

HANCOCK COUNTY ORDINANCE NO. 25

TITLE: AN ORDINANCE PROHIBITING CONSUMPTION OF ALCOHOL BY A MINOR

Section 1. Definitions.

- a. Alcoholic beverage. As defined in Iowa Code §123.3(4).
- b. Alcoholic liquor. As defined in Iowa Code §123.3(5).
- c. Beer. As defined in Iowa Code §123.3(7).
- d. Consume. The ingestion of, or physical condition of having ingested, any substance.
- e. Minor. Any person who has not attained the legal age of twenty-one years of age or more.
- f. Wine. As defined in Iowa Code §123.3(37).

Section 2. Unlawful Consumption.

- a. It is unlawful for a minor to use or consume any alcoholic liquor, alcoholic beverage, wine or beer, except in the case of
 - (1) liquor, wine or beer given or dispensed to the minor within a private home and with the knowledge, presence and consent of the minor's parent or guardian, or
 - (2) as administered to the minor by either a physician or dentist for medicinal purposes.
- b. It is unlawful for a minor to appear in any place after the consumption of any alcoholic liquor, alcoholic beverage, wine or beer, except in the case of liquor, wine or beer consumed pursuant to 2(a)(2), if the minor is not intoxicated or under the influence.

Section 3. Evidence of Consumption.

A specific legislative finding has been made by the Board, supported by expert testimony, that breath screening devices are accurate in determining the presence or absence of alcohol in a person's body. Such devices are valuable tools in the investigation of unlawful consumption. Therefore, at trial, evidence obtained during the administration of preliminary breath testing, including the test result, shall be admissible on the issue of whether the minor did or did not commit an act of unlawful consumption.

*Section 4. Penalties.

A violation is a simple misdemeanor, punishable by a fine of at least \$65.00 but not exceeding \$625, and/ or by imprisonment in the county jail for no more than 30 days. A term of imprisonment may only be imposed after notice to the Court by the Hancock County Attorney's office and docketed by the Clerk of Court.

Section 5. Severability Clause.

If any of the provision of this ordinance are for any reason illegal or void, then the lawful provisions of this document, which are separable from the unlawful provision, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

*Amended by Recodification Ordinance, December 12, 2018

Adopted and Passed by the Hancock County Board of Supervisors on this 13th day of July, 2009.

Signed by:
Ted Hall, Chairperson
Hancock County Board of Supervisors

Attested by:
Debra Bellinghausen, Auditor
Hancock County, Iowa

First reading: July 6, 2009
Second reading: July 13, 2009
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