

ORDINANCE NO. 151

AN ORDINANCE AMENDING ORDINANCE NO. 108
CONCERNING THE POSSESSION OF ALCOHOL BY MINORS.

I. Ordinance No. 108 is amended as follows:

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, a scheduled violation under Iowa Code §805.8, punishable by a fine of two hundred dollars (\$200.00) for the first offense.
- b. A second or subsequent 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.

II. This amendment shall become effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council this _____
day of August, 2005, and approved this _____ day of August, 2005.

Gloria N. Jacobson, Mayor

(SEAL)

ATTEST: _____
Jerry Musser, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On the ____ day of August, 2005, before me, a notary public in and for the State of Iowa, personally appeared Gloria N. Jacobson, Mayor, and Jerry Musser, Clerk of the City of University Heights, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the City; and that said instrument was acknowledged and sealed on behalf of the City, and that Gloria N. Jacobson and Jerry Musser acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it and by them voluntarily executed.

Notary Public in and for the
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Jerry Musser, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the ____ day of August, 2005.

Jerry Musser

Signed and sworn to before me on the ____ day of August, 2005, by Jerry Musser, Clerk of the City of University Heights.

Notary Public in and for the
State of Iowa