

**RESOLUTION 10-232
SOCIAL HOST ORDINANCE**

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 (21) YEARS OF AGE.

ARTICLE I. TITLE AND AUTHORITY

Section 1.1 This shall be known as the Freeborn County Social Host Ordinance.

Section 1.2 This ordinance is enacted pursuant to Minn. Stat. §145A.05,
Subdivision 1.

ARTICLE II. PURPOSE

Section 2.1 The Freeborn County Board of Commissioners 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.

ARTICLE III. DEFINITIONS

Section 3.1 “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 3.2 “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 3.3 “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 3.4 “Host” means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

Section 3.5 “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 3.6 “Person” means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

Section 3.7 "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 3.8 "Underage person" is any individual under twenty-one (21) years of age.

ARTICLE IV: PROHIBITED ACTS

Section 4.1 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 4.2 A person is criminally responsible for violating Section 4.1 above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

Section 4.3 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 5.1 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 5.2 This ordinance does not apply to legally protected religious observances.

Section 5.3 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 5.4 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.

Section 5.5 This ordinance does not apply when an event or gathering occurs at a residence or on a premise and the person did not know and reasonably could not have known of the occurrence of the event or gathering.

ARTICLE VI: ENFORCEMENT

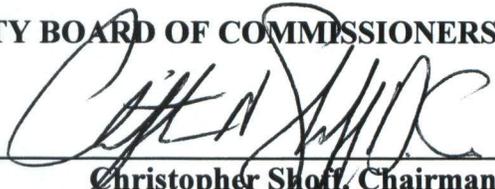
Section 6.1 This ordinance can be enforced by any law enforcement officer.

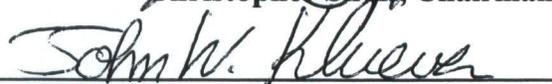
BE IT FURTHER ORDAINED that this ordinance is effective upon approval by the Freeborn County Commissioners.

A copy of this ordinance is on file in the Freeborn County Auditor-Treasurer's Office.

Passed and approved this 14th day of December, 2010.

THE FREEBORN COUNTY BOARD OF COMMISSIONERS

By: 
Christopher Shoff, Chairman

By: 
John W. Kluever, Clerk/Administrator