

CHAPTER 13
CONSUMPTION OF ALCOHOL BY PERSONS UNDER LEGAL AGE ORDINANCE
TITLE V - PUBLIC ORDER, SAFETY & HEALTH

SECTION 1. TITLE

This ordinance shall be known and may be cited and referred to as the Jones County Consumption of Alcohol by Persons Under Legal Age Ordinance.

SECTION 2. PURPOSE

The purpose of this ordinance is to protect the interest, welfare, health, and safety of citizens in Jones County by prohibiting the consumption of alcoholic beverages by persons under the age of twenty-one (21).

SECTION 3. DEFINITIONS

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

- 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 (consumption). 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 4. 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. Consumption by a minor within a private home and with the knowledge, presence and consent of the minor's parent or guardian,
 - 2. Consumption by a minor for medicinal purposes, when the alcoholic beverage, alcoholic liquor, wine or beer is administered by a licensed physician or dentist, or
 - 3. Consumption by a minor during generally accepted religious practices.
- 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 4.A.

SECTION 5. 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 6. PENALTIES

A violation of this ordinance is a simple misdemeanor, punishable by a fine of two hundred dollars (\$200.00) for a first offense, three hundred

dollars (\$300.00) for a second offense, and five hundred dollars (\$500.00) for a third or subsequent offense.

SECTION 7. 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, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 8. EFFECTIVE DATE

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

Adopted February 26, 2013

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