City of Missoula has the legislative power, subject to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to:

   a. Preserve the peace and order and secure freedom from dangerous and noxious activities;

   b. Secure and promote the general public health and welfare; and

   c. Prevent and punish minor persons' intoxication, loud noises, disorderly conduct, and acts or conduct calculated to disturb the public peace or which are offensive to public morals within its limits.

9.58.020 Definitions.

A. "Alcohol" means the same as defined in Mont. Code Ann. § 16-1-106.

B. "Alcoholic Beverage" means the same as defined in Mont. Code Ann. § 16-1-106.

C. "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.

D. "Knowingly" a person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense when the person is aware of the person's own conduct or that the circumstance exists. A person acts knowingly with respect to the result of conduct described by a statute defining an offense when the person is aware that it is highly probable that the result will be caused by the person's conduct. When knowledge of the existence of a particular fact is an element of an offense, knowledge is established if a person is aware of a high probability of its existence. Equivalent terms, such as "knowing" or "with knowledge", have the same meaning.

E. "Minor Person" means any person under the age of 18.

F. "Parent" means any person having legal custody of a juvenile, including a natural parent, adoptive parent, stepparent, legal guardian, person to whom a court order has given temporary or permanent legal custody.

G. "Premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, fraternity or sorority 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.

H. "Purposely"--a person acts purposely with respect to a result or to conduct described by a statute defining an offense if it is the person's conscious object to engage in that conduct or to cause that result. When a particular purpose is an element of an offense, the element is established although the purpose is conditional, unless the condition negates the harm or evil sought to be prevented by the law defining the offense. Equivalent terms, such as "purpose" and "with the purpose", have the same meaning.

I. "Social Host" means any person of any age who facilitates, encourages, conducts, allows, organizes, supervises, controls, permits or aids another in conducting, allowing, organizing, supervising, controlling, or permitting a party, event, or gathering at which consumption of alcohol by minor persons is occurring. The term shall include, but is not limited to the following:

1. Any person or persons who owns, rents, leases, or otherwise controls 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, property manager, lessee or parent who does not knowingly or purposely facilitate or encourage any activity, event, gathering, or party, whether or not the activity, event, gathering, or party was permitted or allowed, that resulted in minor persons unlawfully being in possession of or unlawfully consuming an alcoholic beverage.

9.58.030 Prohibited Acts.

A. A person violates this chapter when, as a social host for a gathering, that person knowingly or purposely facilitates or encourages minor persons in consuming an alcoholic beverage on a premises within the City and fails to take reasonable steps to prevent the consumption by minor persons. The social host does not have to be present or on the premises at the time the prohibited act occurs. Except as otherwise provided in subsection 9.58.020 (I), absence of the social host from the premises may not be used as a defense.

B. Nothing in this chapter shall be construed to supersede the prohibitions or exceptions set forth in Mont. Code Ann. § 16-6-305 pertaining to regulating the "age limit for sale or provision of alcoholic beverages – liability of provider."

9.58.040 Penalties

A. A person convicted of violating this chapter shall be guilty of a misdemeanor and shall be punished as follows:

1. For the first offense, a 100 fine, which may not be suspended, plus court costs;

2. For the second or subsequent offense, a minimum fine of $500.

B. A person under the age of 18 at the time of being charged with a violation of the social host ordinance arising out of any incident occurring while the person was under the age of 18 shall be cited into District Court Youth Court and punished as deemed appropriate by the Youth Court."

(Ord. 3455, 2011)