

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: ORDINANCE AMENDMENT regulating the facilitation of underage parties at any occupied structure, dwelling, club or curtilage where persons over the age of 21 may lawfully purchase or consume alcoholic beverages (Alder James-Evans).

REPORT: 1438-22

ADVICE: Board of Aldermen to seek advice of Corporation Counsel

BACKGROUND

Before the Board of Aldermen is an Ordinance amendment submitted by Alderwoman Jacqueline James-Evans of the 3rd Ward proposing to regulate the facilitation of underage parties or gatherings on premises in the City of New Haven where persons age 21 and over have control of the premises and may lawfully purchase or consume alcoholic beverages. Alderwoman James-Evans is concerned about the health and safety of underage citizens who attend events on premises where legal consumption of alcoholic beverages may occur and where persons over 21 may purchase or offer such beverages for those under 21.

The proposed Ordinance makes it a violation to facilitate an under age party for persons who are unrelated to the person who owns or has control of the premises where lawful purchase of alcoholic beverages may occur. It is also a violation when a proprietor knowingly allows an overt act such as allowing underage consumption to occur. It provides for fines of \$100 for a first occurrence and \$500 for each subsequent offense for hosts of underage parties. There are particular circumstances when the Ordinance doesn't apply such as when alcohol is used for religious purposes or under a practicing physician's orders. "Underage party" is defined as a gathering of five or more persons under the age of 21. "Facilitation" means furtherance of an occurrence of an underage party at a location.

PLANNING CONSIDERATIONS

The City Plan Commission is charged in Section 179 of the City Charter to prepare and recommend development plans, to exercise powers and responsibilities in regard to the subdivision of land, to perform such other duties and exercise such other powers as may be conferred by state statutes or ordinances. Under Section 180 every ordinance or resolution of the Board of Aldermen relating to the location and use of public facilities including any street, bridge, boulevard, esplanade, square, park playground, playfield, aviation field, parking spaces, etc. or ordinances which related to changes in zoning regulations shall be referred to the Commission for a report.

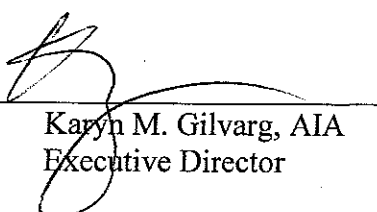
The Commission views this proposed Ordinance as one that has more to do with public health and safety than land use, and therefore does not view it as one where its advice is warranted. The Commission observes however that regulating what occurs on private premises is a delicate balance between Constitutional rights and what can be enforced under local or state law. The Commission understands that Corporation Counsel is currently reviewing the proposed Ordinance as to its legality.

ADVICE

Board of Aldermen to seek advice of Corporation Counsel

ADOPTED: March 17, 2010
Edward Mattison
Chair

ATTEST:


Karyn M. Gilvarg, AIA
Executive Director