



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

March 1, 2005

Mayor Mark D. Boughton  
Members of the Common Council

Re: **Underage Drinking Ordinance**

The Common Council Committee appointed to review an underage drinking ordinance met twice, first on January 10, 2005 at 7:00 P.M. and again on February 10, 2005. In attendance at the January 10<sup>th</sup> meeting were committee members Seabury, Stanley and Barry. Also in attendance were Acting Police Chief Mitch Weston, Deputy Corporation Counsel Eric Gottschalk and Council Members Nolan, Saracino, Cavo, McMahan, Teicholz, Saadi and Urice, ex-officio. In attendance at the February 10, 2005 meeting were committee members Seabury, Stanley and Barry. Also in attendance were Acting Police Chief Mitchell Weston, Deputy Corporation Counsel Eric Gottschalk, Council Members Cavo, Diggs, Saracino, Teicholz and Urice, ex-officio, Danbury High School Principal Catherine Richard and students.

At the January 10<sup>th</sup> meeting Mr. Seabury stated that the charge of the meeting was to review the need for an underage drinking ordinance. He stated that Danbury High School Principal Catherine Richard had gone to a conference on this issue approached him. She had given him some towns and their ordinances that had been established in the past year.

Attorney Gottschalk handed out a draft of a proposed ordinance. All provisions in the ordinance include a definition section, a findings and intent section as well as two prohibitive acts, one regarding persons under the age of twenty-one and the other regarding people holding events. His proposed ordinance also contains a section on penalty. He included \$90 in his draft because if the penalty is \$90 or less it is categorized as an infraction and it fits nicely in the statutory scheme. If you go beyond \$90 it takes on the quality of a civil case and his office would have to pursue it.

Attorney Gottschalk stated that State law allows you to do whatever you want to with respect to your own children. It is against State law to serve alcohol

to a minor in a public establishment. State law allows any minor to drink alcohol in the presence of a parent. Mr. Saadi said that State law is silent as to whether delivery of alcohol is legal when a parent is present. This is why the group "Connecticut Coalition to Stop Underage Drinking" is pushing for local ordinances.

Mrs. Stanley said that kids bring liquor to parties and the parents are unaware of it. Would this ordinance help in that instance? Attorney Gottschalk said this ordinance addresses the hosting of an event where alcohol is served and under this proposed ordinance the host is responsible.

Mr. Urice stated that there are a lot of holes in this ordinance. Section (c) (1) states that "no person under the age of twenty-one shall possess any container of alcoholic liquor within the City of Danbury." If his son is home alone and there is beer in the refrigerator, this would make it an illegal act. If he allows his son to have a beer, this ordinance takes away his parental rights. This ordinance ignores parental rights.

Mr. Barry stated that he felt the committee should reconvene at a later time and invite the principal who brought this forward and he made a motion to continue the meeting at the call of the Chair. Seconded by Mrs. Stanley and passed unanimously.

The February 10, 2005 meeting convened at 7:05 P.M. Mr. Seabury asked Attorney Gottschalk to restate the intent of the ordinance, which he did. Mr. Seabury then asked Danbury High School Principal Catherine Richard for her views. Mrs. Richards stated that she feels strongly about an ordinance on underage drinking. It is perfectly fine for her to serve alcohol to her own children, but she has no right to serve alcohol to anyone else's children. If this ordinance causes one conversation at the dinner table, or saves one life, it is worth it.

Mr. Urice reiterated that he finds this ordinance very intrusive into parental authority. The intent has merit but this goes so far beyond it that it becomes an intrusion on practical authority.

After further questions and comments from committee members and ex-officio members, Mr. Barry made a motion to recommend the adoption of the ordinance as presented. Seconded by Mr. Seabury. Motion carried with Mr. Seabury and Mr. Barry voting yes and Mrs. Stanley voting no.

Respectfully submitted,

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GREGG SEABURY, Chairman

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COLLEEN STANLEY

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KEVIN BARRY



**ORDINANCE**  
CITY OF DANBURY, STATE OF CONNECTICUT  
**COMMON COUNCIL**

Be it ordained by the Common Council of the City of Danbury:

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 12-1.2, which said section reads as follows:

**Sec. 12-1.2. Possession of alcohol by persons under 21 years of age.**

- (a) Findings and Intent. The unregulated possession of alcoholic liquor by person under the age of twenty-one is detrimental to the general health, safety and welfare of the residents of the City of Danbury. Consumption of alcohol by minors unsupervised by parental authority not only creates a health and safety risk to minors but also creates a public nuisance. The City of Danbury seeks to protect, preserve and promote the quality of life of its residents by regulating the possession of alcohol by those under the age of twenty-one.
- (b) Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.
- (1) "Alcoholic liquor" shall have the same meaning as the term defined in section 30-1(3) of the Connecticut General Statutes, as amended from time to time.
  - (2) "Host" shall mean to organize a gathering of two or more persons, or to allow the premises under one's control to be used with one's knowledge for a gathering of two or more persons, for personal, social or business interaction.
  - (3) "Minor" shall have the same meaning as the term defined in section 30-1(12) of the Connecticut General Statutes, as amended from time to time.
- (c) Prohibited acts.
- (1) No person under the age of twenty-one shall possess any container of alcoholic liquor within the City of Danbury, whether opened or unopened, whether on public or private property, unless accompanied by or in the presence of his parent, guardian or spouse who has attained the age of twenty-one years.
  - (2) No person shall host an event or gathering at which the host knowingly allows alcoholic liquor is consumed by or dispensed to any person who has not attained the age of twenty-one years unless such person who has not attained the age of twenty-one years is accompanied by or is in the presence of his or her parent, guardian, or spouse who has attained the age of twenty-one years. This prohibition shall apply to any event or gathering within the City of Danbury, whether conducted on public or private property.
- (d) Exception. Notwithstanding the above, nothing herein shall prohibit the serving or selling of alcoholic liquor by a minor if otherwise permitted by the Connecticut General Statutes.
- (e) Enforcement. The Chief of Police or any member of the Danbury Police Department is charged with enforcing the provisions of this Section.
- (f) Violations. Any person violating any provisions of this Section shall be subject to a fine of ninety dollars (\$90.00) for each such offense. Each violation of this Section shall constitute a separate offense.