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**ORDINANCE NO.**

**274**

ARLENE SCHAUF, RECORDER/REGISTRAR  
JACKSON COUNTY IOWA

**Jackson County Social Host Ordinance**

**Part 1**

**Introduction**

**PURPOSE.** The Board of Supervisors of Jackson County intend to protect the interest, welfare, health, and safety within Jackson County by prohibiting the services to and consumption of alcoholic beverages by persons under the age of twenty-one (21) at premises located in the County. The County Board of Supervisors find 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 County board of Supervisors further finds that persons under the age of twenty-one (21) often obtain alcoholic beverages at such gatherings and that persons who are in control of such premises know or have reason to know of such service and/or consumption and will be more likely to ensure that alcoholic beverages are neither served nor consumed by persons under the age of twenty-one (21) at these gatherings. Based on these findings, the County Supervisors have deemed it necessary to enact the following regulations in Jackson County.

**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.

**“Adult Person”** means any person age eighteen (18) or older.

**“Alcohol”** means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

**“Alcoholic beverage”** means any beverage in any form that contains more than one half of one percent of alcohol by volume including alcoholic liquor, wine, or beer.

**“Emergency Responders”** means firefighters, law enforcement officers, emergency medical service personnel, and other personnel having emergency response duties.

**“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 or vehicles.

**“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.

**“Juvenile”** means a person under the age of eighteen (18).

**“Legal age”** means twenty-one (21) years of age or more.

**“Parent”** means any person having legal custody of a juvenile: (1) as a natural parent, adoptive parent, or step-parent; (2) as a legal guardian; (3) as a person to whom legal custody has been given by order of the court

**“Person”** means any individual, partnership, corporation, or any association of one or more individuals.



**“Possession or Control”** means actual possession or constructive possession based on facts, which permit the inference of intent to possess or control alcoholic beverages.

**“Premises”** means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, other dwelling unit, hall or meeting room, garage, barn, park, tent, camper/RV, or any other place conducive to assembly, public or private, whether occupied on a permanent or temporary 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.

**“Public place”** means the same as defined in Iowa Code section 123.3(27).

**“Social host”** means any person who aids, allows, entertains, organizes, supervises, controls or permits an event, gathering, or party. This includes but is not limited to:

- (1) the person 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) responsible for organizing the event, gathering, or party.

**“Underage person”** means any person under the age of twenty-one (21).

## Part 2 General Provisions

**AFFIRMATIVE DUTIES.** It is the duty of the social host of an event, gathering, or party to take all reasonable steps to prevent alcoholic beverages from being possessed or consumed by underage persons on the premises. Reasonable steps include, but are not limited to:

Controlling underage persons’ access to alcoholic beverages,

Controlling the quantity of alcoholic beverages,

Verifying the age of persons being served, in the possession of, or consuming alcoholic beverages at the event, gathering, or party by inspecting driver’s licenses or other government-issued identification cards,

Supervising the activities of underage persons at the party, and

Notifying law enforcement of underage possession or consumption of alcoholic beverages, and allowing law enforcement to enter the premises for the purpose of stopping the possession or consumption by underage persons.

**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.

It is unlawful for any social host to host an event, gathering, or party on premises when the person knows or reasonably should know that an underage person has consumed an alcoholic beverage, or possess an alcoholic beverage with the intent to consume it, and the person fails to take reasonable steps to prevent the possession or consumption by the underage person. A social host who hosts such an event, gathering, or party does not have to be present at the time the prohibited act occurs.

A person or persons under the legal age shall not purchase or attempt to purchase, or individually or jointly have alcoholic liquor, wine, or beer in their possession or control. (As set out in Iowa Code section 123.47(2)). A person under the legal age who has consumed alcoholic liquor, wine, or beer shall be presumed to have had the same in his or her possession or control prior to its consumption. This Ordinance does not apply to the exceptions enumerated in Iowa Code Section 123.47(2) for persons possessing alcohol while under the legal age or to persons possessing alcohol as part of legally protected religious observances, or to situations where underage persons are lawfully in possession of alcoholic beverages during the course and scope of their employment.

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.

**PENALTIES.** A violation of this Social Host Ordinance is a county infraction. A county infraction is a civil offense not punishable by jail or imprisonment. A person who violates this Social Host Ordinance shall be punishable by the following penalties:

A first offense shall be a two hundred fifty dollar (\$250.00) civil penalty.

A second or subsequent offense shall be a five hundred dollar (\$500.00) civil penalty.

The court may, in its discretion, order the person to perform community service work under Iowa Code section 909.3A, of an equivalent value to the fine imposed under this section.

If the person violating this Social Host Ordinance is a juvenile the following penalties shall be assessed:

A first offense shall be thirty-five (35) hours of community service.

A second offense shall be seventy (70) hours of community service.

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

**ENFORCEMENT.** The Jackson County Sheriff's Office shall have primary but not exclusive enforcement responsibility for this Ordinance.

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

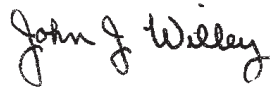
**REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**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.

### PART 3 ENACTMENT

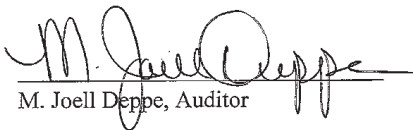
**EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

PASSED AND APPROVED ON THIS 27<sup>th</sup> OF THIS August, 2013.



John J. Willey, Chairman of Board of Supervisors

ATTEST:



M. Joell Deppe, Auditor