

RICE COUNTY ORDINANCE

No. 310

Social Host

The County Board of Rice County Ordains:

310.01. Title.

This Ordinance shall be titled and referred to as the Social Host Ordinance.

310.02. Authority.

This Ordinance is enacted pursuant to Minnesota Statute §145A.05, subdivision 1.

310.03. Purpose.

Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under twenty-one years old are harmful to those persons and constitute a potential threat to public health requiring prevention and abatement. Holding a person criminally responsible for hosting an event or gathering where underage possession or consumption of alcohol occurs will serve as a deterrent.

310.04. Jurisdiction.

This ordinance shall apply to all unincorporated areas within Rice County.

310.05. Definitions.

For purpose of this ordinance, the following terms are defined as:

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 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.

A 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, organize, supervise, control, or permit an event or gathering whether the host is present or not.

Parent.

A person having the following relationship with a person under twenty-one years.

- a. a natural parent, adoptive parent, or step-parent;
- b. legal guardian; or
- c. a person to whom legal custody has been given by order of a court.

Person.

An individual, partnership, co-partnership, corporation, or an association of one or more individuals. "Person" does not include a city, county, or state agency.

Reasonable steps may include:

- a. Controlling access to alcohol and alcoholic beverages in such a manner that no underage person has access to the alcohol and alcoholic beverages at the gathering or event; or
- b. Directly supervising the activities of underage persons at the gathering event either in person or through a responsible adult; or
- c. Checking identification of the attendees of the gathering to determine age; or
- d. Other actions made by the person to prevent possession or consumption of alcohol or alcoholic beverages by the underage person(s) present.

Residence or premises.

Any location, including a home, yard, farm, field, land, apartment, condominium, hotel 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.

Underage person.

An individual under 21 years of age.

310.06. Prohibited Acts.

It is unlawful for a person to:

- 310.06.1.** Host a gathering or an event at a residence or premises where alcohol or alcoholic beverages are present and the person knows that an underage person either
 - a. Consumes alcohol or an alcoholic beverage; or
 - b. Possesses alcohol or an alcoholic beverage with the intent to consume the alcohol or alcoholic beverage; and
 the person fails to take reasonable steps to prevent possession or consumption by the underage person.

- 310.06.2** Intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another to commit the prohibited act described above.

310.07. Exceptions.

This Ordinance shall not apply to:

- 310.07.1** Consumption of alcohol by an underage person in the parent's home and with the parent's permission.
- 310.07.2** Legally protected religious observances.
- 310.07.3** Retail intoxicating liquor or 3.2 percent malt liquor licenses, municipal liquor stores, or bottle club permit holders who are regulated under Minnesota Statute §340A.503, subd. 1(a)(1).
- 310.07.4** Situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

310.08. Enforcement.

This ordinance can be enforced by any police officer or sheriff's deputy within Rice County.

310.09 Penalty.

Any person who violates this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine, imprisonment or both.

310.10. 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.

310.11. Effective Date.

This ordinance shall be in full force and effect on _____.

Attest: _____