

**CITY OF GLENWOOD
GLENWOOD, MINNESOTA**

**ORDINANCE NO. _____
SECOND SERIES**

**AN ORDINANCE AMENDING THE CITY OF GLENWOOD CODE
REGARDING SOCIAL HOSTS**

THE CITY COMMISSION FOR THE CITY OF GLENWOOD ORDAINS AS
FOLLOWS:

SOCIAL HOSTS

Article I. In General

Sec. 1 Title

This chapter shall be known as the "Social Host Ordinance."

Sec. 2 Findings and Purpose

2.1. The city council finds that:

- a. Consumption of alcohol by persons under the age of 21 is harmful to those persons and constitutes a potential threat to public health from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
- b. Alcohol is also 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 an irresponsible user.
- c. As a result, gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 should be prevented as much as possible.
- d. Gatherings involving underage possession and consumption often occur outside the presence of parents or other responsible adults. However, there are times when a parent or other adult is present and condones the activity, and in some circumstances provides the alcohol.
- e. Although 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 a gathering where underage possession or consumption occurs.

2.2. The purpose of the Social Host Ordinance is to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and to hold persons criminally responsible who host gatherings where persons under 21 years of

age possess or consume alcohol, regardless of whether the person hosting the gathering supplied the alcohol or was present.

2.3. The city commission intends that this ordinance should not target parents who may have alcoholic beverages on their premises and who have issued a standing order that alcohol is not to be consumed by underage persons on those premises.

Sec. 3 Definitions

For purposes of this section, the following terms have the meanings given:

3.1. "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.

3.2. "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.

3.3. "Gathering" means a group of three or more unrelated persons who have assembled or gathered together for a social occasion or other activity.

3.4. "Host" means to aid, conduct, sponsor, organize, supervise, control, or allow a gathering.

3.5. "Parent" means a person having the following relationship to a juvenile:

- a. a natural parent, adoptive parent, or step-parent;
- b. a legal guardian; or
- c. a person to whom legal custody has been given by order of a court.

3.6. "Person" means an individual, partnership, co-partnership, corporation, or an association of one or more individuals. "Person" does not include a city, county, or state agency.

3.7. "Premises" means any location, including, but not limited to, a house, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, yard, field, land, park, dock, boat moored at a dock, boat in a boatlift, or any other place of gathering or assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or residence or specifically for a party or other social function or business function, and whether owned, leased, rented, or used with or without compensation.

3.8. "Underage person" means an individual under 21 years of age.

Article II. PROHIBITED ACTS

Sec. 4 Prohibited Acts

4.1. It is unlawful for any person to host or allow a gathering or event at or on any residence or premises, or on any other public or private property if:

- a. the person knows, or reasonably should know, that alcohol or alcoholic beverages will be present; and
- b. the person knows that an underage person will attend, or is likely to attend;

and

- c. the person fails to take reasonable steps to prevent the possession or consumption of alcoholic beverages by an underage person; and
- d. an underage person consumes an alcoholic beverage, or possesses an alcoholic beverage with the intent to consume it, at the gathering, event or premises.

4.2. Examples of reasonable steps include:

- a. directing, on a one-time basis or as a standing order, that no consumption of alcohol and alcoholic beverages is allowed; or
- b. controlling access to alcohol and alcoholic beverages; or
- c. checking identification of attendees to determine age; or
- d. supervising the activities of underage persons at the gathering either in person or through a responsible adult.

4.3. A person is not criminally responsible under this ordinance if the person does not know that a gathering will occur, or does not know that alcoholic beverages will be present, or does not know that an underage person will be or is likely to be present. However, if a person has the knowledge specified in paragraph 4.1 above, a person who hosts a gathering does not have to be present at the gathering to be criminally responsible for violation of this chapter.

4.4. A person is criminally responsible for violating paragraph 4.1 above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

Sec. 5 Exceptions

5.1. This chapter does not apply to conduct of an underage person that is permitted by his or her parent and occurs in the parent's household.

5.2. This chapter does not apply to a legally protected religious observance.

5.3. This chapter does not apply when an underage person is lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

5.4. This chapter does not apply to the holder of a liquor license issued under Chapter 4 of this code, but it does apply to a person who hosts a gathering at such a liquor establishment.

5.5. This chapter does not apply to a landlord or mortgagee who has not actually participated in hosting or allowing an event or gathering at a premises where alcohol is present.

Sec. 6 Penalty

A violation of this chapter shall be a misdemeanor.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD THIS
_____ DAY OF _____, 2015 WITH AN EFFECTIVE DATE OF
_____, 2015.**

APPROVED:

(SEAL)

Scott Formo, Mayor

ATTEST:

David Iverson, City Administrator