**820:10  Purpose and Findings**.  The St. Cloud 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 St. Cloud 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 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)     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 the 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 provided the alcohol.

(e)     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.

(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.

**820:15  Authority**.  This ordinance is enacted pursuant to Minn Stat. § 145A.05, Subdivision 1.

**820:20  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, 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.  "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.

(g)     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, or any other place of assembly, public or private, where 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.

## 820:25  Prohibited Acts.

(a)     It is unlawful for any person(s) to:

     1.     host or allow an event or gathering;
     2.     at any residence, premises or on any other private or public property;
     3.     where alcohol or alcoholic beverages are present;

     4.     when the person knows or reasonably should 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
     5.     the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

(b)     A person is criminally responsible under paragraph (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.

**820:30  Exceptions**.

(a)     This ordinance does not apply to conduct solely between an underage person and his or her parents while in the parent's presence and under the parent's guidance and supervision.

(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.

**820:35  Enforcement**.  This ordinance can be enforced by any police officer or sheriff's deputy in the county.

**820:40**.  **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.

**820:45  Penalty.**  Violation of this section is a misdemeanor.

**820:50  Effective Date**.  This ordinance shall take effect thirty (30) days following its final passage and adoption.