

KANABEC COUNTY ORDINANCE NO. 33

Social Host Ordinance

Kanabec County

This ordinance prohibits, and establishes penalties for, any person hosting an event or gathering where alcohol is present and is being possessed or consumed by person under twenty-one (21) years of age.

The Kanabec County Board of Commissioners Ordains:

Subd. 1. Purpose and Findings. The County 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. The Kanabec County Board finds that:

- a. Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
- 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 collisions.
- c. Alcohol is an addictive drug which, if used irresponsibly, could 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 or guardians. However, there are times when a parent or guardian or other adult is present and 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 a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

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

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

- a. “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” means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, 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.
- c. “Event or gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- d. “Host” means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.
- e. “Parent” means any person having legal custody of a juvenile as:
 - (1) a natural, adoptive parent, or step-parent;
 - (2) a legal guardian; or
 - (3) a person to whom legal custody has been given by order of the court.
- f. “Person” means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.
- g. “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.
- h. “Underage person” is any individual under twenty-one (21) years of age.

Subd. 4. Prohibited Acts. It is unlawful for any person(s) to host, allow or have control over an event or gathering, or intentionally aid, hire, advise, counsel, or conspire with or otherwise procure another to host, allow or have control over an event or gathering, at any residence, premises, or on any other private or public property, where alcohol or alcoholic beverages are present, when the person knows, has reason to know, or acts in reckless disregard of knowledge that any underage person will or does consume any alcohol or alcoholic beverage, or possess any alcohol or alcoholic beverage with the intent to consume it, and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

Subd. 5. Exceptions. This ordinance does not apply to:

- a. Conduct solely between an underage person and his or her parent while present in the parent's household.
- b. Legally protected religious observances.

Subd. 6. Enforcement. This ordinance can be enforced by any licensed peace officer 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 ordinance, which remaining portions shall continue in full force and effect.

Subd. 8. Penalty. Any person who violates Subdivision 4 is guilty of a misdemeanor. Any person found guilty of a misdemeanor under this ordinance shall be punished as provided by the Laws of the State of Minnesota for misdemeanor violations.

Subd. 9. Effective Date. This ordinance shall take effect May 26, 2010.