

**CITY OF PLYMOUTH  
HENNEPIN COUNTY, MINNESOTA**

**ORDINANCE NO. 2011-18**

**AN ORDINANCE ADDING SECTION 1216 OF THE  
CITY CODE, CONCERNING SOCIAL HOSTS**

THE CITY COUNCIL OF THE CITY OF PLYMOUTH ORDAINS:

**Section 1.** Section 1216 of the Plymouth City Code is hereby added to the City Code:

1216.01. Definitions. For the purposes of this Section, the following terms have the meanings given:

(1) “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.

(2) “Alcoholic beverage” means 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.

(3) “Gathering” means a group of three or more persons who have assembled or gathered together for a social occasion or other activity.

(4) “Host” means to aid, conduct, sponsor, organize, supervise, control, or allow a gathering.

(5) “Parent” means a person having the following relationship to a juvenile:

- a. A natural parent, adoptive parent, or step-parent;
- b. A legal guardian; or
- c. A person to whom legal custody has been given by order of a court.

(6) “Person” means an individual, partnership, co-partnership, corporation, or an association of one or more individuals. “Person” does not include a city, county, or state agency.

(7) “Premises” means any location, including a home, yard, farm, field, land, apartment, condominium, 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.

(8) “Underage person” means an individual under 21 years of age.

1216.03. Prohibited Acts.

(1) It is unlawful for a person to host or allow a gathering on any premises if:

- a. The person knows that alcohol or alcoholic beverages will be present; and

- b. The person knows that an underage person will attend, or is likely to attend; and
- c. The person fails to take reasonable steps to prevent the possession or consumption of alcoholic beverages by an underage person; and
- a. An underage person consumes an alcoholic beverage, or possesses an alcoholic beverage with the intent to consume it, at the gathering.

(2) Examples of reasonable steps include:

- a. Directing, on a one-time basis or as a standing order, that no consumption of alcohol and alcoholic beverages is allowed; or
- b. Controlling access to alcohol or alcoholic beverages; or
- c. Checking identification of attendees to determine age; or
- d. Supervising the activities of underage persons at the gathering either in person or through a responsible adult.

(3) 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 paragraph 1 above, a person who hosts a gathering does not have to be present at the gathering to be criminally responsible.

(4) A person is criminally responsible for violating paragraph 1 above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

1216.05. Exceptions.

- (1) This section does not apply to conduct of an underage person that is permitted by his or her parent and occurs in the parents' household.
- (2) This section does not apply to a legally protected religious observance.
- (3) This section does not apply when an underage person is lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.
- (4) This section does not apply to the holder of a liquor license issued under Section 1206 of this code, but it does apply to a person who hosts a gathering at such a liquor establishment.

**Section 2.** Effective Date. This ordinance shall be in full force and effect upon its passage.

ADOPTED by the Plymouth City Council this 28<sup>th</sup> day of June 2011.

CITY OF PLYMOUTH

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Kelli Slavik, Mayor

ATTEST:

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Sandra R. Engdahl, City Clerk