

CITY OF ST. CHARLES

ORDINANCE #586

AN ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA, AMENDING ST. CHARLES CODE TO ESTABLISH A SOCIAL HOST ORDINANCE

THE CITY OF ST. CHARLES DOES ORDAIN:

Section 1. Title XIII: General Offenses, Chapter 130: General Offences of the City Code of St. Charles, Minnesota, be amended to add the following new sections and read as follows:

SOCIAL HOST

§ 130.20 SOCIAL HOST.

(A) Purpose and Findings.

(1) The St. Charles City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to impose criminal penalties on those person(s) who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting or allowing the event or gathering supplied the alcohol.

(2) The St. Charles City Council 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, safety, and welfare 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 overdoses 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. However, there are times when the parent(s) is/are present, and condone the activity, and in some circumstances provide 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 of alcohol occurs.

(B) *Definitions.* For purposes of this section, the following terms have the following meanings:

ADULT. Any person 18 years of age or older.

ALCOHOL. Ethyl alcohol, hydrated oxide of ethyl or spirits of wine, liqueur, cordials, 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 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.

EVENT OR GATHERING. Any group of three or more persons assembled or gathered together for a social occasion or other activity.

HOST OR ALLOW. To aid, conduct, entertain, organize, supervise, control or permit an event or gathering regardless of whether or not the host is present.

PARENT. Any person having legal custody of a juvenile as a natural parent, adoptive parent, step parent, legal guardian, or 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. A person does not include any city, county or state agency.

REASONABLE STEPS. 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 the following:

- (a) Controlling access to alcohol and 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. Any location, including a house, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, yard, field, land, park, or any other place of assembly, private or public, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or residence or specifically for a social or business function, and whether owned, leased, rented or used with or without permission or compensation.

UNDERAGE PERSON. Any person under 21 years of age.

(C) *Prohibited Acts.*

(1) It is unlawful for any person(s) to:

(a) host or allow an event or gathering at any residence or premises, or on any other public property or private property where alcohol or alcoholic beverages are present; and

(b) when the person knows or reasonably should know that:

1. Alcohol or an alcoholic beverage is possessed with the intent to consume or is being consumed by an underage person; and
2. The person failed to take reasonable steps to prevent such possession or consumption by an underage person.

(2) It is a violation of paragraph C (1) if any person intentionally aids, advises, hires, counsels or conspires with another or otherwise procures another to commit the prohibited act.

(3) A person who hosts or allows an event or gathering does not have to be present at the event or gathering to be criminally responsible for a violation of this section.

(D) *Exceptions.*

(1) This section does not apply to conduct of an underage person specifically authorized by his or her parent while present in the parent's household.

(2) This section does not apply to legally protected religious observances.

(3) This section does not apply to retail intoxicating liquor or 3.2 percent malt liquor licenses, municipal liquor stores or bottle club permit holders who are regulated by Minn. Stat. §340A.503.

(4) This section does not apply to law enforcement activities supervised by a law enforcement agency.

(5) This section does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(6) This section does not apply to a landlord, mortgagee, college, university, hotel or motel owner, or operator who has not actually participated in hosting or allowing an event or gathering where alcohol is present.

(E) *Penalty.* A violation of this section is a misdemeanor. The court may order restitution paid to any public agency for the costs of the emergency response resulting from the actions constituting a violation of this section, not exceeding five hundred dollars per public agency for each such response. A public agency seeking such restitution shall consult with the prosecuting attorney regarding the expenses incurred by the public agency, and the prosecuting attorney shall include the expenses in the statement of restitution pursuant to Minn. Stat. § 611A.04.

(F) *Enforcement.* This section can be enforced by any person with a Minnesota Peace Officer's License with jurisdiction in the city of St. Charles.

(G) *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.

(H) *Authority.* This section is enacted pursuant to Minn. Stat. § 145A.05 and 340A.509.

Section 2. This Ordinance shall take effect thirty days after its publication.

Adopted this 26th day of January, 2016 by the City Council of the City of St. Charles, Minnesota.

John Schaber, Mayor

Attest:

Nick Koverman, City Administrator

First Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain _____

Second Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain _____

Date Published _____