

AN ORDINANCE AMENDING JEFFERSON COUNTY CODE OF ORDINANCES (2010), ADDING CHAPTER 2-50 ESTABLISHING A SOCIAL HOST ORDINANCE WITHIN JEFFERSON COUNTY.

BE IT ENACTED BY THE JEFFERSON COUNTY BOARD OF SUPERVISORS THAT:

I. Amendment. The Jefferson County Code of Ordinances is amended by adding Chapter 2-50, which states:

**“Chapter 2-50. SOCIAL HOST ORDINANCE.**

**SECTION 1. Purpose.** The purpose of this chapter is to protect the public interest, welfare, health, and safety within Jefferson County by prohibiting the services to and consumption of alcoholic beverages and/or controlled substances, and/or prescription drugs by persons under the age of twenty one (21) at premises located in the county.

**SECTION 2. Definitions.** The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. **ALCOHOLIC BEVERAGE:** Any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.
2. **CONTROLLED SUBSTANCE:** a drug, substance, or immediate precursor as specified in Chapter 124 of the Iowa Code.
3. **EVENT, GATHERING, OR PARTY:** 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.
4. **PARENT:** Any person having legal custody of a juvenile: a) as natural parent, adoptive parent, or stepparent; b) as a legal guardian; or c) as a person to whom legal custody has been given by order of the court.

5. PERSON: Any individual, partnership, corporation, or any association of one or more individuals.

6. PREMISES: Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park 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.

7. PRESCRIPTION DRUG: any drug regulated by state or federal law as specified in Iowa Code Chapter 155A.

8. SOCIAL HOST: Any person who aids, conducts, allows, entertains, organizes, supervises, controls, or permits an event, gathering, or party. This includes, but is not limited to: a) The person(s) who owns, rents, leases, or otherwise has control of the premises where the event, gathering, or party takes place; b) the person(s) in charge of the premises; or c) the person(s) who organized the event. If the social host is a juvenile, then the parent(s) of that juvenile will be jointly and severally liable for any violation of this chapter.

9. UNDERAGE PERSON: Any individual under the age of twenty one (21).

### **SECTION 3. Prohibited Acts.**

1. It is unlawful for any social host to host an event, gathering, or party on the social host's premises when any of the following occur:

- a. the social host knowingly permits or allows underage persons to consume alcoholic beverages and/or controlled substances, and/or prescription drugs;
- b. the social host reasonably should know that an underage person or persons has consumed alcoholic beverages and/or controlled substances, and/or prescription drugs;
- c. the social host knowingly permits or allows underage persons to possess an alcoholic beverage, and/or controlled substance(s), and/or a prescription drug(s).

2. A social host who hosts such an event, gathering, or party does not need to be on the premises at the time the prohibited act occurs to be in violation of this chapter.

3. A social host has an affirmative defense if the social host took reasonable steps to prevent the possession or consumption of alcoholic beverages and/or controlled substances, and/or prescription drugs such as contacting law enforcement and allowing officers onto the premises for the purpose of stopping these illegal activities.

**SECTION 4. Exceptions.** This chapter 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. This chapter does not apply to prescription drugs that are lawfully possessed and consumed.

**SECTION 5. Penalties.** Violations of this chapter are declared to be municipal infractions. A seven hundred fifty dollar (\$750.00) civil penalty shall be imposed for a social host's first offense. A one thousand dollar (\$1,000.00) civil penalty shall be imposed for a social host's second offense or subsequent offense.

**SECTION 6. Jurisdiction.** The provisions of this Ordinance shall apply throughout Jefferson County, Iowa including municipalities that have not enacted a municipal ordinance dealing with similar subject matter.”

II. Severability Clause. If any of the provisions 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.

III. Effective Date. This ordinance shall be in effect sixty (60) days after its final passage, approval and publication as provided by law.

IV. Publication, Hearing, Approval, Adoption, and Filing of:

AN ORDINANCE AMENDING JEFFERSON COUNTY CODE OF ORDINANCES (2010),  
ADDING CHAPTER 2-50 ESTABLISHING A SOCIAL HOST ORDINANCE WITHIN  
JEFFERSON COUNTY.

Public hearing notice published on July 16, 2013, August 2, 2013 and August 27, 2013 in  
Fairfield Ledger and Packwood Plainsman.

First Reading on July 22, 2013.

Second Reading on August 12, 2013.

Third Reading on September 3, 2013.

Passed by the Board of Supervisors on this 3<sup>rd</sup> day of September, 2013.

Lee Dimmitt  
Chairman

Richard C. Reed  
Supervisor

Becky Schmitz  
Supervisor

Attest:  
Scott Reneker  
County Auditor

Publication of full text on September 20, 2013, in The Fairfield Ledger and on  
September 26, 2013 in the Packwood Plainsman.