

ORDINANCE NO. 108 (as amended)

AN ORDINANCE PROSCRIBING POSSESSION OF ALCOHOL UNDER THE LEGAL AGE.

Section 1. POSSESSION OF ALCOHOL UNDER THE LEGAL AGE PROHIBITED. No person or persons under the legal age shall within the corporate limits of the city of University Heights, Iowa, purchase or attempt to purchase, 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 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 as defined in Iowa Code Chapter 123.

Section 2. PENALTY.

- a. A person who is under the legal age, other than a licensee or permittee, who violates this section regarding the purchase of or attempt to purchase alcoholic liquor, wine, or beer, or possessing or having control of alcoholic liquor, wine, or beer, commits a simple misdemeanor punishable as a scheduled violation under Iowa Code §805.8C, subsection 7 for a first offense.
- b. A second offense shall be a simple misdemeanor punishable by a fine of five hundred dollars (\$500.00). In addition to any other applicable penalty, the person in violation of this section shall choose between either completing a substance abuse evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.
- c. A third or subsequent offense shall be a simple misdemeanor punishable by a fine of five hundred dollars (\$500.00) and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.
- d. The sentence imposed under this section shall not be suspended or deferred by the court, nor shall judgment be deferred, notwithstanding the provisions of Chapter 907 of the Code of Iowa, as amended, or any other provision of statute.
- e. In determining if a violation is a second or subsequent offense for purposes of this ordinance, convictions under statutes or ordinances

substantially corresponding to this ordinance shall be counted as previous offenses. Each previous conviction entered prior to the date of the violation charged shall be considered and counted as a separate previous offense, regardless of whether such prior conviction was for a first or subsequent offense.

Section 3.        REPEALER.        All ordinances and parts of ordinances and conflicts with the provisions of this ordinance are hereby repealed.

Adopted by the University Heights City Council on September 14, 1999, and approved on September 14, 1999.

/s/  
\_\_\_\_\_  
Donald S. Swanson, Mayor

ATTEST: /s/  
\_\_\_\_\_  
Patricia Birk, City Clerk

\*\*        The signed original ordinance is on file with the University Heights City Attorney.

Published in the Iowa City Press-Citizen 02-13-2001.

Ordinance No. 138 amending Ordinance No. 108 was passed and approved on December 14, 2004, and published in the Iowa City Press-Citizen on December 20, 2004. Ordinance No. 138 deletes completely and replaces Section 2 and Section 3 of Ordinance No. 108.

Ordinance No. 151 amending Ordinance No. 108 was passed and approved on August 9, 2005, and published in the Iowa City Press-Citizen on the 25th day of August, 2005. Ordinance No. 151 deletes completely and replaces Section 2 of Ordinance No. 108.

Ordinance No. 154 amending Ordinance No. 108 was passed and approved on July 11, 2006, and published in the *Iowa City Press-Citizen* on the 15<sup>th</sup> day of August, 2006. Ordinance 154 adds the last two sentences to Section 2 (b).

Ordinance No. 158 amending Ordinance No. 108 was passed and approved on May 8, 2007, and published in the Iowa City Press-Citizen on the 12<sup>th</sup> day of May, 2007. Ordinance No. 158 changes the title of Ordinance No. 108, which prior to said amendment was "AN ORDINANCE PROSCRIBING POSSESSION OF ALCOHOL BY MINORS". Ordinance No. 158 also changes the title of Section 1, which prior to said amendment was "POSSESSION BY MINORS PROHIBITED".

Ordinance No. 158 also replaced the phrase "a scheduled violation under Iowa Code §805.8, punishable by a fine of two hundred dollars (\$200.00) for a first offense" in Section 2, subsection a, with the phrase "punishable as a scheduled violation under Iowa Code §805.8C, subsection 7 for a first offense." Ordinance No. 158 also deleted the last two sentences of Section 2, subparagraph a. Ordinance No. 158 also deleted the words "or subsequent" from the first sentence of Section 2, subparagraph b. Ordinance No. 158 also added new subsection e to Section 2.

Steve/UHeights/UHOrdinances/Ordinance 108 amended by 158