

CHAPTER 3**POLICE REGULATIONS****313. SOCIAL HOSTS****Section 313.01. Findings and Purpose.**

Subd. 1. The city council makes the following findings as the basis for adoption of this ordinance:

- (a) Consumption of alcohol by underage persons is harmful to those persons and constitutes a potential threat to public health from injuries related to alcohol consumption, including alcohol overdose and alcohol-related traffic collisions;
- (b) Alcohol is an addictive drug which, if used irresponsibly, can have drastic effects on those who use it as well as those who are affected by the actions of irresponsible users;
- (c) Gatherings held on private or public property where alcohol is possessed or consumed by underage persons should be prevented as much as possible;
- (d) Gatherings involving underage possession and consumption of alcohol often occur outside the presence of parents or other responsible adults. There are times, however, when a parent or other adult is present and condones the activity and in some circumstances provides the alcohol;
- (e) Although furnishing alcohol to an underage person is a crime, it is difficult to prove and an ordinance regarding social hosts is necessary to help further combat underage possession or consumption of alcohol; and
- (f) Holding a person criminally responsible for hosting a gathering where underage possession or consumption of alcohol occurs will have a deterrent effect on such behavior.

Subd. 2. The purpose of this ordinance is to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, by holding persons who host gatherings where underage persons possess or consume alcohol criminally responsible, regardless of whether the person hosting the gathering supplies the alcohol or is present.

Section 313.03. Definitions. For purposes of this ordinance, the following terms have the meanings given:

- Subd. 1. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, beer or spirits of wine, whiskey, rum, brandy, gin, or any other distilled or brewed spirits

including dilutions and mixtures thereof from whatever source or by whatever process produced.

Subd. 2. “Alcoholic beverage” means any beverage containing more than one-half of one percent alcohol by volume.

Subd. 3. “Gathering” means an assemblage of three or more persons who have gathered together for a social occasion or other activity.

Subd. 4. “Host” means to aid, conduct, sponsor, organize, supervise, control, or allow a gathering.

Subd. 5. “Parent” means a person having the following relationship to an underage person:

- (a) a natural parent, adoptive parent, or step-parent;
- (b) a legal guardian; or
- (c) a person to whom legal custody has been given by order of a court.

Subd. 6. “Person” means an individual, partnership, limited liability company, corporation, or an association of one or more individuals but does not include a city, county, state or other governmental entity.

Subd. 7. “Premises” means any location, including a home, garage, yard, farm, out buildings, barn, field, land, apartment, condominium, hotel room, or other dwelling unit, or a 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.

Subd. 8. “Underage person” means an individual under 21 years of age.

Section 313.05. Prohibited Acts.

Subd. 1. It is unlawful for a person to host or allow a gathering on any premises if:

- (a) the person knows that alcohol or alcoholic beverages will be present; and
- (b) the person knows that an underage person will attend or is likely to attend; and
- (c) the person fails to take reasonable steps to prevent the possession or consumption of alcoholic beverages by an underage person; and

- (d) an underage person consumes an alcoholic beverage or possesses an alcoholic beverage with the intent to consume it at the gathering.

Subd. 2. Reasonable steps by a person to prevent the possession or consumption of alcohol or alcoholic beverages by underage persons may include the following when performed in good faith and with the intent to prevent such possession or consumption of alcohol:

- (a) controlling access to alcohol and alcoholic beverages;
- (b) checking the identification of attendees to determine age;
- (c) supervising the activities of underage persons at the gathering either in person or through a responsible adult; or
- (d) stating clearly to underage persons in attendance at the gathering that consumption of alcoholic beverages by underage persons is not allowed.

Subd. 3. A person is not criminally responsible under this ordinance if the person does not know that a gathering will occur, or does not know that alcoholic beverages will be present, or does not know that an underage person will be or is likely to be present. However, if a person has the knowledge specified in subdivision 1 of this section, a person who hosts a gathering need not be present at the gathering to be criminally responsible.

Subd. 4. A person is criminally responsible for violating subdivision 1 of this section if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

Section 313.07. Exceptions and Penalties.

Subd. 1. The following do not constitute a violation of this ordinance.

- (a) Conduct of an underage person that is permitted by his or her parent and occurs in the parent's household or other premises at which the parent is present;
- (b) Conduct related to a legally protected religious observance;
- (c) Conduct by an underage person lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment; and
- (d) Conduct of the holder of a liquor license which is otherwise in compliance with state law and section 625 of this code.

Subd. 2. A person found in violation of this ordinance is guilty of a misdemeanor.

Amendment History of this Section

Adopted August 6, 2014 (Ord 566). Added section 313 to the code of ordinances regarding social hosts.