

**CITY OF NEW PRAGUE  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE XIII OF THE NEW PRAGUE CITY CODE OF  
ORDINANCES BY ADDING NEW CHAPTER 131 RELATED TO SOCIAL HOSTS**

**The City Council of the City of New Prague Ordains:**

**SECTION 1.** The City of New Prague Code of Ordinances, Title XIII is amended by adding new Chapter 131 which reads as follows:

Section

131.01	Purpose
131.02	Findings
131.03	Definitions
131.04	Prohibited Acts
131.05	Exceptions
131.06	Enforcement
131.07	Severability
131.08	Penalty
131.09	Effective Date

**§ 131.01      PURPOSE.**

The New Prague City Council desires to protect the health, safety and welfare of all persons living in and visiting the city. The use of alcohol by persons under the age of 21 is prohibited by State Statute. The New Prague City Council 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 persons under the age of 21 possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol or was present.

**§ 131.02      FINDINGS.**

The New Prague City Council finds that:

(A) 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.

(B) Consumption of alcohol by persons under the age of 21 is harmful to those persons and constitutes a potential threat to public safety from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.

(C) As a result, events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 should be prevented as much as possible.

(D) Events or gatherings involving underage possession and consumption often occur outside the presence of parents or other responsible adults. However, there are times when a parent or other adult is present and condones the activity, and, in some circumstances, provides 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.

### **§ 131.03 DEFINITIONS.**

For the purpose of this chapter, 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 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.

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

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

***PARENT.*** Any person having the following relationship to a juvenile:

- (1) A natural parent, adoptive parent, or step-parent;
- (2) A legal guardian; or
- (3) 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. "Person" does not include a city, county, or state agency.

**RESIDENCE OR PREMISES.** Any location, including a 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, 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.

**UNDERAGE PERSON.** An individual under 21 years of age.

**§ 131.04 PROHIBITED ACTS.**

(A) It shall be unlawful for any person to host an event or gathering at any residence or premises where alcoholic beverages are present and underage persons may also be present if:

(1) The person hosting the event or gathering knows or reasonably should know that the underage person:

- (i) May or does consume alcohol or an alcoholic beverage; or
- (ii) Possesses alcohol or an alcoholic beverage with the intent to consume it; and

(2) The person fails to take reasonable steps to prevent the possession or consumption of alcoholic beverages by an underage person.

(B) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

(C) A person is criminally responsible for violating paragraph A above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

**§ 131.05 EXCEPTIONS.**

(A) This chapter does not apply to conduct solely between an underage person and his or her parent while present in the parent's household.

(B) This chapter does not apply to a legally protected religious observance.

(C) This chapter 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 Minnesota Statutes Section 340A.503 subdivision 1(a)(1), but it does apply to a person who hosts a gathering or event at such liquor establishment.

(D) This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

**131.06 ENFORCEMENT.**

This chapter may be enforced by any police officer or county sheriff's deputy.

**131.07 SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, word, or other portion of this chapter 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 chapter, which remaining portions shall continue in full force and effect.

**131.08 PENALTY.**

Violation of this Section 131.04 is a misdemeanor.

**SECTION 2.** This ordinance shall take effect and be in force 30 days from and after its passage and publication, in accordance with Section 3.13 of the City Charter.

Passed by the City Council of the City of New Prague, Minnesota, this \_\_\_\_\_ day of July, 2009.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

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