

Chapter 239. - Social Hosts

[Sec. 239.01. - Title.](#)

[Sec. 239.02. - Purpose and findings.](#)

[Sec. 239.03. - Definitions.](#)

[Sec. 239.04. - Prohibited acts and penalty for violation of chapter.](#)

[Sec. 239.05. - Exceptions.](#)

[Sec. 239.06. - Authority.](#)

[Sec. 239.07. - Severability.](#)

[Sec. 239.08. - Effective date.](#)

Sec. 239.01. - Title.

This chapter shall be known as the "Social Host Ordinance."

(C.F. No. 09-983, § 1, 10-14-09)

Sec. 239.02. - Purpose and findings.

The city council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to impose criminal penalties on those person(s) who host events or gatherings where persons under twenty-one (21) years of age possess or consume alcohol regardless of whether the person(s) hosting or allowing the event or gathering supplied the alcohol.

The City Council finds that:

- (1) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of the irresponsible user.
- (2) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one (21) are harmful to those persons and constitute a potential threat to public health, safety and welfare requiring prevention or abatement.
- (3) Prohibiting underage consumption protects underage persons, and the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions
- (4) Events or gatherings involving underage possession and consumption often occur outside the presence of parents or other responsible adults. However, there are occasions when the parent(s) or other adult(s) is/are present and condone(s) the activity, and, in some circumstances, provide(s) the alcohol.
- (5) Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove; therefore, an ordinance is necessary to help further combat underage consumption.
- (6) A deterrent effect will be created by holding person(s) criminally responsible for hosting or

allowing an event or gathering where underage possession or consumption of alcohol occurs.

(C.F. No. 09-983, § 2, 10-14-09)

Sec. 239.03. - Definitions.

For the purposes of this chapter, the following terms shall have the meanings stated:

Adult means any person eighteen (18) years of age or older.

Alcohol means ethyl alcohol, hydrated oxide of ethyl or spirits of wine, liqueur, cordials, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

Alcoholic beverage means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer and which contains one-half (½) of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

Event or *gathering* means any group of three or more persons assembled or gathered together for a social occasion or other activity.

Host or *allow* means to aid, conduct, entertain, organize, supervise, control or permit an event or gathering.

Parent means any person having legal custody of a juvenile as a natural parent, adoptive parent, step parent, legal guardian, or a person to whom legal custody has been given by order of the court.

Person means any individual, partnership, co-partnership, corporation, or any association of one (1) or more individuals. A person does not include any city, county, or state agency.

Residence, premises, or public property or private property means any location, including a house, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, yard, field, park, or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or residence or specifically for a social or business function, and whether owned, leased, rented or used with or without permission or compensation.

Underage person means any person under the age of twenty-one (21) years.

(C.F. No. 09-983, § 3, 10-14-09)

Sec. 239.04. - Prohibited acts and penalty for violation of chapter.

(a) *Prohibited acts.* It is unlawful for any person(s) to host or allow an event or gathering at any residence, premises, or on any other public property or private property where alcohol or alcoholic beverages are present when the person knows or reasonably should know that : alcohol or an alcoholic beverage is being possessed or consumed by an underage person; and the person failed to prevent such possession or consumption by an underage person.

(b) It is a violation of subsection 239.04(a) if the person intentionally aids, advises, hires, counsels, or conspires with another or otherwise procures another to commit the prohibited act.

(c) A person who hosts or allows an event or gathering does not have to be present at the event or

gathering to be criminally responsible for a violation of subsection 239.04(a).

(d) Penalty. A violation of this chapter is a misdemeanor.

(C.F. No. 09-983, § 4, 10-14-09)

Sec. 239.05. - Exceptions.

(a) This chapter does not apply to conduct of an underage person specifically authorized by his or her parent while present in the parent's household.

(b) This chapter does not apply to legally protected religious observances.

(c) This chapter does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. § 340A.503.

(d) This chapter does not apply to law enforcement activities supervised by a law enforcement agency.

(e) This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(f) This chapter does not apply to a landlord, mortgagee, college, university, hotel or motel owner, or operator who has not actually participated in hosting or allowing an event or gathering where alcohol is present.

(C.F. No. 09-983, § 5, 10-14-09)

Sec. 239.06. - Authority.

Pursuant to Minn. Stat. Section 145A.05, Subd.1, the city council has the authority to enact laws which promote the public health, safety, and general welfare of its residents.

(C.F. No. 09-983, § 6, 10-14-09)

Sec. 239.07. - Severability.

If any section, subsection, sentence, clause, part, provision, phrase, word, or other portion of this chapter is, for any reason, held to be unconstitutional or invalid, in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this chapter, which remaining portions shall continue in full force and effect.

(C.F. No. 09-983, § 7, 10-14-09)

Sec. 239.08. - Effective date.

This chapter shall take effect and be in force thirty (30) days following its passage, approval and publication.

(C.F. No. 09-983, § 8, 10-14-09)