

CERRO GORDO COUNTY ORDINANCE NO. 51

SOCIAL HOST & UNDERAGE CONSUMPTION ORDINANCE

SECTION 1. DEFINITIONS

- a. “Alcoholic beverage” means the same as defined in Iowa Code section 123.3(4).
- b. “Event, gathering, or party” means any group of three (3) or more persons who have assembled or gathered together for a social occasion or other activity.
- c. “Juvenile” means a person under the age of eighteen (18).
- d. “Legal age” means twenty-one (21) years of age or more.
- e. “Parent” means any person having legal custody of a juvenile: (1) as a natural parent, 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” means any individual, partnership, corporation, or any association of one or more individuals.
- g. “Possession or control” means actual possession or constructive possession based on facts which permit the inference of intent to possess or control alcoholic beverages.
- h. “Premises” means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, other dwelling unit, hall or meeting room, garage, barn, park, or any other place conducive to assembly, public or private, whether occupied on a permanent or temporary basis, whether occupied as a dwelling or specifically for an event, gathering, or party, and whether owned, leased, rented or used with or without permission or compensation.
- i. “Public place” means the same as defined in Iowa Code section 123.3(27).
- j. “Social host” means any person (see Section 1(f)) who aids, allows, entertains, organizes, supervises, controls or permits an event, gathering, or party. This includes, but is not limited to: (1) the person(s) who owns, rents, leases, or otherwise has control of the premises where the event, gathering, or party takes place; (2) the person(s) in charge of the premises; or (3) the person(s) responsible for organizing the event, gathering, or party.
- k. “Underage person” means any person under the age of twenty-one (21).

SECTION 2. AFFIRMATIVE DUTIES

It is the duty of the social host of an event, gathering, or party to take all reasonable steps to prevent alcoholic beverages from being possessed or consumed by underage persons on the premises. Reasonable steps include, but are not limited to:

- a. Controlling underage persons’ access to alcoholic beverages,
- b. Controlling the quantity of alcoholic beverages,
- c. Verifying the age of persons being served, in the possession of, or consuming alcoholic beverages at the event, gathering, or party by

- inspecting drivers' licenses or other government-issued identification cards,
- d. Supervising the activities of underage persons at the party, and
- e. Notifying law enforcement of underage possession or consumption of alcoholic beverages, and allowing law enforcement to enter the premises for the purpose of stopping the possession or consumption by underage persons.

SECTION 3. PROHIBITIONS

- a. It is unlawful for any social host of an event, gathering, or party on the social host's premises to knowingly permit or allow underage persons to consume alcoholic beverages, or knowingly permit or allow underage persons to possess alcoholic beverages on the premises, whether or not the social host is present on the premises.
- b. A person or persons under the legal age shall not purchase or attempt to purchase, or individually or jointly have alcoholic liquor, wine, or beer in their possession or control. (As set out in Iowa Code section 123.47(2)). A person under the legal age who has consumed alcoholic liquor, wine, or beer shall be presumed to have had the same in his or her possession or control prior to its consumption.

SECTION 4. EXCEPTIONS

- a. This ordinance shall not apply to:
 - 1. conduct solely between an underage person and his or her parents while present in the parents' household,
 - 2. legally protected religious observances, or
 - 3. situations where underage persons are lawfully in possession of alcoholic beverages during the course and scope of employment.
- b. The exceptions outlined in Section 4(a) shall not apply under circumstances in which the underage person leaves the home, religious gathering, or place of employment and subsequently violates Iowa Code section 123.46(2),
Consumption or intoxication in public places.

SECTION 5. ENFORCEMENT

The provisions of this Ordinance shall be enforced by the Cerro Gordo County Sheriff's Department. The Cerro Gordo County Sheriff's Department shall have primary but not exclusive enforcement responsibility for this Ordinance.

SECTION 6. PENALTIES

- a. Violations of Section 3(a) are declared to be county infractions, punishable by civil penalty. A seven hundred and fifty dollar (\$750.00) civil penalty shall be imposed for a social host's first offense. A one thousand dollar (\$1,000.00) civil penalty shall be imposed for a social host's second or subsequent offense. The County may also seek reimbursement for enforcement services provided by emergency responders related to the event, gathering, or party.
- b. A person who violates Section 3(b) commits the following:

1. A simple misdemeanor, a scheduled violation under Iowa Code section 805.8, punishable by a fine of not more than two hundred fifty dollars (\$250.00) for the first offense.
2. A second offense shall be a simple misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).
3. A third or subsequent offense shall be a simple misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00)
4. The court may, in its discretion, order the person who is under the legal age to perform community service work under Iowa Code section 909.3A, of an equivalent value to the fine imposed under this section. (As set out in Iowa Code section 123.47(3)(b)).
5. In determining if a violation charged is a second or subsequent offense, conviction for violation of this section, Iowa Code section 123.47, or an ordinance of any city or county in the state of Iowa that substantially corresponds to this section or Iowa Code section 123.47, shall be counted as previous offenses.

SECTION 7. JURISDICTION

The provisions of this Ordinance shall apply throughout Cerro Gordo County, Iowa, including municipalities that have not enacted a municipal ordinance dealing with similar subject matter.

First Consideration: October 20, 2009

Second and Final Consideration: October 27, 2009

Passed and approved this 27th day October, 2009.

AYES: Urdahl, Dougherty, Amosson

NAYS: None

ABSENT-NOT VOTING: None

Chairman, Robert E. Amosson
Board of Supervisors

Kenneth W. Kline
County Auditor