

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners      Date: 04/03/13

Via:

From: Sheriff Scott Turner

Title of Item: Public Meeting – Social Host Ordinance

Requested Meeting Date: 04/09/13 Est. Presentation Time: 30 min

Presenter: Sheriff Scott Turner

**Type of Action Requested** (check all that apply)

- For info only, no action requested       Approve under Routine Business
- For discussion only with possible future action       Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion       Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position
- Request to schedule public hearing or sale       Other (please list)
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget?  Yes     No (attach explanation)
- What type of expenditure is this? \_\_\_\_\_ Other (attach explanation)
- Revenue line account # that funds this item is: 254-5310 allowable expense under E911 state funding
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes     No
- Applicable job description(s) may require revision.  Yes     No
- Item may impact a bargaining unit agreement or county work policy.  Yes     No
- Item may change the department's authorized staffing level.  Yes     No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) Proposed Social Host Ordinance

**Provide eleven (11) copies of supporting documentation NO LATER THAN Wednesday at 8:00am to make the Board's agenda for the following Tuesday. Items WILL NOT be placed on the Board agenda unless complete documentation is provided for mailing in the Board packets. (see reverse side for details)**

**SCOTT A. TURNER**  
**SHERIFF OF AITKIN COUNTY**

217 Second Street NW  
Aitkin, MN 56431

218-927-2138 Emergency 911  
Sheriff Fax 218-927-7359 / Dispatch Fax 218-927-6887

MEMO

To: Aitkin County Commissioners

Date: April 3, 2013

From: Sheriff Scott Turner

Re: Public Hearing – Social Host Ordinance

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The purpose of this “Social Host” ordinance is to hold persons accountable for knowingly allowing persons under the age of 21 to consume alcohol on property under their control.

Kinship of Aitkin County did a presentation some time back to the county board relative to this ordinance. They subsequently then did a presentation to the Aitkin City Council. Chief Terry Thompson supported this effort and the ordinance was passed in the City of Aitkin.

The ordinance under consideration is like many in the State of Minnesota and in fact the template that was used is from Cass County, our neighbor to the northwest. At last check there were 22 counties and 96 municipalities that had adopted such an ordinance – including five counties from the Arrowhead Region.

I support this ordinance for a number of reasons. To begin with, I view our children as our most precious natural resource. We need to take steps to make sure that they stay safe and thrive during the all important years of youth and as young adults. According to the Minnesota State Epidemiological Outcomes Workgroup: From 1998 to 2010, the rate of reported 30-day alcohol use by youth in Aitkin County was higher than both the Northeast Region and the state.

The group also found that the 30-day alcohol consumption was higher among 18-20 year-olds in the Northeast Region than the state average.

In Aitkin County 11% of all motor vehicle crashes are alcohol-related. That is TWICE the state average. From 2005 to 2009, the average annual cost per capita for alcohol related crashes, fatalities and injuries was \$138 in Aitkin County, \$96 in the Northeast and \$54 in Minnesota (OTS).

**ORDINANCE # \_\_\_\_\_**

**SOCIAL HOST  
ORDINANCE**

**EFFECTIVE DATE: \_\_\_\_\_**

**ORDINANCE NO. \_\_\_\_\_**  
**SOCIAL HOST ORDINANCE**

This ordinance prohibits any person or persons from hosting an event where alcohol is present and being possessed or consumed by persons under twenty-one (21) years of age. This ordinance also establishes penalties for any person or persons hosting such an event.

Be it enacted by the Aitkin County Board of Commissioners, as follows:

**Subd. 1. Purpose and Findings.** The Aitkin County Board of Commissioners 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 person under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Aitkin County Board of Commissioners finds that:

- a) 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.
- b) 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.
- 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 (parents) 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. 2. Authority.** This ordinance is enacted pursuant to Minn. Stat. §145A.05 subdivision 1.

**Subd. 3. Definitions.** For purposes of this ordinance, the following terms have the following meanings:

- a) 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.
- b) 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.

- c) Event or gathering. "Event or gathering" means any group of three or more persons who have assembled or gathered together for social occasion or other activity.
- d) Host. "Host" means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.
- e) Parent. "Parent" means any person having legal custody of a juvenile:
  - (1) As natural, adoptive parent, or step-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. "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.
- g) Residence or Premises. "Residence" or "premises" means any home, yard, farm, field, land, apartment, condominium, hotel or hotel 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. "Underage person" is any individual under twenty-one (21) years of age.

#### **Subd. 4. Prohibited Acts.**

- a) It is unlawful for any person(s) to host or knowingly allow an event or gathering to take place at any residence, premises, or any other private or public property in Aitkin County under the following circumstances:
  - (1) where alcohol or alcoholic beverages are present; and
  - (2) 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
  - (3) the person fails to take responsible steps to prevent possession or consumption by the underage person(s). Reasonable steps include:
    - i. Directing, on a one-time basis or as a standing order, that no consumption of alcohol and alcoholic beverages is allowed; or
    - ii. Controlling access to alcohol or alcoholic beverages; or
    - iii. Checking identification of attendees to determine age; or
    - iv. Supervising the activities of underage person at the gathering either in person or through a responsible adult.
- b) A person is criminally responsible for violating Subdivision 4(a) 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.
- d) A person is not criminally responsible under this ordinance if the person does not know that a gathering will occur, or does not know that alcoholic beverages will be present, or does not know that an underage person will be or is likely to be present. However, if a person has the knowledge specified in Subdivision 4 (a) above, a person who hosts a gathering does not have to be present at the gathering to be criminally responsible.

**Subd. 5. Exceptions.**

- a) This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.
- b) This ordinance does not apply to legally protected religious observances.
- c) 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).
- d) 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.

**Subd. 6. Enforcement.** This ordinance can be enforced by any police officer or sheriff's deputy in the county.

**Subd. 7. Severability.** If any sections, 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.

**Subd. 8. Penalty.**

- a) Violation of Subdivision 4 is a petty misdemeanor
- b) A subsequent violation of Subdivision 4 is a misdemeanor

**Subd. 9. Effective Date.** This ordinance shall take effect thirty (30) days following its final passage and adoption.

Passed by Aitkin County Board of Commissioners this \_\_\_\_ Day of \_\_\_\_\_

**County of Aitkin, Minnesota**

By: \_\_\_\_\_  
 Chair  
 Aitkin County Board of Commissioners

Attest: \_\_\_\_\_

Patrick Wussow, Aitkin County Administrator

My concerns with the Social Host Ordinance are not Personal as I have no kids living at Home. My concern is rather to the Issue that we already have underage drinking laws. I believe if these laws are enforced Properly there should be no need to infringe on the rights of Private Citizens to responsibly raise their children as they see fit on their own Private Property. I believe that Social drinking is a legal fact of life that kids need to learn as well as any other social adjustment. I further believe if it is not done in a controlled environment that they will find a way to learn on their own which leads to binge drinking, drunken and careless driving, and unfortunately sometimes death. I strongly urge you to have the courage to take a stand against this ordinance!

Thank you

Paul R. B.