

## **ORDINANCE #2010-1**

### **SOCIAL HOST ORDINANCE IN THE CITY OF BROWNSDALE**

#### **SECTION 1. PURPOSE**

The City Council of Brownsdale 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.

#### **SECTION 2. DEFINITIONS**

A. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or 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.

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

C. "Host" means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

D. "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 had been given by order of the court.

E. "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

F. "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.

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

### **SECTION 3. PROHIBITED ACTS**

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 know 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).

A person is criminally responsible for violating Section 3.5 above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

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

### **SECTION 4. EXCEPTIONS**

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

This ordinance does not apply to legally protected religious observances.

This ordinance does not apply to retail intoxication liquor or 3.2 percent malt liquor licensees, municipal liquor store, or bottle club permit holders who are regulated by Minn. Stat.340A.503 Subd. 1(a)(1).

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. ENFORCEMENT**

This ordinance can be enforced by any law enforcement officer.

### **SECTION 6. PENALTIES**


Any person who shall violate any of the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) and/or by imprisonment of not to exceed ninety (90) days.

**SECTION 7. EFFECTIVE DATE**

This ordinance shall be effective upon its passage and publication according to the law.

Passed by a vote of Yeas and Nays by the City Council of Brownsdale the 1 day of March, 2010

APPROVED:

  
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Mayor, Robert Luthé

ATTESTED:

  
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City Clerk/Treasurer, Theresa Booms

Publication date in Grand Meadow News on the 31 day of March, 2010.