

## TITLE V PUBLIC ORDER, SAFETY AND HEALTH

### CHAPTER 14 ALCOHOLIC BEVERAGES AT SOCIAL GATHERINGS

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5-14-1 PURPOSE. Pursuant to the authority granted under Chapter 331, Iowa Code, this Ordinance is enacted to protect and preserve the right, privileges, and property of the residents of Clinton County and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the residents of Clinton County. The purpose of this ordinance is to prohibit the consumption of alcoholic beverages by persons under the age of twenty-one (21) at gatherings where persons knowingly allow or permit underage persons to drink alcoholic beverages on property they own or control.

The Clinton County Board of Supervisors finds that the occurrence of social gatherings at premises where alcoholic beverages are served to or consumed by persons under the age of twenty-one (21) is harmful to such persons themselves and a threat to public welfare, health, and safety. The Surgeon General's Call to Action (2007) is hereby incorporated by reference as further support of the health, safety and public welfare concerns that exist with underage drinking.

The Clinton County Board of Supervisors further finds that persons under the age of twenty-one (21) attend gatherings where alcoholic beverages are brought or made available and where the persons who are in control of such premises are either knowingly tolerating, allowing, or permitting such alcohol use to occur. This ordinance will establish penalties for persons who knowingly permit or allow underage drinking and will encourage those persons to ensure that those activities are not occurring on premises under their control.

#### 5-14-2 DEFINITIONS

1. "Alcoholic Beverage" means any beverage containing more than one half of one percent of alcohol by volume including alcoholic liquor, wine, or beer.
2. "Event, gathering, or party" means any group of three (3) or more persons who have assembled or gathered together.
3. "Legal Age" means age 21 or older.
4. "Premises" means any home, yard, farm, field, land, apartment, condominium, hotel, or motel room or other dwelling unit, or hall or meeting, 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. "Premises" does not include property that is licensed to sell or serve alcoholic beverages.

5. "Social host" means any person, partnership, corporation or association of one or more individuals who aids, allows, entertains, organizes, supervised, 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 in charge of the premises, or (3) the person(s) who organized the event, gathering or party.

6. "Underage person" means any individual under the age of twenty-one (21).

5-14-3 PROHIBITED ACTS. 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.

A social host has an affirmative defense if the social host took reasonable steps to prevent the possession or consumption of alcohol, or notified law enforcement and allowed law enforcement to enter the premises for the purpose of stopping the illegal activities.

5-14-4 EXCEPTIONS. This Ordinance does not apply to actions permitted under Section 123.47(2), Iowa Code (2011), or to legally protected religious observances.

5-14-5 JURISDICTION. The provisions of this Ordinance shall apply throughout Clinton County, Iowa, including municipalities that have not enacted a municipal ordinance dealing with similar subject matter.

5-14-6 PENALTY. Any person convicted in violation of this ordinance shall be guilty of a simple misdemeanor and is subject to a penalty with a minimum fine of sixty-five dollars (\$65.00) and a maximum fine of six hundred twenty-five dollars (\$625.00) and/or imprisonment in jail for a period not to exceed thirty (30) days. Any fine collected shall be placed in the general fund.

(Ord. 2013-02, Passed February 4, 2013)