

COUNTY OF JACKSON
STATE OF MINNESOTA

ORDINANCE NO. 108

THIS ORDINANCE PROHIBITS, AND ESTABLISHES PENALTIES FOR, ANY PERSON HOSTING AN EVENT OR GATHERING WHERE ALCOHOL IS PRESENT AND BEING POSSESSED OR CONSUMED BY PERSONS WHO ARE UNDER TWENTY-ONE (21) YEARS OF AGE.

WHEREAS, Jackson County wished to regulate social hosting of parties involving alcohol consumption with minors and underage drinkers present;

WHEREAS, Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one may be harmful to those persons or others, and constitute a potential threat to public health;

WHEREAS, Prohibiting underage consumption protects underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic crashes;

WHEREAS, Alcohol is an addictive drug which, if used irresponsibly, could have adverse effects on those who use it as well as those who are affected by the actions of an irresponsible user;

WHEREAS, 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;

WHEREAS, Even though giving or furnishing alcohol to an underage person is a crime, this ordinance is necessary to help further combat underage consumption;

WHEREAS, A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage persons possess or consume alcohol;

WHEREAS, This ordinance is enacted pursuant to Minn. Stat. §§ 145A.05, Subd. 1 and 375.51; and

WHEREAS, a public hearing, after due notice, having been held on September 28, 2010, has been conducted in regard to this Ordinance.

THEREFOR, Pursuant to Minnesota Statutes, section 375.51, The County Board of Jackson County ordains:

Section 1.a. Purpose. The purpose of ordaining these rules and regulations is to The County Board 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 for hosting 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.

Section 1.b. Application. The following rules and regulations shall apply to Jackson County, Minnesota and all County Parks and all other areas under the jurisdiction of the Jackson County Park Commission, Jackson County, Minnesota.

Section 1.c. Construction. In the interpretation of this and all succeeding park ordinances, the provisions shall be construed as follows:

- (1) Any term in the singular shall include the plural.
- (2) Any term in the masculine shall include the feminine and neuter.
- (3) Any requirement or prohibitions of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.
- (4) No provisions hereof shall make unlawful any act necessarily performed by an officer or employee of the County in line of duty or work as such, or by any person, his agent or employees, in the proper and necessary execution of the terms of any agreement with the County.

Section 1.d. Penalty. Any person who shall violate any provision of this ordinance shall be guilty of a misdemeanor, punishable by imprisonment in the County Jail for not more than 90 days or by a fine of not more than \$1,000, or both for each violation of this ordinance. Such violations, if recurring, may be charged for each occurrence.

Section 1.e. Severability. If 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.

Section 2. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular

number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) Adult means a person age 18 or older.
- (2) Alcohol. "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) Alcoholic beverage. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, liquor, 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.
- (4) Event or gathering. "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- (5) Host. "Host" means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event on their residence or premises under their control.
- (6) Parent. "Parent" means any person having legal custody of a juvenile:
 - (a) As natural, adoptive parent, or step-parent;
 - (b) As a legal guardian; or
 - (c) As a person to whom legal custody has been given by order of the court.
- (7) Person. "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.
- (8) Residence or Premises. "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.
- (9) Underage Person. "Underage person" is any individual under twenty-one (21) years of age.

Section 3. Prohibited Conduct Generally. It shall be unlawful for any person to:

- (1) It is unlawful for any person(s) to host or allow an event or gathering at any residence, premises, or 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 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).

- (2) A person is criminally responsible for violating Subd. (D)(1) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.
- (3) A person who hosts an event or gathering as described in Subd. (D)(1) above does not have to be present at the event or gathering to be criminally responsible.

Section 4. Exceptions :

- (1) This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household;
- (2) This ordinance does not apply to legally protected religious observances;
- (3) This ordinance does not apply to retail intoxicating 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);
- (4) 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 their employment; and
- (5) This ordinance does not apply at beer gardens, where drinking takes place in a highly controlled atmosphere and where minors are properly identified and marked for ease of recognition by such items as wrist bracelets, etc. to prevent underage consumption.

Section 5. Enforcement : This ordinance can be enforced by any police officer or sheriff's deputy in the county.

Section 6. Effective Date : This ordinance shall be in force and effective beginning January 1, 2011.

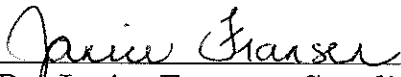
Duly passed and adopted this 28th day of September, 2010.

Jackson County Board of Commissioners



Roger C. Ringkob, Chairman

Attested to:



By: Janice Fransen, Coordinator