



Olmsted County Code of Ordinances
Chapter 2400 – SOCIAL HOST ORDINANCE

Olmsted County MN

Updated April 28, 2015

TABLE OF CONTENTS

CHAPTER 2400. SOCIAL HOST.....	3
2401.01. Legislative Purpose and Findings.....	3
2401.02. Definitions.....	3
2401.03 Prohibited Acts and Penalty.....	5
2401.04. Exceptions.....	5
2401.05. Enforcement.....	6
2401.06. Severability.....	6
2401.07. Authority.....	6
2401.08 Effective Date.....	6

Chapter 2400. SOCIAL HOST

2401.01. Legislative Purpose and Findings.

Subdivision 1. The Olmsted County Board intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to impose criminal penalties on those persons who host 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.

Subd. 2. The County Board makes the following findings:

A. 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.

B. Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 are harmful to those persons and constitute a potential threat to public health, safety and welfare requiring prevention or abatement.

C. Prohibiting underage consumption protects underage persons, and the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.

D. Events or gatherings involving underage possession and consumption often occur outside the presence of parents or other responsible adults. However, there are occasions when the parent or other adult is present and condones the activity and, in some circumstances, provides the alcohol.

E. Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove. Therefore, 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 or allowing an event or gathering where underage possession or consumption of alcohol occurs. Subd. 3. This chapter shall be known as the "Social Host Ordinance."

2401.02. Definitions.

For the purposes of this chapter, the following terms shall have the meanings stated:

Subd. 1. "Adult" means any person 18 years of age or older.

Subd. 2. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirits of wine,

liqueur, cordials, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

Subd. 3. "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.

Subd. 4. "Event or gathering" means any group of three or more persons assembled or gathered together for a social occasion or other activity.

Subd. 5. "Host or allow" means to aid, conduct, entertain, organize, supervise, control or permit an event or gathering regardless of whether or not the host is present.

Subd. 6. "Parent" means any person having legal custody of a juvenile as a natural parent, adoptive parent, step parent, legal guardian, or a person to whom legal custody has been given by order of the court.

Subd. 7. "Person" means 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.

Subd. 8. "Reasonable Steps" means steps taken by a person hosting an event or gathering in order to prevent underage possession or consumption of alcohol or alcoholic beverages. Reasonable steps may include, but are not limited to:

A. Controlling access to alcohol and alcoholic beverages in such a manner that no underage person has access to the alcohol or alcoholic beverages at the gathering or event;

B. Directly supervising the activities of underage persons at the gathering or event either in person or through a responsible adult;

C. Checking the identification of the attendees of the event or gathering in order to determine age; and

D. Other actions taken by a person hosting an event or gathering in order to prevent underage possession or consumption of alcohol or alcoholic beverages.

Subd. 9. "Residence, premises, or public property or private property" means any location, including a house, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, yard, field, park, or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or residence or specifically for a social or business function, and whether owned, leased, rented or used with or without permission or compensation.

Subd. 10. "Underage Person" means an individual under 21 years of age.

2401.03 Prohibited Acts and Penalty.

Subdivision 1. It is unlawful for any person to host or allow an event or gathering at any residence, premises, or on any other public property or private property where alcohol or alcoholic beverages are present when the person knows or reasonably should know that:

A. Alcohol or an alcoholic beverage is being possessed or consumed by an underage person; and,

B. The person failed to take reasonable steps to prevent such possession or consumption by an underage person.

Subd. 2. It is a violation of subdivision 1 if the person intentionally aids, advises, hires, counsels or conspires with another or otherwise procures another to commit the prohibited act.

Subd. 3. A person who hosts or allows an event or gathering does not have to be present at the event or gathering to be criminally responsible for a violation of this section.

Subd. 4. A violation of this chapter is a misdemeanor.

Subd. 5. The court may order restitution paid to any public agency for the costs of the emergency response resulting from the actions constituting a violation of this section, not exceeding five hundred dollars per public agency for each such response. A public agency seeking such restitution shall consult with the county attorney regarding the expenses incurred by the public agency, and the county attorney shall include the expenses in the statement of restitution pursuant to Minn. Stat. Section 611A.04.

Subd. 6. In determining if a violation charged is a second or subsequent offense, conviction for violation of this section, Minnesota Statutes Section 340A.503, Subd. 2, or an ordinance of any city or county in the state of Minnesota that substantially corresponds to this section, shall be counted as previous offenses.

2401.04. Exceptions.

Subdivision 1. This chapter does not apply to conduct of an underage person specifically authorized by his or her parent while present in the parent's household.

Subd. 2. This chapter does not apply to legally protected religious observances.

Subd. 3. This chapter does not apply to retail intoxicating liquor or 3.2 percent malt liquor licenses, municipal liquor stores or bottle club permit holders who are regulated

by Minn. Stat. §340A.503.

Subd. 4. This chapter does not apply to law enforcement activities supervised by a law enforcement agency.

Subd. 5. This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

Subd. 6. This chapter does not apply to a landlord, mortgagee, college, university, hotel or motel owner, or operator who has not actually participated in hosting or allowing an event or gathering where alcohol is present.

2401.05. Enforcement.

This section can be enforced by any person with a Minnesota Peace Officer's License.

2401.06. 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.

2401.07. Authority.

This chapter is enacted pursuant to Minn. Stat. §§145A.05 to the County authority to regulate actual or potential threats to the public health.

2401.08 Effective Date

This ordinance shall be in full force and effect on May 1, 2015 following adoption and publication pursuant to Minnesota law.

Dated this 28th day of April, 2015

OLMSTED COUNTY BOARD OF COMMISSIONERS

/s/ Paul Wilson
Paul Wilson, County Board Chairperson

Attest: /s/ Richard Devlin
Richard Devlin Clerk/Administrator

END OF CHAPTER 2400