

**ORDINANCE NO. 10-04  
CITY OF BLUE EARTH**

**AN ORDINANCE TO REGULATE THE ALLOWING OF THE USE OF ALCOHOL BY  
MINORS DURING NON-PUBLIC SOCIAL EVENTS HELD ON PRIVATE PROPERTY.**

The City Council of the City of Blue Earth does ordain as follows: pursuant to Minn. Stat. § 145A.05, subd. 1.

**SECTION I.**

**SUBSECTION 430.06 – SOCIAL HOSTS.**

**Subd. 1.     DEFINITIONS.**

For the purposes of Subsection 430.06, the following terms have the following meanings:

**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, or beer and which contains 1/2 of 1% or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other activity.

**C.     EVENT or GATHERING**

Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

**D.     HOST**

To aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

**E.     PARENT**

Any person having legal custody of a juvenile:

1.     As natural adoptive 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

Any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

G. 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.

H. UNDERAGE PERSON

Any individual under 21 years of age.

**Subd. 2. PURPOSE AND FINDINGS.**

The Blue Earth 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 less than 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Blue Earth City Council finds that:

- A. 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 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 overdoses 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. 3. PROHIBITED ACTS.**

- A. 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 consume any alcohol or alcoholic beverage or 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).
- B. A person is criminally responsible for violating § 71-14A 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.

**Subd. 4. EXCEPTIONS.**

This Subsection 430.06 does not apply to:

- A. Conduct solely between an underage person and his or her parents while present in the parent's household.
- B. Legally protected religious observances.
- C. 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, subdivision 1(a)(1).
- D. Situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

**Subd. 5. AUTHORITY.**

This Subsection 430.06 is enacted pursuant to Minn. Stat. § 145A.05, subdivision 1.

**Subd. 6. ENDORSEMENT.**

This Subsection 430.06 can be enforced by any police officer or sheriff's deputy in the county.

**Subd. 7.        SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, word, or other portion of this Subsection 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. 8.        PENALTY.**

A violation of § 71-14 is a misdemeanor.

**SECTION II.**

This Ordinance shall not be effective until thirty (30) days after its passage and publication.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLUE EARTH ON THIS 21<sup>st</sup> DAY OF JUNE, 2010**

BY:

ATTEST:

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Mayor

\_\_\_\_\_  
City Administrator

(Seal)