



A000408098
HUBBARD COUNTY, MINNESOTA
CERTIFIED, FILED, AND/OR
RECORDED ON
4/1/2020 2:20:48 PM
NICOLE K. LUETH
HUBBARD COUNTY RECORDER
 BY LMS Dep **PAGES: 3**
WELL CERT RCVD _____
MTG REG TAX PD \$ _____
DEED TAX PD \$ _____
TAX EXEMPT _____

ORDINANCE NO. 39

SOCIAL HOST

- Subd.1 Purpose and Findings
- Subd.2 Authority
- Subd.3 Definition
- Subd.4 Prohibited Acts
- Subd.5 Exceptions
- Subd.6 Enforcement
- Subd.7 Penalty
- Subd.8 Effective Date

Subd.1 PURPOSE AND FINDINGS.

The Hubbard County Board of Commissioners intends to discourage underage possession and consumption of alcohol, marijuana or other controlled substances, 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, marijuana or other controlled substances, regardless of whether the person hosting the event or gathering supplied the alcohol, marijuana or other controlled substances.

The Board of Commissioners of the county finds that:

- (a) Events and gatherings held on private or public property where alcohol, marijuana or other controlled substances are possessed or consumed by persons under the age of 21 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, marijuana and/or other controlled substances consumption, such as alcohol overdose or alcohol-related and/or marijuana-related traffic collisions.
- (c) Alcohol, marijuana or other controlled substances are addictive drugs which, if used irresponsibly, could have drastic effects on those who use them 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 parent(s) is/are present and condone the activity and, in some circumstances, provide the alcohol, marijuana and/or other controlled substances.
- (e) Even though giving or furnishing alcohol, marijuana or other controlled substances 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 M.S. § 145A.05.1, as it may be amended from time to time.

Subd.3 DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOL. 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.

ALCOHOLIC BEVERAGE. Alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer and which contains 0.5% or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

CONTROLLED SUBSTANCE. A drug, substance, or immediate precursor in Schedules I through V of M.S. § 152.02. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco. Such term does not include any drug or substance for which the individual found to have consumed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription.

EVENT or GATHERING. Any group of two or more persons who have assembled or gathered together for a social occasion or other activity.

HOST. To aid, conduct, allow, entertain, organize, supervise, control or permit a gathering or event.

MARIJUANA/CANNABIS. All parts, as a whole or in part, of the Cannabis plant, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, and concentrated marijuana. The prohibition herein includes marijuana in any form including, but not limited to, cigarettes, vapor, food products, or any other product of marijuana that can be smoked or ingested.

PARENT. 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.

PERSON. Any individual, partnership, co-partnership, corporation or any association of one or more individuals.

RESIDENCE or PREMISES. 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, where 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.

UNDERAGE PERSON. Any individual under 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 at any residence, premises or on any other private or public property, where alcohol or alcoholic beverages, marijuana or other controlled substances are present, when the person knows or reasonably should know that an underage person will or does consume any alcohol or alcoholic beverage, marijuana or other controlled substances, or possess any alcohol or alcoholic beverage, marijuana or other controlled substances with the intent to consume it, and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
- (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.

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% malt liquor licensees, municipal liquor stores or bottle club permit holders who are regulated by M.S. § 340A.503.1(a)(1), as it may be amended from time to time.

(d) This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverage during the course or scope of employment.

Subd.6 ENFORCEMENT.

This ordinance can be enforced in the county by any peace officer licensed in the state.

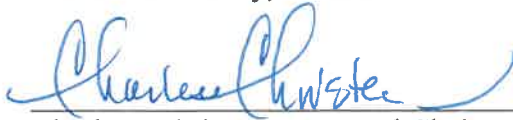
Subd.7 PENALTY.

Violation of Subdivision 4 is a misdemeanor, which is punishable by up to 90 days in jail and/or a fine of up to \$1,000.

Subd. 8. EFFECTIVE DATE.

This Amendment 1 to Ordinance 39, enacted by the Hubbard County Board of Commissioners on March 3, 2020, shall be in full force and effect from and after its passage, approval and publication, as provided by law. The effective date of the Ordinance shall be April 4, 2020.

**Board of County Commissioners
Hubbard County, Minnesota**



Charlene Christenson, Board Chair

Attest: 

Eric Nerness, Coordinator

