

# CRAWFORD COUNTY ORDINANCE 2013 - 4

## CRAWFORD COUNTY ORDINANCE PROVIDING PENALTIES FOR ADULT PERSONS KNOWINGLY PROVIDING ALCOHOLIC BEVERAGES TO UNDERAGE PERSONS AT SOCIAL GATHERINGS (SOCIAL HOST ORDINANCE)

### PURPOSE:

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 adult persons knowingly allow or permit underage persons to drink alcoholic beverages on property they own or control. This ordinance is enacted to protect and preserve the rights, privileges, and property of the residents of Crawford County and to preserve and improve the peace, safety, health, welfare, comfort and convenience of the residents of Crawford County.

The Crawford 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 Crawford 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 adult persons who are in control of such premises are knowingly tolerating, allowing, or permitting such alcohol use to occur. This ordinance will establish penalties for adult 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.

### DEFINITIONS:

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. "Adult Person" means any person age 18 or older.
2. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, vodka, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
3. "Alcoholic Beverage" means any beverage containing more than one half of one percent of alcohol by volume including alcoholic liquor, wine, or beer.
4. "Emergency Responders" means firefighters, law enforcement officers, emergency medical service personnel, and other personnel having emergency response duties.
5. "Enforcement Services" means the salaries and benefits of emergency responders for the amount of time actually spent responding to or remaining at an event, gathering, or party and

administrative costs attributable to the incident; the actual costs for medical treatment for any injured emergency responder, and the costs of repairing any damage to equipment of vehicles.

6. "Event, gathering, or party" means any group of three (3) or more persons who have assembled together for a social occasion or other activity.
7. "Juvenile" means a person under the age of eighteen (18).
8. "Legal Age" means twenty-one (21) years of age or more.
9. "Parent" means any person having legal custody of a juvenile: 1) as a natural parent, adoptive parent, or stepparent; 2) as a legal guardian, or; 3) as a person to whom legal custody has been given by order of the Court.
10. "Possession or Control" means actual possession or constructive possession based on facts, which permit the inference of intent to possess or control alcoholic beverages. A person who has consumed alcoholic beverages shall be presumed to have had the same in his or her possession or control prior to its consumption.
11. "Premises" means any home, yard, farm, field, land, apartment, condominium, hotel, or motel room or other dwelling unit, or hall or meeting room, garage, barn, park, tent, camper, RV, 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 an event, gathering, or party, 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.
12. "Social host" means any person, partnership, corporation or association of one or more individuals 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) who organized the event, gathering or party.  
This ordinance does not apply to a social host who is a juvenile; however, if the social host is a juvenile and the parent(s) of the juvenile know of the event, gathering or party, and know that the consumption of alcohol is occurring, the parent(s) shall be liable for violations of this ordinance.
13. "Underage person" means any individual under the age of twenty-one (21).

#### 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 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.

#### EXCEPTIONS:

This ordinance does not apply to actions permitted under Section 123.47, Code of Iowa (2007), or to legally protect religious observances.

EVIDENCE OF CONSUMPTION; PBT ADMISSIBLE:

Evidence obtained during the administration of Preliminary Breath screening Tests (PBT's), which have been approved by the Department of Public Safety for use in Public Intoxication cases, including the test result expressed in terms of alcohol concentration, shall be admissible at trial on the issue of whether a person under the legal drinking age did or did not consume alcohol. This provision is not intended to exclude other evidence of consumption or possession, or to require admission of a PBT result in order to support a finding of consumption or possession.

PENALTIES:

A violation of the provisions of this ordinance shall be enforced as a civil infraction in accordance with Iowa Code Section 331.307. First time offenses shall carry a civil penalty of \$750. Second and subsequent offenses shall carry a civil penalty of \$1,000.

In addition to any civil penalty imposed, the County may seek reimbursement for enforcement services provided by emergency responders to the extent such services are related to the event, gathering or party; and the Court may, in its discretion, order a violator of this ordinance to make restitution to the County for the cost of any or all such services.

JURISDICTION:

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

EFFECTIVE DATE:

This ordinance and its provisions shall be effective beginning July 1<sup>st</sup>, 2013.

REPEALER:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SEVERABILITY:

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, subsection, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

Crawford County Board of Supervisors

---

Eric Skoog, Chairman

ATTEST:

---

Terri Martens, Crawford County Auditor

Passed First Reading \_\_\_\_\_ May 14, 2013

Passed Second Reading \_\_ May 21, 2013

Passed Third Reading \_\_\_\_\_ May 28, 2013

Ordinance Published:

Denison Bulletin/Review \_\_\_\_\_ June 4, 2013

Manilla Times \_\_\_\_\_ June 6, 2013

The Observer \_\_\_\_\_ June 6, 2013