

## HUMBOLDT COUNTY ORDINANCE NO. 73

### SOCIAL HOST & UNDERAGE CONSUMPTION ORDINANCE

#### 73.1 PURPOSE:

Humboldt County intends to protect the interest, welfare, health, and safety within Humboldt County by prohibiting the services to and consumption of alcoholic beverages by persons under the age of twenty-one (21) at unsupervised parties on private property where alcohol is consumed by minors, are harmful to the minors themselves and to the community where such parties are held. Law Enforcement's ability to abate gatherings where alcohol is consumed by minors on private property will result in a decrease in abuse of alcohol by minors, physical altercations and injuries, neighborhood vandalism, and excessive noise disturbance thereby improving public safety. Problems associated with such gatherings are difficult to resolve unless Law Enforcement has the legal authority to direct the host to disperse the group. Control of large parties, gatherings, or events on private property where minors are consuming alcohol is necessary when such activity is determined to be a threat to the peace, health, safety, or general welfare of the public. In addition, Law Enforcement officers frequently have been required to make calls to allocation of a party, gathering, or event in order to disperse uncooperative participants, causing a drain on manpower and resources and in some cases, leaving other areas of the County with inadequate protection. Based on these findings, the Board of Supervisors has deemed it necessary to enact the following regulations in Humboldt County.

#### 73.2 DEFINITIONS:

- A.) "Adult Person" means any person age 18 or older.
- B.) "Alcoholic Beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half or one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- C.) "Controlled Substances" includes those substances defined by Iowa Code Chapters 124 and 155A including synthetic versions.
- D.) "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.

**E.) “Emergency Responders”** means law enforcement officers, firefighters, and emergency medical service personnel.

**F.) “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 and damage to equipment or vehicles.

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

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

**I.) “Parent”** means any person having legal custody of a juvenile: (1) as natural parent, adoptive parent, or step-parent; (2) as legal guardian; (3) as a person to legal custody has been given by order of the court; or (4) a person who had assumed care of juvenile through an arrangement for youth exchange.

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

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

**L.) “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.

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

**N.) “Reasonable Steps”** include, but are not limited to, controlling access to alcoholic beverages and controlled substances by verifying the age of persons attending gatherings by inspecting drivers’ license or other government issued identification cards; prohibiting the consumption or use of all controlled substances, including the abuse of medications or the use synthetic drugs at gatherings and supervising the activities of underage persons at gatherings to ensure safety.

**O.) “Social Host”** means any person (see section 1(l)) who allows, organizes, supervises, controls or permits an event, gathering, or party. This includes, includes 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) responsible for organizing the event, gathering, or party.

P.) "Underage Person" means any person under the age of twenty-one (21).

### **73.3 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 not limited to:

- a.) Controlling underage persons' access to alcoholic beverages.
- b.) Controlling the quantity of alcoholic beverages
- c.) 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.
- d.) Supervising the activities of underage persons at the party, and
- e.) 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.

### **73.4 PROHIBITION:**

**A.)** It is unlawful for any social host of an event, gathering, or party on the social host's premises or property under their control to knowingly permit or allow underage person to consume alcoholic beverages, or knowingly permit or allow person to possess alcoholic beverages on the premises, whether or not the social host is present on the premises.

**B.)** 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.

**C.)** 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.

### **73.5 EXCEPTIONS:**

A.) This ordinance shall not apply:

- 1.) Conduct solely between an underage person and his or her parent while present in the parent's household.
- 2.) Legally protected religious observances, or
- 3.) Situations where underage persons are lawfully in possession of alcoholic beverages during the course and scope of employment.

B.) The exceptions outlined in Section 73.5(A), shall not apply under circumstances in which the underage person leaves the home, religious gathering or place of employment and subsequently violates Iowa Code Section 123.46(2), **Consumption or Intoxication in Public Places**.

### **73.6 ENFORCEMENT:**

The provisions of this Ordinance shall be enforced by the Humboldt County Sheriff's Office, or may be enforced by any Iowa Certified Peace Officer. The Humboldt County Sheriff's Office shall have primary but not exclusive enforcement responsibility for this Ordinance.

### **73.7 PENALTIES:**

A.) Violations of Section 1 are declared to be county ordinance infractions, punishable by civil penalty. A seven-hundred, fifty dollar (\$750.00) civil penalty shall be imposed for the social host's first offense. A one-thousand (\$1000.00) civil penalty shall be imposed for a social host's second or subsequent offenses. The County may also seek reimbursement for enforcement services provided by emergency responders related to the event, gathering, or party.

B.) In determining if a violation is a second or subsequent offense, conviction for violation of this section, Iowa Code Section 123.47, or an ordinance of any city or county in the State of Iowa that substantially corresponds to this section or Iowa Code 123.47, shall be counted as previous offenses.

### **73.8 JURISDICTION:**

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

**HUMBOLDT COUNTY ORDINANCE 73**

First reading: \_\_\_\_\_

Second reading: \_\_\_\_\_

Third reading & final passage: \_\_\_\_\_

**HUMBOLDT COUNTY BOARD OF SUPERVISORS:**

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor