

Date: December 29, 2009

Ord. #04-09

**Ordinance
Social Host**

On motion of Commissioner Gabrielson, seconded by Commissioner Lang, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held December 29, 2009, at the Courthouse, Austin, Minnesota.

WHEREAS a Notice of Intention to consider adopting Chapter 20, Social Host Ordinance, of the Mower County Ordinance was published in the LeRoy Independent and the Grand Meadow News on December 16 and 17, 2009; and

WHEREAS the County Board held a public hearing on said Ordinance on December 29, 2009; and

WHEREAS the Mower County Planning Commission recommended by a majority the adoption of the Mower County Ordinance;

BE IT ORDAINED that Chapter 20, Social Host Ordinance, of the Mower County Ordinance is adopted. The ordinance is as follows:

CHAPTER 20

AN ORDINANCE TO PROHIBIT ANY PERSON FROM HOSTING AN EVENT OR GATHERING WHERE ALCOHOL IS PRESENT AND BEING POSSESSED AND CONSUMED BY PERSONS UNDER TWENTY-ONE YEARS OF AGE.

ARTICLE I. TITLE AND AUTHORITY

Section 20.100 This Section shall be known as the Mower County Social Host Ordinance.

Section 20.110 This ordinance is enacted pursuant to Minn. Stat. §145A.05, Subdivision 1.

ARTICLE II. PURPOSE

Section 20.200 The Mower County Board intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol.

ARTICLE III . DEFINITIONS

Section 20.300 “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

Section 20.310 “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, liquor wine, or beer, and which contains one-half of one 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.

Section 20.320 “Event or gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

Section 20.330 “Host” means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

Section 20.340 “Parent” means any person having legal custody of a juvenile.

- (1) As natural, adoptive parent, or step-parent;
- (2) As a legal guardian; or
- (3) As a person to whom legal custody has been given by order of the court.

Section 20.350 “Person” means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

Section 20.360 “Residence” or “premises” means any home, yard, farm, field, land, apartment, condominium, hotel or motel 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.

Section 20.370 “Underage person” is any individual under twenty-one (21) years of age.

ARTICLE IV: PROHIBITED ACTS

Section 20.400 It is unlawful for any person(s) to:

- (1) host or allow an event or gathering.
- (2) at any residence, premises, or any other private or public property.
- (3) where alcohol or alcoholic beverages are present.
- (4) when the person knows or reasonably should know that an underage person will or does.
 - a. consume any alcohol or alcoholic beverage; or
 - b. possess any alcohol or alcoholic beverage with the intent to consume it; and
- (5) the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

Section 20.410 A person is criminally responsible for violating Section --.500 above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

Section 20.420 A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

ARTICLE V: EXCEPTIONS

Section 20.500 This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

Section 20.510 This ordinance does not apply to legally protected religious observances.

Section 20.520 This ordinance 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 Subd. 1(a)(1).

Section 20.530 This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

ARTICLE VI: ENFORCEMENT

Section 20.600 This ordinance can be enforced by any law enforcement officer.

BE IT FURTHER ORDAINED that this ordinance is effective upon publication. *(January 14, 2010)*

A copy of the entire Mower County Ordinance and related maps, if any, are on file in the Mower County Auditor-Treasurer's office.

Passed and approved this 29th day of December 2009.