ORDINANCE NO. 6401

AN ORDINANCE TO AMEND TITLE 8, PUBLIC SAFETY AND MORALS OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 8.85.026 "PROVIDING ALCOHOL TO MINORS".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Title 5, Public Safety and Morals of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 8.85.026 "Providing Alcohol to Minor" to read as follows:

8.85.026-Providing alcohol to minor.

(a) No person shall sell, give or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe that person to be under the legal age. No person shall allow, permit, or tolerate any other person, knowing or having reasonable cause to believe him or her to be under the legal age, to possess (individually or jointly), consume, or drink alcoholic liquor, wine or beer on premises or property, either real or personal, owned, leased, rented, inhabited, or otherwise controlled by such person.

(b) Exception. It is not illegal for alcoholic liquor, wine, or beer to be given to, possessed or consumed by a person under the legal age, provided it is within a private residence and with the knowledge, presence and consent of the minor's parent or guardian. Further, 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 the laws of the state of Iowa or the ordinances of the city of Council Bluffs.

(c) Prompt notification of law enforcement officials, and prior to the arrival of law enforcement officers, of the occurrence of a person under legal age possessing, consuming, or drinking alcoholic liquor, wine, or beer on the premises or property owned, leased, rented, inhabited, or otherwise controlled by him or her shall be sufficient to show lack of authorization or permission.

(d) A person who violates any provision of this section shall be guilty of a simple misdemeanor. Each minor who is sold, given, provided, permitted, allowed or tolerated to possess, consume, or drink alcoholic liquor, wine, or beer shall constitute a separate offense.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said

unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND September 9, 2019.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 8-26-19
Second Consideration: 9-9-19
Public Hearing: N/A
Third Consideration: _____