

## CHAPTER 45

### ALCOHOL CONSUMPTION AND INTOXICATION

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**45.01 PERSONS UNDER LEGAL AGE.** As used in this section, "legal age" means twenty-one (21) years of age or more,

1. A person or persons under legal age shall not 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 the 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 under State laws.

*(Code of Iowa, Sec. 123.47[2])*

2. A person under legal age shall not misrepresent the person's age for the purpose of purchasing or attempting to purchase any alcoholic beverage, wine or beer from any licensee or permittee.

*(Code of Iowa, Sec. 123.49[31])*

#### **45.02 PUBLIC CONSUMPTION OR INTOXICATION.**

1 As used in this section unless the context otherwise requires:

A. "Arrest" means the same as defined in Section 804.5 of the Code of Iowa and includes taking into custody pursuant to Section 232.19 of the Code of Iowa.

B. "Chemical test" means a test of a person's blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the Commissioner of Public Safety,

C. "Peace Officer" means the same as defined in Section 801.4 of the Code of Iowa.

D. "School" means a public or private school or that portion of a public or private school which provides teaching for any grade from kindergarten through grade twelve.

2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place.

3. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person's own expense. If a device approved by the Commissioner of Public Safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

*(Code of Iowa, Sec. 123.46)*

4. Notwithstanding the foregoing provisions of this section, the Panora City Council may, by resolution, suspend any prohibition to the contrary and allow the consumption and possession of alcoholic liquor, wine or beer by persons of legal age upon and within certain designated public areas within the City of Panora for temporary time periods and upon such conditions as the Council deems appropriate.

*(Ord. 260— Oct. 07 Supp)*

**45.03 OPEN CONTAINERS IN MOTOR VEHICLES.** *(See Section 62.08 of this Code of Ordinances.)*

**45.04 ESTABLISHMENTS SELLING OR SUPPLYING ALCOHOLIC LIQUOR, WINE OR BEER TO MINORS.** A person or club holding a liquor control license or retail wine or beer permit shall not sell, give or otherwise supply any alcoholic beverage, wine or beer to any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing or failing to exercise reasonable care

to ascertain whether the person is under legal age, to consume any alcoholic beverage, wine, or beer. *(Ord. 249 - Oct. 07 Supp.)*  
*(Iowa Code Section 123.4912] MD*

**45.05 PERSONS SELLING OR SUPPLYING ALCOHOLIC LIQUOR, WINE OR BEER TO MINORS.** A person shall not sell, give or otherwise supply any alcoholic beverage, wine or beer to any person, knowing or having reasonable cause to believe that person to be under legal age.

*(Ord.249 - Oct. 07 Supp.)*  
*(Iowa Code Section 123.4711])*

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