

ORDINANCE NO. 648

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST BURLINGTON, IOWA, BY AMENDING PROVISIONS PERTAINING TO PERSONS UNDER LEGAL AGE/SOCIAL HOSTS

Be It Enacted by the City Council of the City of West Burlington, Iowa:

SECTION 1. SECTION MODIFIED. Section 35.01.123 of the Code of Ordinances of the City of West Burlington, Iowa, is repealed and the following adopted in lieu thereof:

35.01.123 PERSONS UNDER LEGAL AGE. As used in this section, "legal age" means twenty-one (21) years of age or more.

1. **Social Host.** A person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of eighteen, to consume or possess on such property any alcoholic liquor, wine, or beer. The provisions of this subsection do not apply to a landlord or manager of the property or to a person under legal age who consumes or possesses any alcoholic liquor, wine, or beer in connection with a religious observance, ceremony, or rite.

(Code of Iowa, Sec. 123.47[1A])

2. **Purchase, Consume, or Possess.** A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic liquor, wine or beer in their possession or control; except in the case of liquor, wine or beer given or dispensed to a person under legal age within a private home and with the knowledge, presence and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47[2])

3. **Misrepresentation of Age.** A person under legal age shall not misrepresent the person's age for the purpose of purchasing or attempting to purchase any alcoholic beverage, wine, or beer from any licensee or permittee.

(Code of Iowa, Sec. 123.49[3])

SECTION 2. 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 18th day of February, 2015, and approved this 18th day of February, 2015.



Mayor

ATTEST:

Kelly D Fry
City Clerk

First Reading: 01/21/15

Second Reading: 2/4/15

Third Reading: 2/18/15

I certify that the foregoing was published as Ordinance No. 648 on the _____ day of _____, _____.

Kelly D Fry
City Clerk