

HANCOCK COUNTY ORDINANCE NUMBER TWENTY-SEVEN

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

Section 1. Purpose.

Pursuant to the authority granted under Chapter 331, Iowa Code, this Ordinance is enacted to protect and preserve the rights, privileges, and property of the residents of Hancock County and to preserve and improve the peace, safety, health, welfare, comfort and convenience of the residents of Hancock 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 adult persons knowingly allow or permit underage persons to drink alcoholic beverages on property they own or control.

Section 2. Findings.

The Hancock 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 Hancock 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 either 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.

Section 3. Definitions.

- a. "Adult Person" means any person age 18 or older.
- b. "Alcoholic Beverage" means any beverage containing more than one half of one percent of alcohol by volume including alcoholic liquor, wine, or beer.
- c. "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.
- d. "Juvenile" means a person under the age of eighteen (18).
- e. "Legal Age" means 21 or older.
- f. "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.
- g. "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.
- h. "Social Host" means any person, partnership, corporation, or association of one or more adult 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 took place, (2) the person in charge of the premises, or (3) the person(s) who organized the event, gathering, or party.
 - i. "Underage Person" means any individual under the age of twenty-one (21).

Section 4. Prohibited Acts.

- a. It is unlawful for any social host of an event, gathering, or party 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. 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 knows or reasonably should know of the event, gathering or party and knows or reasonably should know that the consumption of alcohol is occurring, the parent(s) shall be liable for violations of the ordinance.

Section 5. Affirmative Defense.

- a. 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 illegal activities.

Section 6. Exceptions.

- a. This ordinance does not apply to actions permitted under section 123.47(2) of the Iowa Code (2013).
- b. This ordinance does not apply to legally protected religious observances.

Section 7. Penalties.

- a. A first offense violation of the provisions of this ordinance shall be enforced as a civil penalty of \$750.
- b. Any second and subsequent offenses shall carry a civil penalty of \$1000.

- c. The County may also seek reimbursement for enforcement services provided by emergency responders related to the event, gathering, or party.

Section 8. Jurisdiction.

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

9. Severability.

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of either the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

10. When Effective.

This ordinance shall be effective after final passage, approval, and publication as provided by law.

Adopted and passed by the Hancock County Board of Supervisors on this 2nd day of December, 2013.

Signed:

Jerry Tlach

Chairman, Hancock County Board of Supervisors

Attest:

Michelle K. Eisenman

Hancock County Auditor

First reading: November 25, 2013

Second reading: December 2, 2013

Publication: December 11 & 12, 2013