

Introduced by Council Member Keith Mykleseth.

Seconded by Council Member Frank Lindgren.

**ORDINANCE NO. 20, 3<sup>rd</sup> SERIES**

**AN ORDINANCE OF THE CITY OF CROOKSTON, MINNESOTA, AMENDING  
CITY CODE CHAPTER 130, ENTITLED, "GENERAL OFFENSES" BY ADDING A SECTION  
PROVIDING FOR SOCIAL HOST LIABILITY**

**BE IT ORDAINED BY THE CITY OF CROOKSTON, as follows:**

Section 1. City Code, Chapter 130, entitled "General Offenses" is amended by adding a section, to read:

**SEC. 130.10 SOCIAL HOST LIABILITY**

(A) *Purpose and findings.* The Crookston City Council 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 Crookston City Council finds that:

- (1) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health and public safety requiring prevention or abatement.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

(B) *Authority.* This section is enacted pursuant to Minn. Stat. §145A.05 subdivision 1.

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

- (1) Alcohol. "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.
- (2) Alcoholic beverage. "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 used for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- (3) Event or gathering. "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or activity at a residence or premises.
- (4) Host. "Host" means to permit an event or gathering where one or more minors consume or possess any alcohol or alcoholic beverage on property owned or controlled by the person.
- (5) Parent. "Parent" means 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.
- (6) Person. "Person" means any individual(s) responsible for an event or gathering including, but not limited to, the individual(s) who owns, rents, leases, or otherwise has controlled the premises where the event or gathering takes place, the individual(s) in charge of the premises, and/or the individual(s) who organized the event or gathering. If the residence or premises is rented, the landlord is not covered by this ordinance unless landlord otherwise meets this definition.
- (7) Possess. "Possess" means care, custody, dominion and control of liquor.
- (8) Residence or Premises. "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, 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.
- (9) Underage Person. "Underage person" is any individual under twenty-one (21) years of age.

(D) *Prohibited Acts.*

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

- (a) host or allow an event or gathering at any residence or premises where alcohol or alcoholic beverages are present when the person knows that an underage person will or does
  - (i) consume any alcohol or alcoholic beverage; or
  - (ii) possess any alcohol or alcoholic beverage; and
- (b) the person fails to take reasonable steps to prevent possession or consumption by the underage person(s). Reasonable steps shall including the following:
  - (i) controlling access to alcohol and/or alcoholic beverages at the event or gathering; and
  - (ii) verifying the age of persons attending the event or gathering by inspecting driver's license or other government issued identification cards to ensure that minors do not consume or possess alcohol and/or alcoholic beverages while at the event or gathering; and,
  - (iii) supervising the activities of minors at the event or gathering.
- (2) A person is criminally responsible for violating Subsection (D)(1) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.
- (3) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

(E) *Exceptions.*

- (1) This section does not apply to conduct solely between an underage person and his or her parents 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 licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. §340A.503 Subd. 1(a)(1).
- (4) 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.

Section 2. This ordinance shall take effect upon its passage and publication according to the provisions of the Home Rule Charter for the City of Crookston, Minnesota.

Upon a call of ayes and nays as to the passage of this ordinance, the vote stood as follows:

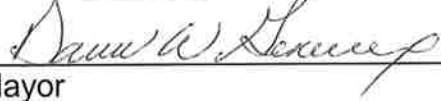
Voting in the negative: \_\_\_\_\_

Voting in the affirmative: Mjoen, Mykleseth, Melbye, Stainbrook,  
Vedbraaten, Lindgren and Martin

Upon this vote, the ordinance was declared Passed by the Mayor.

Passed this 26<sup>th</sup> day of May, 2009.

Approved the 26<sup>th</sup> day of May, 2009.

  
Mayor

ATTEST:   
City Clerk-Treasurer

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