

- (c) Application for Permit. Any person desiring to obtain a permit to possess more than one (1) keg shall fill out an application at the City Clerk's office setting forth the applicant's full name, address, telephone number, the address within the City where the applicant will be possessing the kegs, and the reason or reasons why more than one keg should be permitted. In addition, the applicant shall be required to provide proof of identity and age in the form of a valid Minnesota driver's license or identification card, or valid driver's license from another jurisdiction. Falsifying any information requested on the permit application shall constitute a violation of this ordinance. The application shall be presented to the City Council for approval.
- (d) Exceptions. Any person or premises licensed under any other provision of state law or local ordinance may possess more than one (1) keg and is specifically exempted from the provisions of this section.
- (e) Penalties. Any violation of this section shall be punishable as a misdemeanor.

55.18 KEG REGISTRATION

In addition to the requirements set forth in state statute pertaining to keg registration, the off-sale retailer shall also comply with the following requirements:

- (a) the type of identification card, and the state of origin of the card, used by the purchaser shall be recorded by the off-sale retailer;
- (b) the local address of the purchaser shall be recorded by the off-sale retailer;
- (c) the address or location of where the beer will be consumed shall be recorded by the off-sale retailer;
- (d) the off-sale retailer shall provide the purchaser with a written copy of the City's ordinance pertaining to the possession of kegs in residentially zoned areas of the City; and
- (e) the record containing the information set forth above must be retained for not less than 90 days after the date of sale.

55.19 SOCIAL HOST

A. Purpose and Findings. The Winona 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. The Winona City Council finds that:

- (1) Events and gatherings held on private or public property where alcohol is possessed or 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.

- (2) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdoses or alcohol related traffic collisions.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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:

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.

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.

Event or Gathering: means any group of two or more persons who have assembled or gathered together for a social occasion or other activity.

Host: means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

Parent: means any person having legal custody of a juvenile and shall include the following: natural parent, adoptive parent, stepparent, legal guardian, or a person to whom legal custody has been given by order of the court.

Person: means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

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.

Underage Person: is any individual under 21 years of age.

C. Prohibited Acts.

- (1) It is unlawful for any person to host or allow any event or gathering at any residence, premises, or on any other private or public property, where alcohol or alcoholic beverages are present, when the person knows or reasonably should know that an underage person will or does
 - (a) consume any alcohol or alcoholic beverage or
 - (b) 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 C.(1) above 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 does not have to be present at the event or gathering to be criminally responsible.

D. Exceptions.

- (1) This section shall not apply to conduct solely between an underage person and his or her parents while present in the parents' household.
- (2) This section shall not apply to legally protected religious observances.
- (3) This section shall 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).
- (4) This section shall not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

E. Enforcement. This section can be enforced by any licensed police officer.

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

G. Penalty. A violation of section C.(1) is a misdemeanor
Ord. No. 3828 2/16/2010

Ord. No. 2644	01/04/82	Ord. No. 2662	02/22/83	Ord. No. 2684	09/06/83
Ord. No. 2792	02/03/86	Ord. No. 2842	11/17/86	Ord. No. 2844	11/17/86
Ord. No. 2847	12/01/86	Ord. No. 2889	09/08/87	Ord. No. 2991	09/05/89
Ord. No. 3008	02/20/90	Ord. No. 3034	09/04/90	Ord. No. 3063	05/20/91
Ord. No. 3073	07/15/91	Ord. No. 3096	10/21/91	Ord. No. 3099	10/21/91
Ord. No. 3247	04/03/95	Ord. No. 3350	07/28/97	Ord. No. 3376	08/17/98
Ord. No. 3392	11/02/98	Ord. No. 3476	11/06/00	Ord. No. 3540	07/15/02
Ord. No. 3600	02/02/04	Ord. No. 3581	8/4/03	Ord. No. 3616	8/16/04
Ord. No. 3717	12/6/06	Ord. No. 3758	12/17/07	Ord. No. 3772	8/4/08
Ord. No. 3772	8/4/08	Ord. No. 3772	8/4/08	Ord. No. 3795	6/15/09
Ord. No. 3717	1/06/06	Ord. No. 3758	2/17/07	Ord. No. 3915	12/3/12
Ord. No. 4000	6/15/15	Ord. No. 4027	5/2/16		