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February 10, 2010

Dee Bruemmer  
Chairperson Chris Gallin  
Scott County Board of Supervisors

RE: Permitting Under Legal Age Consumption of Alcohol Ordinance

Attached is a proposed ordinance regarding the consumption of alcohol on private property by underage persons.

Iowa law, specifically Code Section 123.47(1), makes it illegal for a person to *sell, give or otherwise supply* alcohol to any person knowing or having reasonable cause to believe that person to be under legal age. This code section is currently enforced in Scott County. In the past five years there have been approximately 106 cases prosecuted under this section.

Although this law is being enforced there is a gap in the law that could be remedied in the unincorporated areas of Scott County by enactment of the attached ordinance. The law prohibits a person to *sell, give or otherwise supply* alcohol to an underage person. The problem arises where a person would not necessarily *sell, give or otherwise supply* alcohol but knowingly permits alcohol to be possessed and consumed on their property by underage persons. This sometimes occurs in the rural areas.

I believe it would be beneficial for Scott County to enact such an ordinance to discourage adults allowing the consumption of alcohol by underage persons on their property.

Michael J. Walton  
Scott County Attorney

## CHAPTER 38

**AN ORDINANCE AMENDING THE CODE OF SCOTT COUNTY, IOWA, BY ADDING CHAPTER 38 AS FOLLOWS:**

**BE IT ENACTED BY THE BOARD OF SUPERVISORS, SCOTT COUNTY, IOWA:**

### **SECTION 38-1: PURPOSE; FINDINGS:**

The purpose of this Chapter is to protect the public interest, welfare, health and safety within Scott County by prohibiting the consumption of alcoholic beverages by persons under the age of twenty-one (21) at premises located in the County. The Scott County Board of Supervisors finds that the occurrence of social gatherings at premises where 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 Board of Supervisors further finds that persons under the age of twenty-one (21) often obtain alcoholic beverages at such gatherings and that persons who are in control of such premises know or have reason to know of such service and/or consumption and will be more likely to ensure that alcoholic beverages are not served or consumed by persons under the age of twenty-one (21) at these gatherings. Based on these findings, the Board of Supervisors has deemed it necessary to enact the following regulations in Scott County.

### **38-2: DEFINITIONS:**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning:

**ALCOHOLIC BEVERAGE** means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.

**EMERGENCY RESPONDERS** means firefighters, law enforcement officers, emergency medical service personnel, and other personnel having emergency response duties.

**ENFORCEMENT SERVICES** means the salaries and benefits of emergency responders for the amount of time actually spent responding to or remaining at an event, gathering, or party and administrative costs attributable to the incident; the actual costs for medical treatment for any injured emergency responder, and the costs of repairing any damage to equipment or vehicles.

**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 where an underage person has consumed or possessed an alcoholic beverage.

**PARENT** means any person having legal custody of a juvenile: (1) As natural parent, adoptive parent, or step-parent; (2) As a legal guardian; or (3) As a person to whom legal custody has been given by order of the court.

**PERSON** means any individual, partnership, corporation, or any association of one or more individuals.

**PREMISES** means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, 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.

SOCIAL HOST means any person who aids, conducts, 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(s) in charge of the premises; or (3) the person(s) who organized the event. If the social host is a juvenile, then the parent(s) of that juvenile will be jointly and severally liable for any violation of this Chapter.

UNDERAGE PERSON means any individual under the age of twenty-one (21).

**38-3: PROHIBITED ACTS:**

It is unlawful for any social host to host an event, gathering, or party on premises when the person knows or reasonably should know that an underage person has consumed an alcoholic beverage, or possessed an alcoholic beverage with the intent to consume it, and the person fails to take reasonable steps to prevent the possession or consumption by the underage person. A social host who hosts such an event, gathering, or party does not have to be present at the time the prohibited act occurs.

**38-4: EXCEPTIONS:**

This Ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parents' household, to legally protected religious observances, and to situations where underage persons are lawfully in possession of alcoholic beverages during the course and scope of employment.

**38-5: ENFORCEMENT:**

The provisions of this Chapter shall be enforced by officers of the Scott County Sheriff's Department. The Scott County Sheriff's Department shall have primary but not exclusive enforcement responsibility for this Chapter.

**38-6: PENALTY:**

A five hundred dollar (\$500.00) civil penalty shall be imposed for a social host's first offense. A seven hundred and fifty dollar (\$750.00) civil penalty shall be imposed for a social host's second offense. A one thousand dollar (\$1,000.00) civil penalty shall be imposed for a social host's third or subsequent offense. In addition, the County may seek reimbursement for enforcement services provided by emergency responders related to the event, gathering, or party. Multiple violations of this Chapter may be considered by the (City/County) for purposes of approving licenses applied for by the social host, or for any other requirements that are subject to approval by the (City/County).

**38-7: REPEALER.** All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

**38-8: 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, sentence, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

**38-9: EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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ATTEST:

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**OFFICE OF THE COUNTY ADMINISTRATOR**

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FI-2  
02-16-10

Date: February 5, 2010  
To: Dee F. Bruemmer, County Administrator  
From: Sarah Kautz, Budget Manager  
Subject: Approval of Budget Amendment to the County's FY10 Budget (Public Hearing Scheduled for 5:30 p.m. on Thursday, February 18, 2010)

There are eight budgeted service areas that are in need of a budget amendment to allow for a change in spending authority.

**Public Safety & Legal Services \$925,388**

To allow for additional spending authority for ARRA grants, as well as a reduction in spending authority to various expense line items related to operating budget cuts

**Physical Health & Social Services \$328,255**

To allow for additional spending authority for the WIC grant program, additional spending authority for H1N1 grants and related activities, as well as a reduction in spending authority to various expense line items related to operating budget cuts

**Mental Health, MR & DD (\$711,472)**

To allow for a reduction in spending authority to match a reduction in state revenues. The reductions in this service area were recommended by the MH-DD Advisory Committee and approved by the Board of Supervisors.

**County Environment & Education \$290,698**

To allow for additional spending authority to budget the current year debt payment for the golf course, as well as a reduction in spending authority to various expense line items related to operating budget cuts

**Roads & Transportation (\$110,823)**

To allow for a reduction in spending authority in the construction and equipment areas of the Secondary Roads budget

**Government Services to Residents (\$46,589)**

To reduce spending authority to various expense line items related to operating budget cuts

**Administration (\$402,369)**

To reduce spending authority to various expense line items related to operating budget cuts

**Capital Projects \$9,716,032**

To allow spending authority for Emergency Equipment Bond Proceeds to purchase radio, computers, software, CAD/RMS systems for SECC

<b>COUNTY NAME:</b> <b>SCOTT</b>	<b>NOTICE OF PUBLIC HEARING</b> <b>AMENDMENT OF CURRENT COUNTY BUDGET</b>	<b>CO NO:</b> <b>82</b>
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The County Board of Supervisors will conduct a public hearing on the proposed amendment to the current County budget as follows:

Meeting Date: February 18, 2010	Meeting Time: 5:30 p.m.	Meeting Location: Scott County Administrative Center
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At the public hearing any resident or taxpayer may present objections to, or arguments in favor of, the proposed amendment. An approved budget amendment is required in order to permit increases in any class of expenditures as last certified or last amended.

County Telephone No.:	For Fiscal Year Ending:	6/30/2010
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Iowa Department of Management Form 653 A-R Sheet 1 of 2 (Publish) (revised 04/11/07)	Total Budget as Certified or Last Amended	Proposed Current Amendment	Total Budget After Current Amendment
<b>REVENUES &amp; OTHER FINANCING SOURCES</b>			
Taxes Levied on Property	1 37,429,567	(47,875)	37,381,692
Less: Uncollected Delinquent Taxes - Levy Year	2 19,860	0	19,860
Less: Credits to Taxpayers	3 988,307	(47,875)	940,432
Net Current Property Taxes	4 36,421,400	0	36,421,400
Delinquent Property Tax Revenue	5 19,860		19,860
Penalties, Interest & Costs on Taxes	6 725,000	20,000	745,000
Other County Taxes/TIF Tax Revenues	7 6,120,098	(349,999)	5,770,099
Intergovernmental	8 20,056,693	523,046	20,579,739
Licenses & Permits	9 504,120	(8,900)	495,220
Charges for Service	10 4,599,593	(14,357)	4,585,236
Use of Money & Property	11 864,732	(565,914)	298,818
Miscellaneous	12 366,912	(83,568)	283,344
<b>Subtotal Revenues</b>	13 69,678,408	(479,692)	69,198,716
Other Financing Sources:			
General Long-Term Debt Proceeds	14 0	10,334,136	10,334,136
Operating Transfers In	15 8,310,159	(188,565)	8,121,594
Proceeds of Fixed Asset Sales	16 51,777	(23,422)	28,355
<b>Total Revenues &amp; Other Sources</b>	17 78,040,344	9,642,457	87,682,801
<b>EXPENDITURES &amp; OTHER FINANCING USES</b>			
Operating:			
Public Safety & Legal Services	18 21,096,860	925,388	22,022,248
Physical Health & Social Services	19 6,450,593	328,255	6,778,848
Mental Health, MR & DD	20 15,717,029	(711,472)	15,005,557
County Environment & Education	21 4,478,290	290,698	4,768,988
Roads & Transportation	22 4,646,000	(110,823)	4,535,177
Government Services to Residents	23 2,160,977	(46,589)	2,114,388
Administration	24 9,179,333	(402,369)	8,776,964
Nonprogram Current	25		0
Debt Service	26 3,460,705	0	3,460,705
Capital Projects	27 5,439,165	9,716,032	15,155,197
<b>Subtotal Expenditures</b>	28 72,628,952	9,989,120	82,618,072
Other Financing Uses:			
Operating Transfers Out	29 8,310,159	(188,565)	8,121,594
Refunded Debt/Payments to Escrow	30		0
<b>Total Expenditures &amp; Other Uses</b>	31 80,939,111	9,800,555	90,739,666
<b>Excess of Revenues &amp; Other Sources over (under) Expenditures &amp; Other Uses</b>	32 (2,898,767)	(158,098)	(3,056,865)
Beginning Fund Balance - July 1,	33 19,619,020		19,619,020
Increase (Decrease) in Reserves (GAAP Budgeting)	34		0
Fund Balance - Reserved	35 4,135,371		4,135,371
Fund Balance - Unreserved/Designated	36		0
Fund Balance - Unreserved/Undesignated	37 12,584,882	(158,098)	12,426,784
<b>Total Ending Fund Balance - June 30,</b>	38 16,720,253	(158,098)	16,562,155

Explanation of changes:

Decrease in interest /sales tax revenue, budget reductions in all departments, increases in grant revenues related to stimulus funding, emergency equipment bond proceeds/expenditures.