

The County Board of Otter Tail County ordains:

**SOCIAL HOST ORDINANCE**

(A) *Purpose and Findings.* The Otter Tail 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 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 Otter Tail County Board finds that:

- (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 underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.
- (6) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

(B) *Authority.* This ordinance is enacted pursuant to Minn. Stat. §145A.05.

(C) *Definitions.* For purposes of this ordinance, the following terms have the following meanings:

- (1) 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.
- (2) Alcoholic beverage. "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) 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.
- (4) Host. "Host" or "Allow" means to aid, conduct, entertain, organize, supervise, control, or permit a gathering or event.

(5) 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.

(6) Person. "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

(7) 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.

(8) Underage person. "Underage person" is any individual under twenty-one (21) years of age.

(D) *Prohibited Acts.*

(1) It is unlawful for any person(s) to:

- (a) Host or allow an event or gathering;
- (b) At any residence, premises, or on any other private or public property;
- (d) Where alcohol or alcoholic beverages are present;
- (e) 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 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 Subdivision 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 does not have to be present at the event or gathering to be criminally responsible.

(E) *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 employment.
- (5) This ordinance does not apply to landlords who are not present during any activities prohibited under section (D)(1).

(F) *Enforcement.* This ordinance can be enforced by any peace officer.

(G) *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.

(H) *Penalty.* Violation of Subdivision D is a misdemeanor.

This Ordinance will become effective upon publication.

Dated: May 1, 2012

Otter Tail County Board of Commissioners

Leland R. Rogness  
Leland R. Rogness, Chair

Attest: Larry Krohn  
Larry Krohn, Clerk

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# AFFIDAVIT OF PUBLICATION

State of Minnesota  
S.S  
COUNTY OF OTTER TAIL

Linda Reese being  
duly sworn on oath says  
that he/she is the publisher or authorized agent and employee of the  
publisher of the newspaper known as Fergus Falls Daily Journal, and has full  
knowledge of the facts which are stated below.

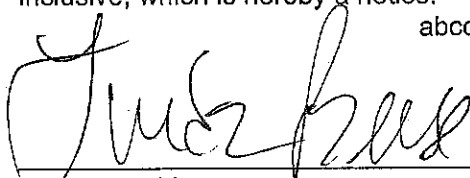
(A) The newspaper has complied with all of the requirements constituting  
qualification as a qualified newspaper, as provided by Minnesota Statute  
331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed legal which is attached was cut from the columns of said  
newspaper, and was printed and published on

April 18, 24, 2012

and printed below is a copy of the lower case alphabet from A to Z, both  
inclusive, which is hereby a notice:

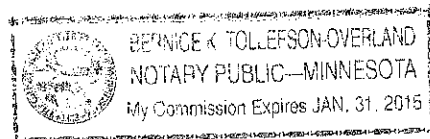
abcdefghijklmnopqrstuvwxyz



before me this

Subscribed and sworn to

4/24/12



066.22

## LEGAL

(First Publication April 18, 2012)

### NOTICE OF INTENT TO ENACT A SOCIAL HOST ORDINANCE

NOTICE IS HEREBY GIVEN, pursuant to M.S. 375.51, that the Otter Tail County Board of Commissioners intends to enact a Social Host Ordinance pursuant to authority in Minnesota Statutes, Chapters 145A.05. The enactment of the ordinance will be considered at a meeting of the County Board in the Commissioner's Room at the Otter Tail County Government Services Center, 550 West Fir Avenue, Fergus Falls, Minnesota, on Tuesday, May 1, 2012, at eleven o'clock a.m.

The purpose of the ordinance, which patterned after one in force for the City of Fergus Falls, is to discourage underage possession and consumption of alcohol by holding persons criminally responsible who knowingly host events or gatherings where persons under 21 years of age possess or consume alcohol.

A copy of the proposed Social Host Ordinance is on file and available for inspection in the Office of County Auditor, 550 West Fir Avenue, Fergus Falls, Minnesota, and a copy is also available for review on the Otter Tail County web site, [www.co.ottertail.mn.us](http://www.co.ottertail.mn.us).

Dated: 04/16/2012  
Wayne Stein  
Otter Tail County Auditor

Publication Dates: April 18, 24, 2012

**DOC# 1108514**

OFFICE OF COUNTY RECORDER  
OTTER TAIL COUNTY, MINNESOTA



1108514

Fee: \$0

Certified, Filed, and/or Recorded:  
May 07, 2012 1:30 PM

Well Certificate [ ] Rec'd

**Wendy L. Metcalf, Recorder**

*Returned To:*

COUNTY AUDITORS OFFICE

FERGUS FALLS, MN 56537

By: NDB