

ORDINANCE NO. 397

AN ORDINANCE ENACTING SECTION 9.99 OF THE CITY CODE OF THE CITY OF SPRINGFIELD RELATIVE TO HOSTING A GATHERING AT WHICH UNDERAGE POSSESSION OR CONSUMPTION OF ALCOHOL OCCURS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGFIELD:

SECTION 1. That Section 9.99 of the City Code of the City of Springfield is hereby enacted to provide as follows:

Section 9.99. Hosting gathering at which underage alcohol possession or consumption occurs.

Subdivision 1. Purpose. This section is enacted pursuant to Minn. Stat. §145A.05, subd. 1, to protect public health and safety and discourage underage possession and consumption of alcohol by holding persons criminally responsible who host events or gatherings at which underage persons possess or consume alcohol, regardless of whether the host supplied the alcohol.

Subdivision 2. Definitions. For purposes of this section, the following terms have the following meanings:

- A. “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.
- B. “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.
- C. “Event or gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- D. “Host” means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.
- E. “Parent” means a person having legal custody of a juvenile as a natural or adoptive parent or step-parent, as a legal guardian, or as a person to whom legal custody has been given by order of the court.
- F. “Person” means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.
- G. “Underage person” is any individual under twenty-one (21) years of age.

Subdivision 3. Prohibited acts. It is unlawful for any person to host an event or gathering, at any location, at which:

- A. Alcoholic beverages are present; and
- B. The person knows, or reasonably should know, that any underage person will or does consume any alcoholic beverage or possess any alcoholic beverage with the intent to consume it; and
- C. The person fails to take reasonable steps to prevent possession or consumption by the underage person.

A person who hosts an event or gathering does not have to be present at the event or gathering to be in violation of this subdivision.

Subdivision 4. Exceptions. Subdivision 3 above shall not be construed to apply to:

- A. Conduct solely between an underage person and that person's parent while in the parent's household.
- B. Legally protected religious observances.
- C. Conduct of intoxicating liquor licensees, 3.2 percent malt liquor licensees, or bottle club permit holders who are regulated by Minn. Stat. Chapter 340A.
- D. Situations in which an underage person is lawfully in possession of alcoholic beverages during the course and scope of that person's employment.

Subdivision 5. Penalty. Violation of Subdivision 3 of this section is a misdemeanor.

SECTION II. That this ordinance shall take effect and shall be in force 30 days from and after its adoption, approval, and publication.

Adopted by the City Council of the City of Springfield this 19th day of October, 2010.

Mayor

Attest:

City Clerk