



Application for a Special Permit for Use, Consumption and Display of Wine and/or Beer in a Crystal City Park

You have requested information about a special permit to serve wine and/or beer in a Crystal City Park. Here is some general information.

1. **Do this first!** Contact the Crystal Community Center (763-531-0052; 4800 Douglas Drive North) to reserve a Crystal City Park. Park reservation fees will apply.
2. **Application Form/Insurance Certificate**
Fill out the attached application form and read the Liability Clause on page 3 of this application packet. If you are a business partnership, club, corporation or non-profit association, attach a *Certificate of Liability Insurance*.
3. **Social Host Liability**
Read pages 4-5 of this application packet (Crystal City Code Section 1200.47, regarding social host liability) and check the box on page 2, stating that you have received, read and understand the City Code relating to social host liability.
4. **Crystal City Hall** (4141 Douglas Drive North)
Stop by City Hall to turn in your completed application, a copy of the Park Permit that was issued to you from the Crystal Community Center, and the \$50 fee*. Have the administrative services coordinator review your application for completeness.
**This fee is to pay for the expense of processing the application and is non-refundable if the application is denied or if the event is canceled.*
5. **Council Approval**
The Crystal City Council must approve the special permit before it is issued. Council meetings are typically conducted on the first and third Tuesdays of the month (with the exception of July and August, which may have one meeting/month). The items listed in step #4 above must be submitted to Crystal City Hall two weeks prior to the Council meeting.
6. Please note that the sale of alcohol is not permitted and glass containers are prohibited.
7. **Questions?** Contact the administrative services coordinator at 763-531-1131 or trudy.tassoni@crystalmn.gov.



APPLICATION FOR SPECIAL PERMIT

4141 Douglas Dr. N., Crystal, MN 55422

Telephone: 763-531-1000 / Facsimile: 763-531-1188

Deaf and hard-of-hearing callers may call Minnesota Relay at 711.

www.crystalmn.gov

PLEASE PRINT CLEARLY

Applicant's Name:		Fee (0100.4115): \$50.00
Home Address:		Day Phone: ()
City/State/Zip:		Evening Phone: ()
Business/Organization Name (if applicable):		
Business/Organization Address (if applicable):		
City/State/Zip:		Business Phone: ()
Email address:		
Date of Event:		Park Permit #
Hours wine/beer will be <u>served</u> (wine/beer cannot be <u>sold</u>):		
From _____ a.m. / p.m. to _____ a.m. / p.m. (not to exceed 12 hours)		
Purpose of the event and nature of the activity proposed:		
Maximum number of guests expected to attend:		
Name & address (including zip code) of city park where event will be held:		

I enclose the sum of fifty dollars to the City of Crystal as required by the Ordinances of said city and have complied with all the requirements of said Ordinances necessary for obtaining this special permit.

I hereby make application for a **SPECIAL PERMIT FOR USE, CONSUMPTION AND DISPLAY OF WINE AND/OR BEER IN A CRYSTAL CITY PARK** at the above location and at the date/time stated above, subject to all conditions and provisions of said Ordinance.

Liability Requirements

If you are a business partnership, club, corporation or non-profit association, you are required to attach a *Certificate of Insurance* showing current liability insurance.

Social Host Liability

_____ I have received, read and understand Crystal City Code Section 1200.47, Social Host Liability (*attached pages 4-5*).

City Use Only:	
Park reservation made: _____	Park Permit Number: _____
JDE# _____	Date Entered: _____
PIMS ID# _____	Council Date: _____
(If Council approves application, license to be: _____ picked up by applicant / _____ mailed to applicant)	

Liability Clause

The applicant waives any and all claims of any nature against the City of Crystal and its officers, employees and agents arising out of the permitted activity. If applicant is a business partnership, club, corporation or non-profit association, this application must be accompanied by a Certificate of Insurance showing current liability insurance. The sale of alcohol is not permitted.

Indemnity

The applicant, along with his/her successors and assigns, agents, officers, and employees, hereby agrees to indemnify and hold harmless the City of Crystal and its officers, employees and agents from all claims arising out of the permitted activity. This includes, but is not limited to, liability arising from the service of alcohol during any event. Applicant further agrees to defend the City of Crystal against all claims for liability, loss, costs, damages, expenses, actions or judgments, including reasonable attorney’s fees, which said city incurs due to the use of any approved permit. Nothing in this agreement shall constitute a waiver of any immunity to liability to which the City of Crystal is entitled under Minnesota Statutes, Chapter 466, or otherwise.

Please read the following sections from Crystal City Code:

➤ **Section 815.13, Subd. 6. Application.**

The application for a special permit is prepared by the city clerk. The application must specify the purpose of the social event, the nature of the activity proposed, the hours during which it is to be conducted, the maximum number of persons expected to attend, and such other information as the clerk reasonably requests. The application must be accompanied by an insurance certificate, a bond or other undertaking in form and substance satisfactory to the city manager and city attorney, holding the City of Crystal and its officers, employees, and agents from liability of any kind arising out of the permitted activity. If the applicant is a business partnership, club, corporation or non-profit association, the application must be accompanied by a Certificate of Insurance showing current liability insurance.

➤ **Section 815.13, Subd. 8. Special Condition.**

The use, consumption, display and presence of liquor and/or beer in parks and related park facilities is a matter of special concern to the City of Crystal as such activity relates to the peace and good order of the city. For that reason, the issuance of a special permit under this subsection is determined to be a matter within the sole discretion of the Crystal City Council, and its determination to issue or not to issue a special permit is final. The council may impose additional conditions in the granting of a special permit.

I acknowledge that the above Liability Clause, Indemnity, Application and Special Condition have been read and are understood by me, and I agree not to challenge or in any way contest the determination of the Crystal City Council with regard to the issuance of this special permit. I certify that I am at least 21 years of age and the information provided by me in this Application for Special Permit is true and correct to the best of my knowledge.

Applicant’s Signature: _____ **Dated:** _____

Printed Name of Applicant: _____

Name of Business (if applicable): _____

**CRYSTAL CITY CODE SECTION 1200.47,
SOCIAL HOST LIABILITY**

1200.47. (Added, Ord. 2008-3) **Social host liability.** Subdivision 1. **Purpose and findings.** The Crystal 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 Crystal city council finds that:

- (a) 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.
- (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.

Subd. 2. **Authority.** This subsection is enacted pursuant to Minnesota Statutes, sections 145A.05, subdivision 1 and 340A.509.

Subd. 3. **Definitions.** For purposes of this subsection, 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, 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 an individual under 21 years of age.

Subd. 4. **Prohibited acts**.

- (a) It is unlawful for any person(s) to;

Host an 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

(i) consume any alcohol or alcoholic beverage; or

(ii) 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(s).

Possession by a person under the age of 21 at a place other than the household of a parent or guardian creates a rebuttable presumption of intent to consume it. This presumption may be rebutted by a preponderance of the evidence.

- (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.

Subd. 5. **Exceptions**.

- (a) This subsection does not apply to conduct solely between an underage person and their parents while present in the parent's household.
- (b) This section does not apply to legally protected religious observances.
- (c) This section 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 Minnesota Statutes, section 340A.503, subdivision 1(a)(1).
- (d) This subsection does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

Subd 6. **Severability**. If any section, subsection, sentence, clause, phrase, word, or other portion of this subsection 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.

Subd. 7. **Penalty**. Violation of subdivision 4 is a misdemeanor.

Subd. 8. **Effective date**. This subsection shall take effect 30 days following its final passage and adoption.