

ORDINANCE NO. 322

**CITY OF ZIMMERMAN
SHERBURNE COUNTY, MINNESOTA**

AN ORDINANCE REGULATING SOCIAL HOSTS

THE CITY COUNCIL OF THE CITY OF ZIMMERMAN, MINNESOTA ORDAINS:

Section 1. Purpose and Findings. The 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 City Council finds:

- A. 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 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. 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.
- D. 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.
- E. A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

Section 2. Jurisdiction. The jurisdiction of this ordinance shall apply to all of the area in the city of Zimmerman.

Section 3. Validity. If the Court finds any provision of this ordinance to be contrary to law and strike a portion thereof, the remainder of the Ordinance not so stricken shall continue to be of full force and effect.

Section 4. Definitions. The following words and terms when used in the ordinance shall have the following meanings:

- A. “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.
- B. “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.
- C. “Event or Gathering” – Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- D. “Host” – To aid, conduct, allow, entertain, organize, supervise, control, or permit either by words or actions or non-actions a gathering or event.
- E. “Parent” – Any person having legal custody of a juvenile:
 - 1. As natural, adoptive parent, or step-parent;
 - 2. As a legal guardian; or
 - 3. As a person to whom legal custody has been given by order of the court.
- F. “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.
- G. “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, 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” – Any individual under twenty-one (21) years of age.

Section 5. Prohibited Acts.

- A. It is unlawful for any person(s) to host 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 or has reason to know that an underage person will or does (i) consume any alcohol or alcoholic beverage, or (ii) 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 Subd. 5(A) 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.

Section 6. Exceptions.

- A. This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.
- B. This ordinance does not apply to legally protected religious observances.
- C. This ordinance 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).
- D. This ordinance 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 7. Penalty. Violation of this ordinance is a misdemeanor.

Section 8. Enforcement. This ordinance may be enforced by the Sherburne County Sheriff's Office or any other licensed peace officer.

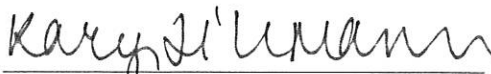
Section 9. Effective Date. This ordinance shall be effective immediately upon its passage by the Zimmerman City Council and publication.

ADOPTED this 20th day of July, 2015, by the City Council of the City of Zimmerman.

CITY OF ZIMMERMAN

BY: 
David Earenfight, Mayor

ATTEST:


Kary Tillmann, City Clerk

