

ORDINANCE NO. 2018-18

AN ORDINANCE TO ESTABLISH SOCIAL HOST LIABILITY FOR ALCOHOL AND UNDERAGE PERSONS

WHEREAS, the Martin County Substance Abuse Prevention organization is working to prevent substance abuse by underage persons in the community; and,

WHEREAS, communities around the state are adopting ordinances imposing criminal liability upon persons who host or allow gatherings where underage persons consume alcoholic beverages; and,

WHEREAS, the Fairmont City Council supports the goal of preventing substance abuse by underage persons.

NOW THEREFORE, the City Council of the City of Fairmont, does hereby ordain that Fairmont City Code, Chapter 3. Alcoholic Beverages, Article I. In General., be amended to include the following:

Sec. 3-7 Social Host Liability.

(a) Definitions for this section:

- (1) Alcohol. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirits of wine, or any other distilled spirits, including dilutions and mixtures thereof.
- (2) Alcoholic Beverage. "Alcoholic Beverage" means alcohol, spirits, liquor, wine, beer, and every liquid containing alcohol, which contains one-half of one percent or more of alcohol by volume.
- (3) Event or Gathering. "Event" or "Gathering" means any group of three or more persons who have gathered together.
- (4) Host or Allow. "Host" or "Allow" means to conduct, entertain, organize, supervise, control or permit a gathering or event.
- (5) Underage Person. "Underage Person" is any individual under 21 years of age.

(b) Prohibited Acts.

- (1) It is unlawful for any person to:
 - a. Host or allow an event or gathering where alcohol or alcoholic beverages are present when an underage person consumes any alcohol or alcoholic beverage and,
 - b. The person fails to take reasonable steps to prevent consumption by the underage person.

(c) Exceptions.

- (1) This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parents' 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 licenses, municipal liquor stores, or bottle club permit holders who are regulated by M.S. Section 340A.503, Subd. 1 (a) (1).

Motion by: Council Member Ruth Cyphers

Seconded by: Council Member Jim Zarling

All in Favor: Council Members Tom Hawkins, Bruce Peters, Jim Zarling, Ruth Cyphers and Wayne Hasek

Opposed: None

Abstained: None

Absent: None

PASSED, APPROVED AND ADOPTED, this 10th day of December 2018

Deborah J. Foster, Mayor

ATTEST:

Patricia J. Monsen, City Clerk