

**Sec. 8-29.5. Social host allowing consumption by minor.**

(a) Purpose and findings.

The 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 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption. A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs;

(b) Definitions.

For purposes of this Section, the following terms have the following meanings:

(1) 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;

(2) 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 shared activity;

(3) Host. Host means to aid, conduct, allow, entertain, organize, supervise, control or permit a gathering or event. Host does not include a landlord, mortgagee, hotel or motel owner or operator who has not actually participated in knowingly furnishing alcohol for an event or gathering;

(4) Parent. Parent means any persons having legal custody of a juvenile:

(A) As natural, adoptive parent or stepparent;

(B) As a legal guardian; or

(C) As a person to whom legal custody has been given by order of the court;

(5) Person. Person means any individual, partnership, co-partnership, corporation or any association of one or more individuals;

(6) 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;

(7) Underage person. Underage person is any individual under 21 years of age;

(c) Prohibited acts.

(1) It is unlawful for any person(s) to host or allow an event or gathering at any residence, premises, or on any other private or public property where alcohol or alcoholic beverages are present, and when the person knows, or reasonably should know, that an underage person will, or does, consume any alcohol or alcoholic beverage or possess any alcohol or alcoholic beverage with the intent to consume it, and the person fails to take reasonable steps to prevent possession or consumption by the underage person;

(2) A person is criminally responsible for violating this Section if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act;

(3) A person who hosts an event or gathering need not be present at the event or gathering to be criminally responsible for a violation of this Section;

(d) Exceptions.

(1) This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household;

(2) This ordinance does not apply to legally protected religious observances;

(3) This ordinance does not apply to licensed retail sellers of intoxicating liquor or 3.2 percent malt liquor, or bottle club permit holders, who are regulated by Minn. Stat. Chapter 340A, or Duluth City Code Chapter 8;

(4) 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;

(5) This ordinance does not apply to medical procedures or treatment authorized by a physician, nor to law enforcement activities supervised by a law enforcement agency;

(e) Enforcement. This ordinance can be enforced by any police or peace officer of the state;

(f) Penalty. Violation of this Section is punishable as set out in Section 1-7. (Previous language repealed by Ord. No. 9895, 3-10-2008, § 9; new language added by Ord. No. 9900, 4-14-2008, § 1.)

#### **Sec. 34-5. Disturbing the neighborhood.**

No person, within the city, shall keep a dwelling, gaming area, party room, or meeting area which attracts people to the neighborhood at times or in such a manner that their arrival or leaving or activities while in the neighborhood result in an unreasonable disturbance of the usual peace, quiet, comfort, or decency of the neighborhood. Nor shall any person, as agent or owner, let a building or portion thereof, knowing it is intended to be used for any purpose prohibited by this Section, or permit a building, or any portion thereof, to be used for any such prohibited purpose. (8-51-1885, § 1; Ord. No. 561, 3-10-1915, § 1; Ord. No. 8451, 4-16-1979, § 3.)

#### **Sec. 34-6. Disorderly conduct.**

(a) No person shall commit or suffer to be committed in any apartment or other dwelling owned, occupied or controlled by him, any rioting, quarreling, fighting, reveling, shouting, loud music or electronically amplified noise, or disorderly conduct which disturbs or annoys another person in a neighboring apartment or other dwelling, or in a neighboring building, or lawfully in the vicinity of said neighboring dwelling or building;

(b) No person within any public or private place shall take part in or incite or encourage any brawling, shouting, dancing, or noise production, which unreasonably disturbs others lawfully in the vicinity;

(c) No person within any public or private place shall commit or attempt to commit an assault or battery, nor shall any person encourage or incite or assist another to commit an assault or battery;

(d) No person shall engage in offensive, obscene or abusive language, or in boisterous or noisy conduct tending reasonably to arouse alarm, anger or resentment in another. (8-31-1891, § 1; Ord. No. 8451, 4-16-1979, § 4.)