

ORDINANCE NO. 05-19-08

AN ORDINANCE PROHIBITING UNLAWFUL CONSUMPTION BY A MINOR

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WORTH COUNTY, IOWA:

Purpose: It is the purpose and intent of the Board of Supervisors to protect the minor citizens of Worth County from the dangers of consuming alcoholic beverages.

SHORT TITLE & DEFINITIONS

Short Title. This ordinance shall be known and may be cited and referred to as the “Unlawful Consumption by a Minor Ordinance” to the same effect as if full title was stated.

1. All references in Section 2B are to references of the Iowa Code and this ordinance hereby adopts by reference said Iowa Code provisions as may be applicable.

2. **Definition.** The following words and terms are defined:

A. The term “minor” means any person below the legal age of twenty-one (21) years.

B. “Alcoholic liquor, alcoholic beverage, wine or beer” as set out in Section 123.3 of the Code of Iowa.

C. “Consume” includes ingestion of alcoholic liquor, alcoholic beverage, wine or beer and the physical condition of having ingested liquor, alcoholic beverage, wine or beer.

3. **Unlawful Consumption.** It is unlawful for any person under the age of twenty-one years to:

A. Consume any alcoholic liquor, alcoholic beverage, wine or beer.

B. Appear in a public place after consuming any alcoholic liquor, alcoholic beverage, wine or beer.

4. **Affirmative Defense of Violation.** It is an affirmative defense to a violation of Paragraph 3.A of this Chapter that the person consumed the alcoholic liquor, alcoholic beverage, wine or beer in the household of the person’s parent or guardian and with the knowledge, presence and consent of the person’s parent or guardian. Further, the minor may appear in a public place following said consumption only in the presence and company of that person’s parent or guardian.

5. **Validity.** Should any section, sentence, clause or provision of this Ordinance be declared by a court to be invalid, the same shall not affect the validity of this Ordinance as a whole or the remaining portions of this Ordinance.

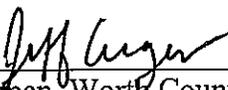
6. **Penalties.** A violation of this chapter is a simple misdemeanor, punishable by a fine of at least \$65.00 but not exceeding \$625.00, and/or by imprisonment in the county jail not exceeding

thirty (30) days.

ENACTMENT AND EFFECTIVE DATE

This enactment shall be in full force and effect from and after its passage and adoption as provided by law.

Passed this 19th day of May, 2008.



Chairman, Worth County Board of Supervisors

ATTEST:



Kay Clark, Worth County Auditor