



BENTON CO IA- LEXA S SPEIDEL, RECORDER
Book: 12 Page: 4625
10/23/2012 @04:11PM # Pages 4
ETC MISCELLANEOUS
Total Fees: \$0.00

ORDINANCE #66

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF BENTON COUNTY, IOWA BY ADDING A “SOCIAL HOST” ORDINANCE

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA:

PURPOSE:

Pursuant to the authority granted under Chapter 331, Iowa Code, this Ordinance is enacted to protect and preserve the rights, privileges, and property of the County and its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of the residents of Benton County. The purpose of this ordinance is to prohibit the consumption of alcoholic beverages and/or controlled substances by persons under the age of twenty-one (21), and to prohibit gatherings where persons knowingly allow or permit the consumption of controlled substances or underage drinking of alcoholic beverages to occur on property they own or control.

The Benton County Board of Supervisors finds that the occurrence of social gatherings at premises where controlled substances and/or alcoholic beverages are served or consumed by persons under the age of twenty-one (21) is harmful to such persons themselves and a threat to public welfare, health and safety. The Surgeon General’s Call to Action (2007) is hereby incorporated by reference, as further support of the health, safety and public welfare concerns that exist with underage drinking.

The Benton County Board of Supervisors further finds that persons under twenty-one (21) attend gatherings where controlled substances and/or alcoholic beverages are brought or made available, and that the persons who are in control of such premises are either knowingly tolerating, allowing, or permitting such drug and alcohol use to occur. This ordinance will establish penalties for persons who knowingly permit or allow underage drinking or drug use, and will encourage those persons to ensure that those activities are not occurring on premises under their control.

Based on these findings, the following ordinance is enacted by the Benton County Board of Supervisors:

DEFINITIONS

- a) “Controlled Substance” means a drug, substance, or immediate precursor as specified in Chapter 124, Iowa Code.
- b) “Alcoholic Beverage” means any beverage containing more than one half of one percent of alcohol by volume including alcoholic liquor, wine, or beer.
- c) “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.
- d) “Parent” means any person having legal custody of a juvenile (1) as a natural parent, adoptive parent or stepparent, (2) as a legal guardian, or (3) as a person to whom legal custody has been given by order of the court.

e) "Premises" means any home, yard, farm, field, land, apartment, condominium, hotel, or motel room or other dwelling unit, or hall or meeting, 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. "Premises" does not include property that is licensed to sell or serve alcoholic beverages.

f) "Social Host" means any person, partnership, corporation or association of one or more individuals who aids, allows, entertains, organizes, supervises, controls or permits an event, gathering or party. This includes but 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 in charge of the premises, or (3) the person(s) who organized the event, gathering or party. If the social host is a juvenile, and the parent(s) are (1) present on the premises, or (2) knows or reasonably should know of the event, gathering or party and knows or reasonably should know that the consumption of alcohol and/or controlled substances is occurring, the parent(s) are also liable for violations of this chapter.

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

h) "Juvenile" means any person under the age of eighteen (18).

PROHIBITED ACTS

It is unlawful for any social host of an event, gathering or party on the social host's premises to knowingly permit or allow underage persons to consume controlled substances and/or alcoholic beverages, or knowingly permit or allow underage persons to possess controlled substances and/or alcoholic beverages on the premises, whether or not the social host is present on the premises.

A social host has an affirmative defense if the social host took reasonable steps to prevent the possession or consumption of controlled substances and/or alcohol, or notified law enforcement and allowed law enforcement to enter the premises for the purpose of stopping the illegal activities.

EXCEPTIONS

This Ordinance does not apply to actions permitted under Section 123.47(2), Iowa Code (2007), or to legally protected religious observances, or to situations where underage persons are lawfully in possession of alcoholic beverages during the course and scope of employment.

VIOLATIONS

Violations of this Ordinance are a civil infraction under the Benton County Code of Ordinances, and are subject to civil penalty of \$250 for the first violation, \$500 for the second, and \$1000 for the third and consecutive violations. Violations of this Ordinance may also 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.

REPEALER

All Ordinances or parts thereof that are in conflict with this Ordinance are hereby repealed.

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, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

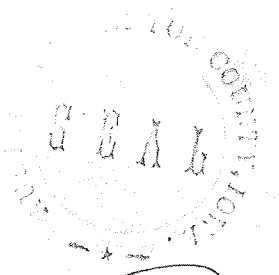
EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its final passage, adoption and publication as provided by law.

APPLICABILITY

This Ordinance shall be effective in the unincorporated areas of Benton County following adoption and publication as provided by law.

Passed by the Benton County Board of Supervisors on this 9TH day of October, 2012.



BOARD OF SUPERVISORS

David H. Vermedahl
David H. Vermedahl

Ronald R. Buch
Ronald R. Buch

Jason Sanders
Jason Sanders

ATTEST: Jill Marlow
Jill Marlow, Auditor

- October 2, 2012 – Approved 1st Consideration of Ordinance #66
- October 5, 2012 – Approved 2nd Consideration of Ordinance #66
- October 9, 2012 - Approved 3rd Consideration of Ordinance #66
- October 9, 2012 - Adopted Ordinance #66
- October 16, 2012 (The Vinton Eagle), October 17, 2012 (The Star Press Union), and October 19, 2012 (Cedar Valley Times) – Published Ordinance #66

I, Jill Marlow, do hereby certify the above to be a true and correct copy of Ordinance #66 and the dates of consideration and publication are correct.

Jill Marlow
Jill Marlow, Benton County Auditor