

**LAKE MINNETONKA CONSERVATION DISTRICT  
STATE OF MINNESOTA**

**ORDINANCE NO. 233**

**AN ORDINANCE AMENDING THE LAKE MINNETONKA  
CONSERVATION DISTRICT CODE OF ORDINANCES  
REGARDING ALCOHOL POSSESSION AND CONSUMPTION**

THE BOARD OF DIRECTORS OF THE LAKE MINNETONKA CONSERVATION DISTRICT ORDAINS:

**Article I. Definitions.** Chapter I, Section 1.02 of the Lake Minnetonka Conservation District Code of Ordinances is hereby amended by adding the double-underlined material as follows:

Subd. 17a. “Fish House” means a structure set on the ice of the Lake to provide shelter that is required to be licensed under Minnesota Statutes, section 97C.355.

**Article II. Liquor Restrictions.** Chapter V, Section 5.30 of the Lake Minnetonka Conservation District Code of Ordinances is hereby amended by adding the double-underlined material and deleting the ~~stricken~~ material as follows:

Section 5.30. Restrictions on Purchase and Consumption.

Subd. 1. Definitions. For purposes of this Section, the following terms have the following meanings:

- a) “Alcoholic beverage” means any beverage containing more than one-half of one percent (0.5%) alcohol by volume.
  
- b) “Underage person” means any individual under twenty-one (21) years of age.

Subd. ~~12.~~ Age Misrepresentation. ~~No minor~~ It is unlawful for any underage person to claim to be 21 years old or older shall misrepresent his or her age for the purpose of obtaining or purchasing an alcoholic beverage.

Subd. ~~23.~~ Inducing Purchase. ~~No~~ It is unlawful for any person shall to induce an underage person ~~minor~~ to purchase or procure an alcoholic beverage, or to lend or knowingly permit the use of the person's driver's license, permit, Minnesota identification card, or other form of identification by an underage person for the purpose of purchasing or attempting to purchase an alcoholic beverage.

Subd. 34. Procurement. ~~No~~ It is unlawful for any person, other than the parent or legal guardian, shall procure to sell, barter, furnish, or give an alcoholic beverage for any minor to an underage person.

Subd. 45. Possession. ~~No minor shall have~~ It is unlawful for any underage person to possess an alcoholic beverage in his or her possession with the intent to consume it at a place other than the household of his or her parent or guardian. Possession at a place other than the household of the parent or guardian of an alcoholic beverage creates a rebuttable presumption of intent to consume it at a place other than the household of the parent or guardian. This presumption may be rebutted by a preponderance of the evidence.

Subd. 56. Consumption. ~~No minor shall consume an alcoholic beverage unless the consumption occurs with the consent of his or her parent or guardian and within the household of the parent or guardian.~~ It is unlawful for any underage person to consume an alcoholic beverage. As used in this subdivision, "consume" includes the ingestion of an alcoholic beverage and the physical condition of having ingested an alcoholic beverage. A violation of this subdivision exists if consumption, or evidence of consumption, is observed.

Subd. 67. Liquor Consumption and Display. No person shall consume or display any alcoholic beverage on the premises of a ~~licensee who~~ business establishment, club, charter boat, or watercraft for hire that is not also licensed to sell alcoholic beverages or who does not hold a consumption and display permit.

Subd. 8. Watercraft Owners and Operators. It is unlawful for an owner of a watercraft who is present in the watercraft, or for the operator of a watercraft if the owner is not present, to allow, or fail to take reasonable steps to prevent, the possession or consumption of any alcoholic beverage by an underage person on the watercraft if the owner or operator knows, or reasonably should know, the underage person possesses or is consuming any alcoholic beverage. This prohibition does not apply to situations in which an underage person is lawfully in possession of alcoholic beverages during the course and scope of employment.

Subd. 9. Fish Houses. It is unlawful for the license holder of a fish house who is present in the fish house to allow, or fail to take reasonable steps to prevent, the possession or consumption of any alcoholic beverage by an underage person in the fish house if the license holder knows, or reasonably should know, that the underage person possesses or is consuming any alcoholic beverage.

**Article III. Effective Date.** This ordinance shall be effective the day following its publication or a summary thereof.

Adopted this 28<sup>th</sup> day of June, 2017.

**BY THE BOARD OF DIRECTORS**

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James Jay Green, Chair

ATTEST:

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Ann Hoelscher, Secretary

Date of Publication: July 13, 2017

Effective Date: July 14, 2017