

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 REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

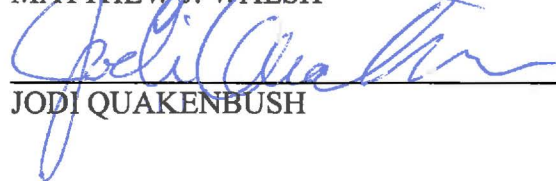
PASSED  
AND  
APPROVED

September 9, 2019.

  
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: Waived

## Council Communication

Department: City Clerk  
Case/Project No.:  
Submitted by: Legal Dept.

Ordinance 6401  
ITEM 5.A.

Council Action: 9/9/2019

### Description

An Ordinance to amend Title 5, Public Safety and Morals of the 2015 Municipal Code of Council Bluffs, Iowa, by amending Section 8.85.026 "Providing Alcohol to Minor".

### Background/Discussion

It has come to our attention that Iowa Code Section 123.47 indicates that persons of all ages are prohibited from selling, giving or otherwise supplying alcohol to minors. In order to remain consistent with the the Iowa Code, we've removed the age requirement from Section 8.85.026.

### Recommendation

It is my recommendation that this Ordinance be adopted.

### ATTACHMENTS:

| Description                           | Type      | Upload Date |
|---------------------------------------|-----------|-------------|
| Ordinance with amendments highlighted | Other     | 8/16/2019   |
| Ordinance 6401                        | Ordinance | 8/20/2019   |

## Proof Of Publication

State of Iowa

Pottawattamie County

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(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.

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PASSED  
AND  
APPROVED  
September 9, 2019.

MATTHEW J. WALSH Mayor

Attest:  
ODI QUAKENBUSH City Clerk

First Consideration: 8-26-19  
Second Consideration: 9-9-19  
Public Hearing: N/A  
Third Consideration: Waived  
2019(9)18-1 Wednesday

I, Tom Schmitt, on my oath do solemnly that I am Publisher of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 18th day of September, 2019.

Signed in my presence by the said Tom Schmitt and by her sworn to before me this 18th day of September, A.D. 2019.

  
Tom Schmitt  
Daily Nonpareil Publisher

  
Jeannette Johnson  
Notary Public

Filed this 18th day of September, A.D. 2019.

Publication Cost: \$49.63



JEANNETTE JOHNSON  
Commission Number 144856  
MY COMMISSION EXPIRES  
OCTOBER 1, 2020

Customer Number: 1003258  
Order Number: 0000078617