

PINE COUNTY ORDINANCE #2019-06

**PINE COUNTY
SOCIAL HOST ORDINANCE**

ARTICLE 1. PURPOSE

The purpose of this Ordinance is to prohibit, and establish penalties for, any person hosting an event or gathering where alcohol, marijuana or other controlled substances are present and being possessed or consumed by persons under 21 years of age within Pine County.

ARTICLE 2. SCOPE

The intent of this Ordinance is to discourage underage possession and consumption of alcohol, marijuana or other controlled substances even if done within the confines of a private residence. The intent of this Ordinance is to also hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol, marijuana or other controlled substances regardless of whether the person hosting the event or gathering supplied the alcohol, marijuana or other controlled substances. The County Board of Commissioners finds that:

- A. Events and gatherings held on private or public property where alcohol, marijuana or other controlled substances are possessed or consumed by persons under the age of 21 are harmful to those persons and constitute a potential threat to public health and public safety requiring prevention or abatement.
- B. Prohibiting underage consumption acts to protect underage persons, as well as the public, from injuries related to alcohol, marijuana or other controlled substances consumption, such as overdose or alcohol/drug-related traffic crashes.
- C. Alcohol, marijuana and other controlled substances are addictive drugs which, if used irresponsibly, could have drastic 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, marijuana or other controlled substances.
- E. Even though giving or furnishing alcohol, marijuana or other controlled substances 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.

ARTICLE 3. AUTHORITY

This Ordinance is enacted pursuant to Minnesota Statutes section 145A.05, subdivision 1, and Minnesota Statutes section 340A.509.

ARTICLE 4. DEFINITIONS

For the purposes of this Ordinance, the following definitions apply:

- 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 0.5% or more of alcohol by volume and which is used for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- C. **CONTROLLED SUBSTANCE:** This term has the same meaning as in Minnesota Statutes section 152.01, subdivision 4. Such term does not include any drug or substance for which the individual found to have consumed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription.
- D. **EVENT or GATHERING:** Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- E. **HOST:** To aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.
- F. **MARIJUANA:** This term has the same meaning as in Minnesota Statutes section 152.01, subdivision 9.
- G. **PARENT:** Any person having legal custody of a juvenile:
 - a. As natural, adoptive parent, or step-parent;
 - b. As a legal guardian; or
 - c. As a person to whom legal custody has been given by order of the court.
- H. **PERSON:** Any individual, partnership, co-partnership, corporation, or any association of one or more individuals.
- I. **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, 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.

J. **UNDERAGE PERSON:** Any individual under 21 years of age.

ARTICLE 5. PROHIBITED ACTS

It is unlawful for any person(s) to:

- A. Host or allow an event or gathering at any residence, premises, or on any other private or public property where alcohol or alcoholic beverages, marijuana or controlled substances are present when the person knows or reasonably should know that an underage person will or does:
 - a. Consume any alcohol or alcoholic beverage, marijuana or controlled substance; or
 - b. Possess any alcohol or alcoholic beverage, marijuana or controlled substance with the intent to consume it; and
 - c. 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 Article 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.

ARTICLE 6. EXCEPTIONS

- A. This section does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.
- B. This section does not apply to legally protected religious observances.
- C. This section does not apply to retail intoxicating liquor or 3.2% malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minnesota Statutes section 340A.503, subdivision 1(a)(1).
- D. This section does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages, marijuana or controlled substances during the course and scope of employment.

ARTICLE 7. ENFORCEMENT

This Ordinance can be enforced by any licensed peace officer in Pine County.

ARTICLE 8. SEVERABILITY

The provisions of this Ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase or portion of this Ordinance be declared invalid for any reason, the remainder of this Ordinance shall not be affected and the remainder of the provisions shall remain in full force and effect.

ARTICLE 9. PENALTIES

Any person who violates any of the provisions of this Ordinance, or fails to comply with any of the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by the Laws of the State of Minnesota for misdemeanor violations. Each day that a violation continues shall constitute a separate offense.

ARTICLE 10. EFFECTIVE DATE

This Ordinance shall be and is hereby declared to be in full force upon passage, and to be published per law.

Passed by the Board of Commissioners of Pine County, Minnesota, this ____ day of ____, 2019.

Joshua Mohr, Chair
Pine County Board of Commissioners

David J. Minke
Pine County Administrator

Approved as to form and execution:

Reese Frederickson
Pine County Attorney