

Ordinance No. \_\_\_\_\_

**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.**

**1. Purpose**

1.1 The purpose of this ordinance is to promote the safety, health, and welfare of the people of Greene County, Iowa, by reducing the illegal consumption of alcoholic beverages, prescription drugs, and controlled substances by persons under the age of twenty-one in Greene County.

**2. Definitions**

- 2.1 "Alcoholic beverage" means any alcoholic beverage specified in Iowa Code section 123.3(4).
- 2.2 "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.
- 2.3 "Licensed premises" means all rooms, enclosures, contiguous areas, or places susceptible of precise description where alcoholic beverages are sold or consumed under authority of a liquor control license, wine permit, or beer permit.
- 2.4 "Permit" or "license" means an express written authorization issued by the Alcoholic Beverages Division of the Iowa Department of Commerce.
- 2.5 "Prescription drug" means any drug or device listed in Iowa Code section 155A.3(38).

**3. Prohibited Acts**

- 3.1 Except as provided in section 3.2, 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 that was not lawfully dispensed.
- 3.2 Section 3.1 shall not apply in the case of:
- 3.2.1 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;
- 3.2.2 an alcoholic beverage administered to a person under twenty-one years of age by either a physician or dentist for medicinal purposes;
- 3.2.3 the consumption or possession of any alcoholic beverage or controlled substance in connection with a religious observance, ceremony, or rite;
- 3.2.4 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;
- 3.2.5 the consumption or possession of an alcoholic beverage on property that is a licensed premises; or
- 3.2.6 a landlord or manager of the property.
- 3.3 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.

#### **4. Affirmative Defenses**

- 4.1 A person otherwise subject to a civil penalty under this ordinance has an affirmative defense if the person:
  - 4.1.1 took reasonable steps to prevent the possession or consumption of the alcoholic beverage, prescription drug, or controlled substance; or
  - 4.1.2 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.

#### **5. Violations**

- 5.1 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.
- 5.2 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.

**6. Enforcement**

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

**7. Repealer**

7.1 All ordinances or parts thereof that are in conflict with this ordinance are hereby repealed.

**8. Severability**

8.1 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.

**9. Applicability**

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

**10. Effective Date**

10.1 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
John Muir, Chair  
Greene County Board of Supervisors

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Peter Bardole, Supervisor

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Mick Burkett, Supervisor

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Tom Contner, Supervisor

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Dawn Rudolph, Supervisor

Attest:

\_\_\_\_\_, 2022

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Jane Heun  
Greene County Auditor