

**ORDINANCE NO. 603
CITY OF CLEAR LAKE
SOCIAL HOST ORDINANCE**

This ordinance prohibits, and establishes penalties for, any person hosting or allowing an event or gathering where alcohol is present and being possessed or consumed by persons less than twenty-one (21) years of age.

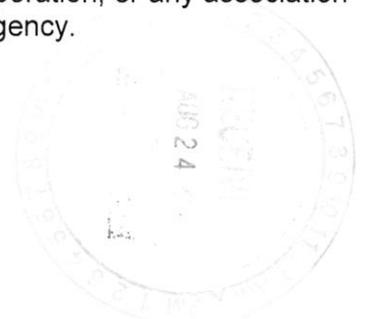
The City Council of Clear Lake ordains:

Subd. 1. **Purpose and Findings.** The Clear Lake 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 or allow 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. The Clear Lake 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 twenty-one may be harmful to those persons and constitute a potential threat to public health.
- (b) 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 crashes.
- (c) Alcohol is an addictive drug which, if used irresponsibly, could have adverse 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, this 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 occurs.

Subd. 2. **Definitions.** For purposes of this ordinance, the following terms have the following meanings:

- (a) 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.
- (b) Alcoholic beverage. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, liquor, 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. "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- (d) Host or Allow. "Host" means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.
- (e) Parent. "Parent" means 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. "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals. A person does not include a governmental agency.



- (g) Residence, Premises or Public or Private Property. "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 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.
- (h) Underage Person. "Underage person" is any individual under twenty-one (21) years of age.

Subd. 3. Prohibited Acts.

- (1) It is unlawful for any person(s) to host or allow an event or gathering at any residence, premises, or 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 consume or 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).
- (a) A person is criminally responsible for violating Subdivision 3 (1) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.
- (b) A person who hosts an event or gathering as described in Subdivision 3 (1) above does not have to be present at the event or gathering to be criminally responsible.

Subd. 4. 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 under Minn. Stat. Chapter §340A.
- (d) A landlord, mortgagee, hotel or motel owner or operator who has not participated in furnishing alcohol for an event or gathering;
- (e) 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 their employment.

Subd. 5. Enforcement. This ordinance can be enforced by any law licensed police officer.

Subd. 6. 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.

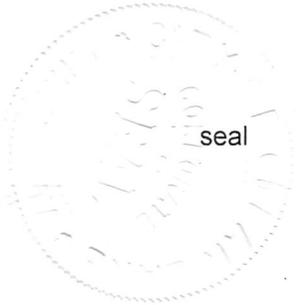
Subd. 7. Penalty. Violation of Subdivision 3 is a misdemeanor.

Subd. 9. Effective Date. This ordinance shall take effect on the 15th day of August, 2016 (OR) This ordinance shall take effect on the date on the date of publication.

This matter was voted upon by the City Council on the 15th day of August, 2016. By motion of the City Council, this ordinance was adopted. The persons voting in favor of adoption: Mayor Goenner and Council Member Bob Arnold. The persons voting against adoption: Council Member Dale Powers.

Attest: , Mayor
Tim Goenner

Attest: , City Clerk
Kari Mechtel



**RESOLUTION 16-07
CITY OF CLEAR LAKE**

Whereas, the use of alcohol by minors and the provision of alcohol to minors are prohibited by state law;

Whereas, consumption of alcohol by persons under the age of 21 is not only illegal but can lead to harmful impacts on the young adults as well as person within the community;

Whereas, Sherburne County, through its Sheriff and other law enforcement seek to curtail the deadly effects of persons drinking and driving;

Whereas, the present laws in effect have not eliminated the issues and additional legal measures are necessary to combat the issue;

Now therefore, the City Council for Clear Lake hereby adopts Ordinance No. 603 entitled Social Host Ordinance and directs staff to take such steps as necessary to effectuate the enactment of the ordinance.



Tim Goenner, Mayor

ATTEST:



Kari Mechtel, Clerk

