



Office of Land Records in Swift County, MN

I hereby certify that the within instrument was filed in this office on October 4, 2013 at 8:30 AM Doc# 238058

Pages: 10 Rec Fee \$46.00

Mary Amundson, Department Head

By Carla Roberts Deputy

Office of Registrar of Titles in Swift County, MN

I hereby certify that the within instrument was filed in this office on October 4, 2013 at 8:30 AM Rec Fee \$46.00

Pages: 10 Doc #7286 Bk of Titles Pg

Mary Amundson, Registrar of Titles

By Carla Roberts Deputy

Commissioner Peterson offered the following resolution and moved its adoption:

**RESOLUTION
APPROVING AN SWIFT COUNTY SOCIAL HOST ORDINANCE**

SWIFT COUNTY ORDINANCE #8

THIS ORDINANCE PROHIBITS, AND ESTABLISHES PENALTIES FOR, ANY PERSON HOSTING AN EVENT OR GATHERING WHERE ALCOHOL IS PRESENT AND BEING POSSESSED OR CONSUMED BY PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE.

BE IT ENACTED BY THE SWIFT COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS:

Subdivision 1. Purpose and Findings. It is the intent and desire of the Swift County Board of Commissioners 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 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol.

The Swift 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 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 parent(s) 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.

Subdivision 2. **Authority.** This ordinance is enacted pursuant to Minn. Stat. §145A.05 subdivision 1.

Subdivision 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 a 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 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.
- H. Underage Person. "Underage person" is any individual under twenty-one (21) years of age.

Subdivision 4. Prohibited Acts.

- A. It is unlawful for any person(s) to:
- (1) host, or allow an event or gathering;
 - (2) at any residence, premises, or on any other private or public property;
 - (3) where alcohol or alcoholic beverages are present;
 - (4) when 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
 - (5) 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.

Subdivision 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.

Subdivision 6. Enforcement. This ordinance can be enforced by any licensed peace officer in the state of Minnesota.

Subdivision 7. Severability. If any section, 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.

Subdivision 8. Penalty. Violation of Subdivision 4 is a misdemeanor.

Subdivision 9. Publication. The County Administrator is directed to certify the passage of the Ordinance

and cause this Ordinance to be published in the designated newspaper by the County Board of Commissioners, circulated in the County of Swift, State of Minnesota.

Subdivision 10. Effective Date. This ordinance shall take effect thirty (30) days following its final passage and adoption.

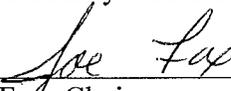
Commissioner Hendrickx seconded the resolution and upon a vote taken thereon, the

Following voted: **INFAVOR THEREOF:** Fox, Hendrickx, Peterson, and Rudningen

OPPOSED: Klemm

Whereupon the resolution was declared duly **passed** and **adopted**. September 3, 2013

Swift County Board of Commissioners



Joe Fox, Chairman

Attest:



Michel Pogge-Weaver, County Administrator

Approved as to form and execution:



County Attorney

STATE OF MINNESOTA)
)ss.
COUNTY OF SWIFT)

I, Michel J. Pogge-Weaver, County Administrator and Clerk of the Board, for the County of Swift, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Swift County, Minnesota at their session held on the 3rd day of September, 2013, now on file in the Swift County Administrator's Office, and have found the same to be a true and correct copy thereof. Additionally, I certify that a public hearing and first reading of the ordinance occurred on August 20, 2013 and the second reading and final passage of the ordinance occurred on September 3, 2013.



Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

This documents was drafted by
Michel J. Pogge-Weaver
Swift County Administrator
301 14th St N
Benson, MN 56215
320-314-8399

**NOTICE OF
PUBLIC HEARING AND INTENT TO ADOPT ORDINANCE**

PLEASE TAKE NOTICE that the Swift County Board of Commissioners will conduct a public hearing to consider adopting a social host ordinance.

The purpose of said ordinance is 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 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol.

The proposed ordinance is available for public inspection at the office of the Swift County Administrator during regular business hours.

The County Board will conduct a public hearing on the proposed ordinance in the County Board Room, Swift County Courthouse, 301 14th Street N, Benson, Minnesota on August 20, 2013 at 11:00 a.m.

OF PUBLICATION

Michel J. Pogge-Weaver
Clerk of the County Board

8-14-1c

REED W. ANFINSON, being duly sworn, on oath says that he is the publisher or authorized agent and employee of the publisher of the newspaper known as SWIFT COUNTY MONITOR-NEWS, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statute 331.02, 331.06, and other applicable laws, as amended.

(B) The printed, **NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT ORDINANCE**, which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive week, it was first published Wednesday, the 14th day of August, 2013, and was thereafter printed and published on every Wednesday to and including Wednesday, the 14th day of August, 2013, and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

RATE INFORMATION

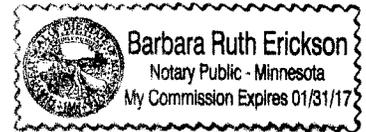
- (1) Lowest classified rate paid by commercial uses for comparable space
- (2) Maximum rate allowed by law for the above matter
- (3) Rate actually charged for the above matter

\$ _____
(Line, word, or inch rate)

\$ _____
(Line, word, or inch rate)

\$ _____
(Line, word, or inch rate)

BY: 
TITLE: Publisher



Subscribed and sworn to before me on this 14th day of August, 2013.

Barbara Ruth Erickson Notary Public

Commissioner Peterson offered the following resolution and moved its adoption:

**RESOLUTION
APPROVING AN SWIFT COUNTY SOCIAL HOST ORDINANCE
SWIFT COUNTY**

THIS ORDINANCE PROHIBITS, AND ESTABLISHES PENALTIES FOR, ANY PERSON HOSTING AN EVENT OR GATHERING WHERE ALCOHOL IS PRESENT AND BEING POSSESSED OR CONSUMED BY PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE.

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- 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 parent(s) 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.
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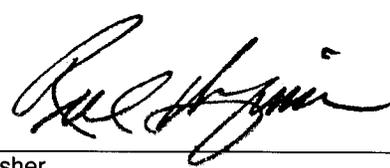
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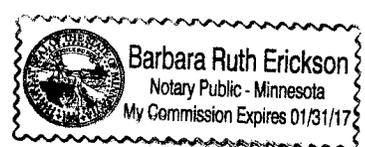
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- E. Parent. "Parent" means any person having legal custody of a juvenile:
 - (1) As natural, adoptive parent, or step-parent;
 - (2) As a legal guardian; or
 - (3) As a person to whom legal custody has been given by order of the court.
- F. Person. "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 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.
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 - (2) at any residence, premises, or on any other private or public property;
 - (3) where alcohol or alcoholic beverages are present;
 - (4) when 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

by commercial uses for comparable space	\$ _____
(2) Maximum rate allowed by law for the above matter	(Line, word, or inch rate)
(3) Rate actually charged for the above matter	\$ _____
	(Line, word, or inch rate)

BY: 
TITLE: Publisher



Subscribed and sworn to before me on this 11th day of September, 2013.

 Notary Public

- (5) 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.
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Subdivision 8. Penalty. Violation of Subdivision 4 is a misdemeanor.

Subdivision 9. Publication. The County Administrator is directed to certify the passage of the Ordinance and cause this Ordinance to be published in the designated newspaper by the County Board of Commissioners, circulated in the County of Swift, State of Minnesota.

Subdivision 10. Effective Date. This ordinance shall take effect thirty (30) days following its final passage and adoption.

Commissioner Hendrickx seconded the resolution and upon a vote taken thereon, the following voted: **INFAVOR THEREOF: Fox, Hendrickx, Peterson, and Rudningen**

OPPOSED: Klemm
Whereupon the resolution was declared duly passed and adopted. **September 3, 2013**

Swift County Board of Commissioners
Joe Fox, Chairman

Attest:
Michel Pogge-Weaver, County Administrator

Approved as to form and execution:
Robin Finke
County Attorney

STATE OF MINNESOTA)
) ss.
COUNTY OF SWIFT)

I, Michel J. Pogge-Weaver, County Administrator and Clerk of the Board, for the County of Swift, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Swift County, Minnesota at their session held on the 3rd day of September, 2013, now on file in the Swift County Administrator's Office, and have found the same to be a true and correct copy thereof. Additionally, I certify that a public hearing and first reading of the ordinance occurred on August 20, 2013 and the second reading and final passage of the ordinance occurred on September 3, 2013.

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board
9-11-1c

PUBLICATION

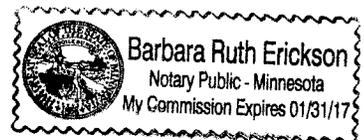
that he is the publisher or authorized agent and employee of NTY MONITOR-NEWS, and has full knowledge of the facts

and circumstances constituting qualification as a legal newspaper, as required by applicable laws, as amended.

SWIFT COUNTY SOCIAL HOST ORDINANCE

was published and printed once each week, for the 11th day of September, 2013, and was thereafter printed on Wednesday, the 11th day of September, 2013, and printed on both inclusive, which is hereby acknowledged as being the true and correct publication of the notice:

mnopqrstuvwxyz



September, 2013.

Barbara Ruth Erickson Notary Public

