

Chapter 2. Public Safety

Article 7. Social Hosts

§ 2-701. Purpose and findings.

- A. The purpose of the Mille Lacs County Social Host Ordinance is to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and Mille Lacs County 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.
- B. The Mille Lacs County Board of Commissioners finds that:
- (1) 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.
 - (2) Prohibiting underage consumption protects underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
 - (3) Alcohol is an addictive drug which, if used irresponsibly, can have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
 - (4) Events or gatherings involving underage possession and consumption often occur without parental knowledge or presence. However, there are times when the parent(s) is/are present and condone the activity and in some circumstances provide the alcohol.
 - (5) 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 prohibit underage consumption.
 - (6) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

§ 2-702. Statutory authority.

This article is enacted pursuant to Minn. Stat. § 145A.05, Subd. 1.

§ 2-703. Jurisdiction.

The jurisdiction of this ordinance shall apply to all of the area in Mille Lacs County which is not within incorporated limits.

§ 2-704. Definitions

For purposes of this article, the following terms have the following meanings:

AIDING AND ABETTING

Adults that are participating in aiding or allowing any illegal activity related to the event or gathering, specifically including the illegal activity identified in § 2-705 herein.

ALCOHOL

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

Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains 1/2 of 1% or more of alcohol by volume and which is fit for beverage purposes, either alone or when diluted, mixed, or combined with other substances.

EVENT OR GATHERING

Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

HOST

To aid, conduct, allow, entertain, supervise, control, or permit a gathering or event.

PARENT

Any person having legal custody of a juvenile:

- A. As natural, adoptive parent, or step-parent;
- B. As a legal guardian; or
- C. As a person to whom legal custody has been given by order of the court.

PERSON

Any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

RESIDENCE or PREMISES

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, indoor or outdoor, 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

Any individual under 21 years of age.

§ 2-705. Prohibited acts.

- A. It is unlawful for any person(s) to host, aid and abet or allow an event or gathering at any residence or premises, or on any other private or public property where alcohol or alcoholic beverages are present when the person knows or reasonably should know that an underage person will or does (1) consume any alcohol or alcoholic beverage or (2) 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).
- B. A person is criminally responsible for violating Subdivision A, Clause 1) above 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.

§2-706 Exceptions.

- A. This article does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.
- B. This article does not apply to legally protected religious observances.
- C. This article does not apply to retail intoxicating liquor or 3.2% malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. § 340A.503, Subd.1(a)(1).
- D. This article does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

§ 2-707. Enforcement.

This article can be enforced by any Sheriff's deputy, police officer, or other licensed peace officer in Mille Lacs County.

§2-708. Severability.

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

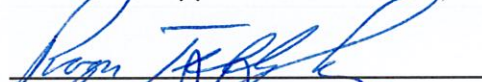
§2-709. Violations and penalties.

Violation of this article is a misdemeanor.

§2-710. Effective Date.

This ordinance shall be effective on the date of passage by the Mille Lacs County Board of Commissioners.

Passed and approved this 18th day of September, 2018.



Roger Tellinghuisen, Chair
Mille Lacs County Board of Commissioners

Attest: _____
Pat Oman, County Administrator