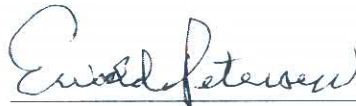


**Sherburne County  
Social Host Ordinance  
ORD-182**

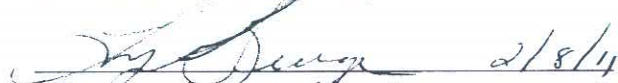
The County Board of Commissioners of Sherburne County hereby ordains a Social Host Ordinance. This Ordinance defines the purpose and the findings for the need for a social host ordinance; establishes the jurisdiction of the same to be in the unincorporated areas of the County, defines the terms alcohol, alcoholic beverage, event/gathering; host or allow, parent, person, residence, premises public or private property and underage person; prohibits an individual to host an event knowing or having reason to know that there is alcohol and underage persons consuming the same; establishes exceptions as set forth in the law; provides that the penalty for violation is a misdemeanor, to have the enforcement of the ordinance be vested with law enforcement; and establishes the effective date as of the date of the passage by the County Board. This is a summary of the Ordinance. A full copy is available in the Office of the County Administrator, 13880 Business Center Dr., Elk River, MN on M-F (8:00 a.m. – 4:30 p.m.).

This provision was passed by the Sherburne County Board of Commissioners on the 8th Day of February, 2011, and duly filed with the Sherburne County Auditor.



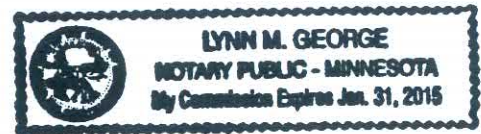
Ewald Petersen, County Board Chair

This foregoing instrument was acknowledged before me this 8<sup>th</sup> day of February, 2011



Signature of person taking acknowledgement

Drafted by the Sherburne County  
Administrator's Office  
Sherburne County Government Center



Office of the County Recorder  
Sherburne County, MN

**Doc. No. 727961**

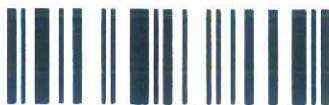
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2/28/2011 2:35 PM

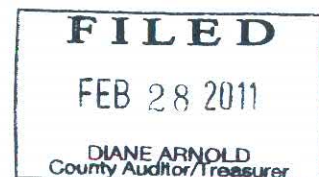
Michelle Ashe, County Recorder

 Deputy

Fees: \$0



727961



# ORDINANCE NO. ORD-182

## SHERBURNE COUNTY, MINNESOTA

### AN ORDINANCE ESTABLISHING A SHERBURNE COUNTY ORDINANCE CONCERNING SOCIAL HOSTS

#### THE SHERBURNE COUNTY BOARD OF COMMISSIONERS ORDAINS:

#### Section 1 Purpose and Findings

The County board 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 County Board 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 Sherburne County which is not within incorporated limits.

## **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 Section shall have the following meanings, unless the context clearly indicates otherwise:

- 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 or Allow" – To aid, conduct, entertain, organize, supervise, control, or permit either by words or actions or inactions a gathering or event.
- E. "Parent" – Any person having legal custody of a juvenile:
  - i. As natural, adoptive parent, or step-parent;
  - ii. As a legal guardian; or
  - iii. 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, Premises or Public or Private Property" – 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 (1) host or allow 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 Section 580.02, subd. 3(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 article does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.
- B. This article does not apply to legally protected religious observances.
- C. This article 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 article 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 Section is a misdemeanor.

**Section 8 Enforcement**

This ordinance may be enforced by the Sherburne County Sheriff's office or any other licensed police officer.

**Section 9 Effective Date**

This ordinance shall be effective on the date of passage by the Sherburne County Board of Commissioners.

Passed and approved this 8<sup>th</sup> day of February, 2011



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Ewald Petersen, Chair  
Sherburne County Board of Commissioners

Attest:



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Brian Bensen, Administrator