

DRAFT

ORDINANCE NUMBER _____

AN ORDINANCE REGARDING THE PROVISION OF ALCOHOLIC BEVERAGES, PRESCRIPTION DRUGS, AND CONTROLLED SUBSTANCES TO PERSONS UNDER THE AGE OF TWENTY-ONE WITHIN GREENE COUNTY, IOWA.

WHEREAS, the Board of Supervisors of Greene County, Iowa, is authorized under Sections 331.301, 331.302 and 331.307 of the Code of Iowa to exercise any power it deems appropriate to preserve and improve the safety, health, and welfare of the County's residents, to exercise a power by the passage of an ordinance, and to provide that the violation of an ordinance is a County infraction;

WHEREAS, the Board of Supervisors of Greene County finds that the occurrence of social gatherings at premises where alcoholic beverages, prescription drugs, or controlled substances are served to, or consumed by, persons under the age of twenty-one is harmful to such persons and endangers the safety, health, and welfare of the County's residents;

WHEREAS, the Board of Supervisors of Greene County further finds that persons under the age of twenty-one attend gatherings where alcoholic beverages, prescription drugs, or controlled substances are brought or made available, and the persons who are in control of the premises where such gatherings occur are knowingly permitting such alcohol, prescription drug, or substance use to occur; and

WHEREAS, this ordinance will establish penalties for persons who knowingly permit those under the age of twenty-one to consume alcoholic beverages, prescription drugs, or controlled substances, and will encourage those persons to ensure that such activities are not occurring on premises under their control;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF GREENE COUNTY, IOWA, AS FOLLOWS:

Section 1. Purpose

The purpose of this ordinance is to reduce the consumption of alcoholic beverages, prescription drugs that have not been lawfully dispensed, and controlled substances by persons under the age of twenty-one.

Section 2. Definitions

- a. "Alcoholic beverage" means any alcoholic beverage specified in Iowa Code Section 123.3(4).
- b. "Controlled substance" means a drug, substance, or immediate precursor listed in schedules I through V of Division II of Chapter 124 of the Iowa Code.
- c. "Licensed premises" means all rooms, enclosures, contiguous areas, or places

susceptible of precise description where alcoholic beverages, wine, or beer is sold or consumed under authority of a liquor control license, wine permit, or beer permit.

- d. "Permit" or "license" means an express written authorization issued by the Alcoholic Beverages Division of the Iowa Department of Commerce.
- e. "Person" means any person, partnership, corporation, or association of one or more individuals.
- f. "Prescription drug" means any drug or device listed in Iowa Code Section 155A.3(38).

Section 3. Prohibited Acts

- a. Except for the purposes described in Section 3(b), a person who is the owner or lessee of, or who otherwise has control over, property, shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of twenty-one, to consume or possess on such property any alcoholic beverage, prescription drug that was not lawfully dispensed, or controlled substance.
- b. Section 3(a) shall not apply in the case of:
 - i. an alcoholic beverage given or dispensed to a person under twenty-one years of age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or for medicinal purposes;
 - ii. the consumption or possession of any alcoholic beverage or controlled substance in connection with a religious observance, ceremony, or rite;
 - iii. a person under the age of twenty-one who handles alcoholic beverages during the regular course and scope of the person's employment by a liquor control licensee or wine or beer permittee under Iowa Code Chapter 124;
 - iv. the consumption or possession of an alcoholic beverage on property that is a licensed premises; or
 - v. a landlord or manager of the property.
- c. If more than one person under the age of twenty-one is present on the property, each person under the age of twenty-one permitted to consume or possess an alcoholic beverage, a prescription drug, or a controlled substance in violation of this Ordinance constitutes a separate violation of this Ordinance.

Section 4. Affirmative Defense

A person otherwise subject to a civil penalty under this Ordinance has an affirmative

defense if the person:

- a. took reasonable steps to prevent the possession or consumption of the alcoholic beverage, prescription drug, or controlled substance; or
- b. notified law enforcement and gave consent to law enforcement to enter the property, to the fullest extent to which the person had authority to give such consent, for the purpose of stopping the illegal activities.

Section 5. Violations

- a. A violation of this Ordinance is a civil infraction under the Greene County Code of Ordinances and is subject to a civil penalty of \$750 for the first violation and a civil penalty of \$1,000 for each subsequent violation.
- b. A violation of this Ordinance may also be considered by the County when determining whether or not to approve an application for a license submitted by a person found in violation of the Ordinance.

Section 6. Enforcement

The provisions of this Ordinance may be enforced by any peace officer within the State of Iowa.

Section 7. Repealer

All Ordinances or parts thereof that are in conflict with this Ordinance are hereby repealed.

Section 8. Severability Clause

If any section, provision, sentence, clause, phrase, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

Section 9. Applicability

This Ordinance shall be effective throughout Greene County, Iowa, following its adoption and publication as provided by law.

Section 10. Effective Date

This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

Passed by the Greene County Board of Supervisors on this _____ day of September, 2019.

John Muir, Chair
Greene County Board of Supervisors

Peter Bardole, Supervisor

Mick Burkett, Supervisor

Tom Contner, Supervisor

Dawn Rudolph, Supervisor

Attest:

September _____, 2019

Jane Heun
Greene County Auditor