

**City of Mendota
Dakota County, Minnesota
Ordinance No. 13-02**

**AN ORDINANCE AMENDING CHAPTER
REGARDING SOCIAL HOSTS**

The City Council of the City of Mendota does ordain:

SECTION 1. Mendota City Code is amended by adding Section Social Host as follows:

Sec. 1.

(a) Purpose and Findings. The 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 supplies the alcohol. The City Council finds:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) Even though giving or furnishing alcohol to an unrelated underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.
- (6) A deterrent will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption of alcohol occurs.

(b) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

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.

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.

Event or Gathering means any group of three or more persons who have assembled or gather together for a social occasion or other activity.

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

Parent means any person having legal custody of a juvenile, such as a natural, adoptive parent, or stepparent, as a legal guardian; or as a person to whom legal custody has been given by order of the court.

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.

Residence, Premises or Public or Private Property 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, 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.

Underage Person means any individual under twenty-one years of age.

(c) *Prohibited Acts.*

- (1) It is unlawful for any person(s) to host or allow an event or gathering at any residence, premises, or on any other private or public property where alcohol or alcoholic beverages are present when the person knows or reasonably should know that an underage person will or does:
 - a. consume any alcohol or alcoholic beverage; or
 - b. possess any alcohol or alcoholic beverage with the intent to consume it, and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
- (2) A person is criminally responsible for violating this Section if the person intentionally aids, advises, hires, counsels, or conspires with another to commit the prohibited act.

(3) A person who hosts 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.

(d) *Exceptions.* This section does not apply to the following persons or situations:

(1) Conduct solely between an underage person and his or her parents while present in the parent's household.

(2) Legally protected religious observances.

(3) Licensed retail sellers of intoxicating liquor or 3.2 percent malt liquor licenses, municipal liquor stores, or bottle club permit holders who are regulated by Minnesota Statutes 340A.

(4) A landlord, mortgagee, hotel or motel owner or operator who has not actually participated in knowingly furnishing alcohol for an event or gathering.

(5) Medical procedures or treatment authorized by a physician.

(6) Law enforcement activities supervised by a law enforcement agency.

(7) When underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(d) *Penalty.*

(1) A. Violation; Penalties: Violation of a provision of this code is a misdemeanor and, upon conviction thereof, a person may be punished by a fine of not more than one thousand dollars (\$1,000.00), or such other amount set by law, or imprisonment for a term not to exceed ninety (90) days, or such other term set by law, or both. Each act of violation and each day on which a violation occurs or continues is a separate violation.

SECTION 2. Effective Date. This ordinance shall be in force upon its adoption and publication.

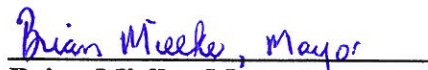
Adopted and ordained into an Ordinance this 14 day of January, 2014

ATTEST

CITY COUNCIL
CITY OF MENDOTA



Kimberlee West, City Clerk



Brian Mielke, Mayor