

CHAPTER 12  
JONES COUNTY PUBLIC IMPAIRMENT ORDINANCE  
TITLE V - PUBLIC ORDER, SAFETY & HEALTH

SECTION 1. TITLE

This ordinance shall be known and cited as the Jones County Public Impairment Ordinance.

SECTION 2. PURPOSE

The purpose of this ordinance is to protect the interest, welfare, health, and safety of the citizens in Jones County by prohibiting the impairment of persons located in public by alcoholic beverages, controlled substances or other drugs.

SECTION 3. DEFINITIONS

For purposes of this ordinance, the following terms have the following meanings:

- A. Alcohol: means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- B. Alcoholic Beverage: means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- C. Arrest: means the same as defined in section 804.5 of the Iowa Code and includes taking into custody pursuant to section 232.19.
- D. Chemical Test: means a test of a person's blood, breath, or urine to determine the percentage of alcohol or controlled substance present by a qualified person using devices and methods approved by the commissioner of public safety.
- E. Controlled Substance: means a drug, substance, or immediate precursor in schedules I through V of division II of chapter 124 of the Iowa Code.
- F. Counterfeit Substance: means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.
- G. Drug: means substances recognized as drugs in the official United States Pharmacopoeia, official homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them.
- H. Impairment: means the state of being diminished, altered, weakened or damaged either physically or mentally as the result of ingesting a substance.
- I. Peace Officer: means the same as defined in section 801.4 of the Iowa Code.

- J. Simulated Impairment: means acting or appearing impaired even if no Alcoholic Beverage, Controlled Substance, or Drug was consumed.

SECTION 4. PROHIBITIONS

1. A person shall not use or consume Alcoholic Beverages, Controlled Substances, or any Drug in violation of an authorized prescription by a licensed medical professional upon the public streets or highways. A person shall not use or consume Alcoholic Liquor, Controlled Substances, or any Drug in violation of an authorized prescription by a licensed medical professional, in any public place except premises covered by a liquor control license. A person shall not possess or consume Alcoholic Beverages or Alcoholic Liquor, Controlled Substances, or a Drug in violation of an authorized prescription by a licensed medical professional, on public school property or while attending a public or private school-related function. A person shall not be impaired or simulate impairment by an Alcoholic Beverage, Controlled Substance, or any Drug in a public place.
2. When a peace officer arrests a person on a charge of public impairment, the possession of Alcohol, a Controlled Substance, Drug, or Drug Paraphernalia may be admitted as evidence of impairment. The peace officer shall inform the person that the person may have a chemical test administered at their own expense. If a device approved by the commissioner of public safety for testing a sample of a person's breath to determine the person's blood alcohol, controlled substance, or drug concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public impairment, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol, controlled substance, or drug present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public impairment is presumed to be the percentage of alcohol present at the time of arrest.

SECTION 5. ENFORCEMENT

The provisions of this ordinance shall be enforced by any peace officer within the State of Iowa.

SECTION 6. PENALTIES

Violations of Section 4 PROHIBITIONS are declared to be a simple misdemeanor.

SECTION 7. JURISDICTION

The provisions of this ordinance shall apply throughout Jones County, Iowa, including municipalities that have not enacted a municipal ordinance dealing with similar subject matter.

SECTION 8. REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9. SEVERABILITY CLAUSE

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of either the ordinance as a whole or any section, provisions or part thereof not adjudged invalid unconstitutional.

SECTION 10. EFFECTIVE DATE

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

Passed and approved July 11, 2017

[As Ordinance 2017-05]

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