

**LOCAL ORDINANCE NO. 43
MITCHELL COUNTY SOCIAL HOST ORDINANCE**

SECTION 1. PURPOSE; FINDINGS:

The purpose of this Chapter is to protect the public interest, welfare, health, and safety within Mitchell County by prohibiting the services to and consumption of alcoholic beverages by persons under the legal drinking age as established by the State of Iowa at premises located in the County. The Mitchell 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 legal drinking age as established by the State of Iowa is harmful to such persons themselves and a threat to public welfare, health, and safety. The Board further finds that persons under the legal drinking age as established by the State of Iowa 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 or consumed by persons under the legal drinking age as established by the State of Iowa at these gatherings. Based on these findings, the Board has deemed it necessary to enact the following regulations in Mitchell County.

SECTION 2. DEFINITIONS:

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning:

ALCOHOLIC BEVERAGE means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and 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 where an underage person has consumed or possessed an alcoholic beverage.

PARENT means any person having legal custody of a juvenile: (1) As natural parent, adoptive parent, or step-parent; (2) as a legal guardian; or (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.

PREMISES means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, 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.

SOCIAL HOST means any person who aids, conducts, allows, entertains, organizes, supervises, controls, or permits an event, gathering, or party.

UNDERAGE PERSON means any individual under the legal drinking age as established by the State of Iowa .

SECTION 3. PROHIBITED ACTS:

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 possessed 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.

SECTION 4. EXCEPTIONS:

This Ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parents' household, to legally protected religious observances, and to situations where underage persons are lawfully in possession of alcoholic beverages during the course and scope of employment.

SECTION 5. ENFORCEMENT:

The Mitchell County Sheriff's Office shall have primary but not exclusive enforcement responsibility for this Chapter.

SECTION 6. VIOLATIONS:

A five hundred dollar (\$500.00) civil penalty shall be imposed for a social host's first offense. A seven hundred and fifty dollar (\$750.00) civil penalty shall be imposed for a social host's second offense. A one thousand dollar (\$1,000.00) civil penalty shall be imposed for a social host's third or subsequent offense. In addition, the County may seek reimbursement for enforcement services provided by emergency responders related to the event, gathering, or party. Multiple violations of this Chapter may be considered by the County for purposes of approving licenses applied for by the social host, or for any other requirements that are subject to approval by the County.

SECTION 7. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 8. SAVINGS CLAUSE. 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, sentence, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

SECTION 9. 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 this 4th day of May, 2010.

MITCHELL COUNTY BOARD OF SUPERVISORS

By:


Stanley R. Walk, Chairperson

ATTEST:


Lowell Tesch, Mitchell County Auditor