

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



To: Chairperson, Aitkin County Board of Commissioners Date: 05/08/13

Via:

From: Sheriff Scott Turner

Title of Item: Social Host Ordinance

Requested Meeting Date: 05/14/13 Est. Presentation Time: 10 minutes

Presenter: Sheriff Scott Turner

Type of Action Requested (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- 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
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute _____
- Approve under Routine Business
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list)

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: _____
- 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 Board of Commissioners Date: May 8, 2013

From: Sheriff Scott Turner Re: Social Host Ordinance – Update after 1st Reading

Quite some time ago, Kinship of Aitkin County did a presentation to the board about a social hosting ordinance. A summation of that would be that it is an ordinance that makes it unlawful for persons in control of a property to allow underage persons to consume alcohol at that location.

Kinship also did a similar presentation to the Aitkin City Council. The City of Aitkin passed the ordinance as it was presented and following the public hearing – it was adopted and is now in effect in the City of Aitkin.

The ordinance committee met a few times and discussed this ordinance – with changes being made along the way. The draft that is presented to you on this date is what followed those committee meetings. It was the consensus of the group to send the current version to the board for consideration by the Aitkin County Board.

At last check there were 22 counties and 96 municipalities that had adopted such an ordinance – including five counties from the Arrowhead Region.

Public Hearing – April 9, 2013

Following the public hearing and input from the public it was moved forward with the change from a petty misdemeanor to a misdemeanor. This change made the proposed ordinance more similar to the ordinance adopted by the City of Aitkin and the other counties and cities in the state of Minnesota.

First Reading – April 23, 2013

Changes recommended by Commissioners Marcotte and Napstad to make the initial offense a petty misdemeanor and make the ordinance applicable events where consumption of alcohol is by persons under the age of 18

Second Reading – May 14, 2013

My recommendation is that the ordinance be passed in the fashion that followed the public hearing – the form that most closely mirrors the ordinance passed by the City of Aitkin and the other ordinances passed by other counties and cities in the state of Minnesota.

Attached are some statistics as it pertains to youth and alcohol consequences in the state, region and Aitkin County. They require not explanation, as they are self explanatory. As you can see, Aitkin County is a statistical leader in all of the categories. All information given in this context certainly warrants the source to be identified – the information cited came from Minnesota Motor Vehicle Crash Facts from the Office of Traffic Safety and Substance Use in Minnesota - MN State Epidemiological Outcomes Workgroup.

Once again, I would recommend that this ordinance be passed in a fashion that mirrors that in the City of Aitkin and what other counties with less documented impact have passed. I would also request that this board of policy makers decide what additional course of action Aitkin County should take to address what many consider to be a serious problem.

Cost Per Capita of Alcohol Related Traffic
Crashes, Fatalities and Injuries
Average 2006 - 2010

County	Cost
Aitkin	\$ 206
Carlton	\$ 71
Cass	\$ 121
Crow Wing	\$ 62
Itasca	\$ 99
Kanabec	\$ 32
Mille Lacs	\$ 110
Pine	\$ 106
St. Louis	\$ 67
Northeast Region	\$ 93
State of MN (non-metro)	\$ 73

Alcohol-related Crashes Average 2005 - 2009

County

Aitkin	11.4%
Carlton	7.5%
Cass	11.4%
Crow Wing	6.4%
Itasca	8.4%
Kanabec	8.7%
Mille Lacs	8.3%
Pine	7.5%
St. Louis	7.4%

Average Rate of Fatalities Alcohol-related Crashes per 10,000 Population 2006 - 2010

County

Aitkin	1.1
Carlton	0.5
Cass	0.8
Crow Wing	0.4
Itasca	0.6
Kanabec	0.1
Mille Lacs	0.7
Pine	0.9
St. Louis	0.4

**% of HS Seniors Driving After
 Using Alcohol or Drugs
 One or More Times in Last
 12 Months (04,07,10)**

County

Aitkin	31%
Carlton	23%
Cass	26%
Crow Wing	21%
Itasca	25%
Kanabec	26%
Mille Lacs	23%
Pine	29%
St. Louis	28%

**% of HS Seniors Riding with Friends
 After Using Alcohol or Drugs
 (12th Graders)**

County

(04,07,10)	Aitkin	44%
	Carlton	36%
	Cass	43%
	Crow Wing	36%
	Itasca	35%
	Kanabec	39%
	Mille Lacs	36%
	Pine	40%
(07,10)	St. Louis	40%

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)~~ ~~eighteen (18)~~ 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~~ 18 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~~ ~~eighteen (18)~~ 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)~~ ~~eighteen~~ **(18)** years of age.

Subd. 4. Prohibited Acts.

- a) It is unlawful for any person(s) to ~~host or knowingly allow~~ **knowingly host** 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~~ ~~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