

ORDINANCE NO. 131

DAKOTA COUNTY SOCIAL HOST ORDINANCE

The County Board of Dakota County ordains:

Subd. 1. Purposes and Findings.

The Board of Commissioners of Dakota County 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 Board of Commissioners of Dakota County 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 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.

(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.

Subd. 2. Authority.

This Ordinance is enacted pursuant to the authority granted under Minn. Stat. 145A.05, subdivision 1.

Subd. 3. Jurisdiction.

This Ordinance shall be in force in the following jurisdictions:

City of Coates	Castle Rock Township	Nininger Township
City of Hampton	Douglas Township	Randolph Township
City of Miesville	Empire Township	Ravenna Township
City of New Trier	Eureka Township	Sciota Township
City of Randolph	Greenvale Township	Vermillion Township
City of Vermillion	Hampton Township	Waterford Township
	Marshan Township	

Subd. 4. Definitions.

(a) "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" 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" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

(d) "Host" means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

(e) "Parent" means any person having legal custody of a juvenile:

- (1) As a 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" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

(g) "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, 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" is any individual under twenty-one (21) years of age.

Subd. 5. 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) Examples of reasonable steps include:

- (1) directing, on a one-time basis or as a standing order, that no consumption of alcohol and alcoholic beverages is allowed; or
- (2) controlling access to alcohol and alcoholic beverages; or

- (3) checking identification of attendees to determine age; or
- (4) supervising the activities of underage persons at the gathering either in person or through a responsible adult.

(c) A person is criminally responsible for violating Subdivision 5(a) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

(d) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

Subd. 6. Exceptions.

(a) This ordinance does not apply to conduct solely between an underage person and his or her parent while present in the parent's household.

(b) This ordinance does not apply to legally protected religious observances.

(c) This ordinance does not apply to retail intoxication 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.

Subd. 7. Enforcement.

This ordinance can be enforced by any police officer or sheriff's deputy in the county.

Subd. 8. Severability.

In 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.

Subd. 9. Penalty.

Violation of Subdivision 4 is a misdemeanor.

Subd. 10. Effective Date.

This ordinance shall take effect thirty (30) days following its final passage and adoption.

Approved as to form:

Walter Schaffer 5/9/2012
Assistant County Attorney/Date

COUNTY OF DAKOTA

Nancy Schouweiler
Nancy Schouweiler
Board of Commissioners Chair
Date of Signature 5-17-12

Attest Kelly Olson
Kelly Olson, Sr. Administrative
Coordinator to the Board
Date of Signature 2-17-12

Approved by Dakota County
Board Resolution No. 12-223

**BOARD OF COUNTY COMMISSIONERS
DAKOTA COUNTY, MINNESOTA**

May 8, 2012

Resolution No. 12-223

Motion by Commissioner Harris

Second by Commissioner Egan

Adopt Social Host Ordinance To Be Effective In Cities And Townships In Southern Dakota County

WHEREAS, the consumption of alcohol by individuals under the age of 21 continues to be a public health problem and a law enforcement problem; and

WHEREAS, criminal penalties are provided by statute for individuals who furnish alcohol to individuals under the age of 21 but not for those who furnish a location for individuals under the age of 21 to consume alcohol; and

WHEREAS, pursuant to Minn. Stat. Sec. 145A.05, subd. 1., the Dakota County Board of Commissioners, in its capacity as a board of health in and for Dakota County, has the authority to enact an ordinance to discourage the underage consumption of alcohol on private premises by holding criminally responsible those who furnish the premises but not necessarily the alcohol to such underage individuals; and

WHEREAS, the intent of such ordinance is to hold accountable those individuals who knowingly provide premises for individuals under the age of 21 for the purpose of consuming alcohol; and

WHEREAS, the ordinance will act as a deterrent to the furnishing of premises to underage individuals for the consumption of alcohol.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts Dakota County Social Host Ordinance, to be effective within the geographic areas of the City of Coates, the City of Hampton, the City of Miesville, the City of New Trier, the City of Randolph, the City of Vermillion, Castle Rock Township, Douglas Township, Empire Township, Eureka Township, Greenvale Township, Hampton Township, Marshan Township, Nininger Township, Randolph Township, Ravenna Township, Sciota Township, Vermillion Township, and Waterford Township; and

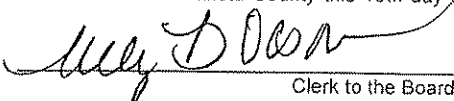
BE IT FURTHER RESOLVED, That said ordinance be published as part of the proceedings of the County Board meeting of May 8, 2012, and be placed into effect thirty days following its passage and adoption.

STATE OF MINNESOTA
County of Dakota

	YES		NO
Harris	<u> X </u>	Harris	_____
Gaylord	<u> X </u>	Gaylord	_____
Egan	<u> X </u>	Egan	_____
Schouweiler	<u> X </u>	Schouweiler	_____
Workman	<u> X </u>	Workman	_____
Krause	<u> X </u>	Krause	_____
Branning	<u> X </u>	Branning	_____

I, Kelly Olson, Clerk to the Board of the County of Dakota, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Dakota County, Minnesota, at their session held on the 8th day of May 2012, now on file in the County Administration Department, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal of Dakota County this 10th day of May 2012.



 Clerk to the Board