

~ PROPOSED ~

Chisago County Social Host Ordinance

Ordinance No.: _____

Chisago County, Minnesota

AN ORDINANCE PROHIBITING AND ESTABLISHING PENALTIES FOR PERSONS HOSTING AN EVENT OR GATHERING WHERE ALCOHOL IS PRESENT AND POSSESSED OR CONSUMED BY PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE.

THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY ORDAINS:

Subdivision 1. **Purpose and Findings.** It is the intent and desire of Chisago County Board of Commissioners to discourage and prevent underage possession and consumption of alcoholic beverages, whether in public areas or on private property, premises or residences; and it is the intent of Chisago County 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.

Chisago County Board of Commissioners finds that:

- A. 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, requiring prevention or abatement.
- B. Prohibiting underage consumption protects underage persons from harm or injuries related to alcohol consumption, such as alcohol overdose (alcohol poisoning), long-term or life long issues with chemical abuse, and/or alcohol-related traffic collisions. Further, the health of the public is enhanced when underage drinking is diminished, as alcohol-related injuries due to traffic crashes are limited
- C. Alcohol is an addictive drug which if used irresponsibly, has been shown to have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
- D. Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent, guardian or other adult is present, condones the activity, and, in some circumstances provides the alcohol.
- E. Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.

- F. A deterrent effect will be created by holding persons criminally responsible for hosting an event or gathering whether underage possession or consumption occurs.

Subdivision. 2. **Authority.** This ordinance is enacted pursuant to Minn. Stat. § 145A.05, Subdivision 1.

Subdivision. 3. **Definitions.** For purposes of this ordinance, the following terms have the following meanings:

- A. Alcohol. "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.
- B. Alcoholic beverage. "Alcoholic Beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer and which contain one-half of one percent or more of alcohol by volume and which if fit for beverage purpose either alone or when diluted, mixed or combined with other substances.
- C. Event or gathering. "Event or gathering" means any group of three or more person who have assembled or gathered together for a social occasion or other activity.
- D. Host. "Host" means, allow, entertain, or organize, or permit a gathering or event.
- E. Know or Knows. "Know or knows" means that the person has information that results in the person's actual belief of the fact or from which such belief can be inferred.
- F. Parent. "Parent" means any person having legal custody of a juvenile:
 - a. As natural, adoptive parent or step-parent;
 - b. A legal guardian;
 - c. As a person to whom legal custody had been granted by order of the court.
- G. Person. "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.
- H. Residence or Premises. "Residence" or "premises" means any home, yard, farm, field, land apartment, condominium, hotel or motel room, or other dwelling unit, or hall or meeting room, park, or any other place of assembly, public 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.

- I. Underage Person. "Underage person" is any individual under twenty-one (21) years of age.

Subdivision 4. Prohibited Acts.

- A. It is unlawful for any person(s) to:
 - a. Host or allow an event or gathering;
 - b. At any residence, premises, or on any private or public property;
 - c. Where alcohol or alcoholic beverages are present;
 - d. When the person knows or reasonably should know that an underage person will or does –
 - i. Consume any alcohol or alcoholic beverage; or
 - ii. Possess any alcohol or alcoholic beverage with the intent to consume it; and
 - e. The person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
- B. A person is criminally responsible for violating Subdivision 4.A. if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.
- C. A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible

Subd. 5 Exceptions, Defenses.

- A. Exceptions. This Ordinance does not apply to:
 - a. Conduct solely between an underage person and his or her parents while present in the parent's household;
 - b. Religious observances;
 - c. 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);
 - d. Underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.
- B. Defenses. If proven by a preponderance of evidence, it shall be an affirmative defense to any violation of Subd. 4, that the alleged violation is consistent with one or more of the exceptions set forth in Subd. 5.A.

Subd. 6. Enforcement. This Ordinance may be enforced by any peace officer, police officer, or sheriff's deputy in the County.

Subd. 7. Severability. If any section, subsection, sentence, clause, phrase, word or other portion of this ordinance 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 law, which remaining portions shall continue in full force and effect.

Subd. 8. **Penalty.** Violation of any provision or paragraph of subdivision 4 is a misdemeanor and shall be punishable by up to 90 days in jail and/or \$1,000 fine.

Subd. 9. **Publication.** The Clerk of the Board is directed to certify the passage of this Ordinance and cause this Ordinance to be published in the designated newspaper by the County Board of Commissioners, circulated in the County of Chisago, State of Minnesota.

Subd. 9 **Effective Date.** This Ordinance shall take effect thirty (30) days following its final passage and adoption.