

**CITY OF SCANDIA
WASHINGTON COUNTY, MINNESOTA**

ORDINANCE NO.: 144

AN ORDINANCE ESTABLISHING A SOCIAL HOST ORDINANCE

The City Council of the City of Scandia, Washington County, Minnesota hereby ordains:

Section 1. PURPOSE. The Scandia City Council 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 twenty-one (21) years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol.

Section 2. FINDINGS. The Scandia City Council finds that:

- A. Alcohol is an addictive drug which, if used irresponsibly, could have adverse effects on those who use it as well as those who are affected by the actions of an irresponsible user.
- B. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic accidents.
- C. Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one (21) may be harmful to those persons and constitute a potential threat to public health.
- D. Events and gatherings involving underage possession and consumption of alcohol frequently occur outside the presence of parents or legal guardians. There are times, however, when a parent, guardian or other responsible person is present thereby condoning the activity and, at times, provides the alcohol to persons under the age of twenty-one (21).
- E. Even though giving or furnishing alcohol to a person under the age of twenty-one (21) is a crime, it is difficult to prove, and an ordinance is necessary as another tool to help further combat underage possession and consumption of alcohol.
- F. Holding a person criminally responsible for hosting an event or gathering where underage possession or consumption of alcohol occurs will serve as a deterrent.

Section 3. DEFINITIONS. For the purpose of this section, the following terms are defined as:

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.

Alcoholic beverage means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half (1/2) of one percent or more of alcohol by volume and which is fit for beverage purposes either along or when diluted, mixed, or combined with other substances.

Event or gathering means a group of three (3) or more persons who have assembled or gathered together for a social occasion or other activity.

Host means to aid, conduct, allow, entertain organize, supervise, control, or permit an event or gathering regardless of whether or not the host is present.

Parent means a person having the following relationship with a person under the age of twenty-one (21):

- 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.

Person means an individual, partnership, co-partnership, corporation, or an association of one or more individuals. Person does not include a city, county or state agency.

Reasonable steps means steps taken by a person hosting an event or gathering in order to prevent underage possession or consumption of alcohol or alcoholic beverages. Reasonable steps may include, but are not limited to:

- a) Controlling access to alcohol or alcoholic beverages in such a manner that no underage person has access to the alcohol or alcoholic beverages at the gathering or event;
- b) Directly supervising the activities of underage persons at the gathering or event either in person or through a responsible adult;
- c) Checking the identification of the attendees of the event or gathering in order to determine age; and
- d) Other actions taken by a person hosting an event or gathering in order to prevent underage possession or consumption of alcohol or alcoholic beverages.

Residence or premises means any location, including a home, yard, farm, 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.

Underage person means an individual under twenty-one (21) years of age.

Section 4. PROHIBITED ACTS.

- A. It is unlawful for a person to:
 - 1. Host or allow a gathering or an event;
 - 2. At any residence or premises;
 - 3. Where alcohol or alcoholic beverages are present;
 - 4. When the person knows or should reasonably 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
 - c) The person fails or has failed to take reasonable steps to prevent possession or consumption by the underage person (s).
- B. A person is criminally responsible for violating Section 4.A. of this Section 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.

Section 5. Exceptions. This section shall not apply to:

- A. Conduct solely between an underage person who consumes alcohol in the presence of and with the permission of his or her parent in the parent's house.
- B. Legally protected religious observances.
- C. Retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated under Minnesota Statutes Section 340A.503, subdivision 1(a)(1).
- D. Situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

Section 6. 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.

Section 7. Penalty. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine, imprisonment or both.

Section 8. Effective Date. This Ordinance shall take effect upon adoption and

summary publication which shall read as follows:

Ordinance No. 144 adopted by the Scandia City Council establishes a Social Host Ordinance.

A copy of the full ordinance is available for review at City Hall.

Passed and adopted by the City Council of the City of Scandia, Washington County, Minnesota this ___th day of _____, 2013.

ATTEST:

Randall Simonson, Mayor

Kristina Handt, City Administrator