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Chickasaw Co. Recorder
Cindy Messersmith
Fee Book 2010-1508

10/06/2010 @1106AM

ORD ORDINANCE

Book: Page: Total Fees: \$0.00

Pages: 4

ORDINANCE

Recorder's Cover Page

Preparer Information: Joan Knoll, Chickasaw County Auditor, New Hampton, Iowa
641-394-2100

Taxpayer Information:

Return Document To: Joan Knoll, Chickasaw County Auditor, New Hampton, Iowa

Grantors:

Grantees:

Parcel Identification Number:

Legal Description:

Document or instrument number of associated documents previously recorded:

ORDINANCE V-13

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF CHICKASAW COUNTY, IOWA BY ADDING A "SOCIAL HOST" ORDINANCE

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

1. 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 protect the public interest, health, welfare, and safety of the residents of Chickasaw 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 Chickasaw County Board of Supervisors finds that the occurrence of social gatherings at premises where controlled substances and/or alcoholic beverages are served to 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 Chickasaw 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 allowing or permitting such drug or 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 Chickasaw County Board of Supervisors:

2 DEFINITIONS

- a) "Controlled Substance" means a drug, substance, or immediate precursor as specified in Chapter 124, Division IV, Code of Iowa.
- b) "Alcoholic Beverage" means any alcoholic beverage as specified in Iowa Code Section 123.3(4).
- 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.

Violations of this Ordinance are a civil infraction under the Chickasaw County Code of Ordinances, and are subject to a civil penalty of \$250 for the first violation and \$500 for each subsequent violation occurring within two (2) years of conviction. Violations of this Ordinance may also be considered by the County for purposes of approving licenses applied for by the social host.

6 REPEALER

All Ordinances or parts thereof that are in conflict with this Ordinance are hereby repealed.

7 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.

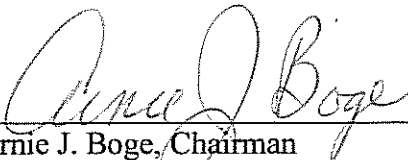
8 EFFECTIVE DATE

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

9 JURISDICTION

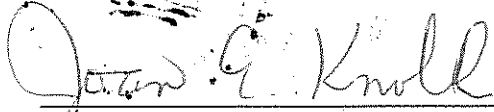
The provisions of this Ordinance shall apply throughout Chickasaw County, Iowa including municipalities that have not enacted a municipal ordinance dealing with the same subject matter.

Passed and approved by the Chickasaw County Board of Supervisors on this 28th day of September, 2010.



Arnie J. Boge, Chairman
Chickasaw County Supervisors

ATTEST:



Joan E. Knoll
Chickasaw County Auditor