

**ORDINANCE 2010-Or-**  
**of the**  
**CITY OF MINNEAPOLIS**  
**By Gordon**

**Amending Title 14, Chapter 370 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Regulations Involving Minors.**

Section 1. That Chapter 370 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 370.45 to read as follows:

**370.45 Social Host.** (a) *Purpose and Findings.* The City Council seeks to reduce underage possession and consumption of alcohol by imposing criminal penalties on those person(s) who host events or gatherings where persons under 21 years of age possess or consume alcohol.

The City Council finds that:

- (1) 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 the irresponsible user.
- (2) 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, safety and welfare requiring prevention or abatement.
- (3) Holding persons criminally responsible for hosting or allowing an event or gathering where underage possession or consumption of alcohol occurs will help deter underage consumption.

(b) *Definitions.*

- (1) *Alcohol* means ethyl alcohol, hydrated oxide of ethyl or spirits of wine, liqueur, cordials, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- (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) *Adult* means any person eighteen (18) years of age or older.

- (4) *Underage Person* means any person under the age of twenty-one (21) years.
- (5) *Parent* means any person having legal custody of a juvenile as a natural parent, adoptive parent, step parent, legal guardian, or a person to whom legal custody has been given by order of the court.
- (6) *Person* means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.
- (7) *Host* means to allow, aid, conduct, entertain, organize, supervise, or control an event or gathering.
- (8) *Event or gathering* means any group of three or more persons who have assembled or gathered together for a social occasion or other activity. An event or gathering shall not include assemblies or gatherings occurring on the licensed property of a retail intoxicating liquor or 3.2 percent malt liquor licensee, municipal liquor store, or bottle club permit holder who is regulated by Minn. Stat. § 340A.503.
- (9) *Residence or Premises* means any home, yard, 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.

(c) *Prohibited Acts.*

- (1) It is unlawful for any person(s) to:
  - a. Host an event or gathering;
  - b. At any residence, premises, or on any other private or public property;
  - c. Where alcohol or alcoholic beverages are present; and
  - d. When the person knows or has reason to know that an underage person will or does:
    - 1. Consume any alcohol or alcoholic beverage; or

2. Possess any alcohol or alcoholic beverage with the intent to consume it.

(2) It is a violation of Section (c) if the person intentionally aids, advises, hires, counsels, or conspires with another or otherwise procures 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 Section (c).

(4) A person who has no direct or indirect knowledge of any evidence or facts that would cause a reasonable person to believe that a violation of Section (c) might be occurring or about to occur does not violate this section.

(d) *Penalty.* A violation of this Ordinance is a misdemeanor.

(e) *Exceptions.*

(1) It shall be an affirmative defense to a violation of Section (c) that the defendant is the parent of the underage person and that the defendant gave or furnished the alcoholic beverage to that person solely for consumption in the defendant's household.

(2) It shall be an affirmative defense to a violation of Section (c) that the conduct was part of a legally protected religious observance.

(f) *Severability.* If any section, subsection, sentence, clause, part, provision, 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 chapter, which remaining portions shall continue in full force and effect.