



ORDINANCE NO. 16-02

AN ORDINANCE AMENDING
CHAPTER 5 – PUBLIC SAFETY AND PUBLIC NUISANCE
IN THE COLUMBUS CITY CODE

The City Council of the City of Columbus ordains the following:

SECTION I. ARTICLE X – SOCIAL HOST ORDINANCE is established in its entirety as follows:

SECTION 5-1001. PURPOSE AND INTENT. The City Council intends to discourage underage 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 consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The City Council finds that:

A. Events and gatherings held on private or public property where alcohol is 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 consumption, such as alcohol overdose or alcohol related traffic collisions.

C. Alcohol, if used irresponsibly, could have drastic detrimental 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 consumption occur outside the presence of parents or other responsible adults. However, there are times when the 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, this subchapter 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 consumption occurs.

SECTION 5-1002. DEFINITIONS. For purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "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" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, liquor, wine, or beer, and which contains one-half of 1% 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" means any group of 3 or more persons who have assembled or gathered together for a social occasion or other activity.
- D. "Host" or "Allow" means to aid, conduct, sponsor, entertain, organize, supervise, control, or permit a gathering or event.
- E. "Parent" means any person having legal custody of a juvenile:
 - 1. As a natural parent, adoptive parent, or stepparent;
 - 2. As a legal guardian;
 - 3. As a person to whom legal custody has been given by order of the court.
- F. "Person" means any individual, partnership, co-partnership, corporation, or any association of 1 or more individuals. A person does not include any city, county, or state agency.
- G. "Residence" or "Premises" means any location or structure, 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.
- H. "Underage Person" means any individual under 21 years of age.

SECTION 5-1003. PROHIBITED ACTS.

- A. It is unlawful for any person(s) to host or allow an event or gathering at any residence or premises where alcohol or alcoholic beverages are present when the person knows or reasonably should know that an underage person will or does:
 - 1. Consume any alcohol or alcoholic beverage; or
 - 2. Possess any alcohol or alcoholic beverage with the intent to consume it; and
 - 3. 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 Section 5-1003(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

SECTION 5-1004. EXCEPTIONS.

- A. This Article does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.
- B. This Article does not apply to legally protected religious observances.
- D. This Article 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).

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

F. This Article does not apply to a landlord, mortgagee, college, university, hotel or motel owner, or operator who has not actually participated in hosting or allowing an event of gathering where alcohol is present.

SECTION 5-1006. ENFORCEMENT. This Article may be enforced by any police officer or sheriff's deputy in Anoka County.

SECTION 5-1007. SEVERABILITY. If any subsection, sentence, clause, phrase, word, or other portion of this Article 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.

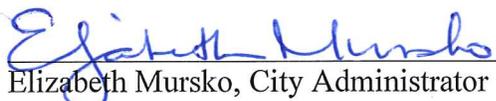
SECTION 5-1008. PENALTY. Any person who violates any provision of this Article upon conviction hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or imprisonment in accordance with the provisions of Chapter 1, Section 1-109 of this City Code.

SECTION II. Effective Date. This Ordinance was adopted by the Columbus City Council on this 13th day of January, 2016 and shall become effective after its publication.



David J. Povolny, Mayor

ATTEST:



Elizabeth Mursko, City Administrator

Published in the Forest Lake Times on February 4th & 18th, 2016.

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF WASHINGTON) ss

Charlene Vold being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Forest Lake Times

with the known office of issue being located in the county of:

WASHINGTON

with additional circulation in the counties of:
ANOKA

and has full knowledge of the facts stated below:

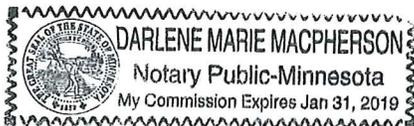
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 02/18/2016 and the last insertion being on 02/18/2016.

MORTGAGE FORECLOSURE NOTICES
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Charlene Vold
Designated Agent

Subscribed and sworn to or affirmed before me on 02/18/2016 by Charlene Vold.

Darlene M MacPherson
Notary Public



Rate Information:

- (1) Lowest classified rate paid by commercial users for comparable space:
\$16.25 per column inch

Ad ID 509927

CITY OF COLUMBUS ORDINANCE

PUBLICATION NOTICE ORDINANCE SUMMARY

AN ORDINANCE AMENDING
THE CITY OF COLUMBUS CITY
CODE IN CHAPTER 5 - PUBLIC
SAFETY AND PUBLIC NUISANCE

The City Council of the City of Columbus adopted Ordinance No. 16-02, An Ordinance Amending Chapter 5 - Public Safety and Public Nuisance on January 13, 2016, and approved this summary of the ordinance for publication on January 27, 2016.

The City Council has authority to regulate public safety and public nuisance in the City. Following discussion at the City Council, the City Council adopted Ordinance No. 16-02 to amend the City Code as described in this summary publication.

An ordinance text amendment to Columbus City Code Chapter 5 - Public Safety and Public Nuisance to make it unlawful for any person to host or allow an event or gathering at any residence or premises where alcohol or alcoholic beverages are present when the person knows or reasonably should know that an underage person will or does: consume any alcohol or alcoholic beverage; possess any alcohol or alcoholic beverage with the intent to consume it; and the host fails to take reasonable steps to prevent possession or consumption by the underage person(s). For the purposes of this ordinance, to "Host" means to means to aid, conduct, sponsor, entertain, organize, supervise, control, or permit a gathering or event, whether present at the event or not. The ordinance establishes standards for criminal liability, exceptions, and enforcement of the ordinance.

This Ordinance was adopted by the Columbus City Council on this 13th day of January, 2016 and shall become effective after its publication. This is only a summary of Ordinance 16-02. A printed copy of Ordinance 16-02 is available for inspection by any person during regular office hours at the office of the City Clerk and on the City's Official website www.ci.columbus.mn.us. This title and summary of the Ordinance 16-02 is published in accordance with Minn. Stat. § 412.191 subd. 4.

By order of the City Council.
Elizabeth Mursko
City Administrator

Published in the
Forest Lake Times
February 18, 2016
509927

ANOKA COUNTY MINNESOTA

Document No.: 2131189.008 ABSTRACT

I hereby certify that the within instrument was filed in
this office for record on: 03/03/2016 10:04:00 AM

Fees/Taxes In the Amount of \$46.00

JONELL M. SAWYER

Anoka County Property Tax

Administrator/Recorder/Registrar of Titles

MEW, Deputy

Record ID: 3840128