

**CITY OF BUFFALO, IOWA
AMENDMENT
PERSONS UNDER LEGAL AGE**

WHEREAS, it is in the best interest of the City of Buffalo to amend the city ordinance regarding persons under legal age;

NOW THEREFORE, be it resolved that Section 2.1-3.0104 of the Buffalo Municipal Code is deleted and replaced in its entirety as follows:

§2.1-3.0104 PERSONS UNDER LEGAL AGE.

1. A person shall not 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 legal age.

2. 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 this chapter.

3.a. A person who is under 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, commits the following:

(1) A simple misdemeanor punishable as a scheduled violation.

(2) A second offense shall be a simple misdemeanor punishable by a fine of five hundred dollars. 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.

(3) A third or subsequent offense shall be a simple misdemeanor punishable by a fine of five hundred dollars and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

3.b. The court may, in its discretion, order the person who is under legal age to perform community service work under Iowa Code Section 909.3A, of an equivalent value to the fine imposed under this section.

3.c. If the person who commits a violation of this section is under the age of eighteen, the matter shall be disposed of in the manner provided in Iowa Code Chapter 232.

4. Except as otherwise provided in subsections 5 and 6, a person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer to a person who is under legal age in violation of this section commits a serious misdemeanor punishable by a minimum fine of five hundred dollars.

5. A person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer to a person who is under legal age in

violation of this section which results in serious injury to any person commits an aggravated misdemeanor.

6. A person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer to a person who is under legal age in violation of this section which results in the death of any person commits a class "D" felony.

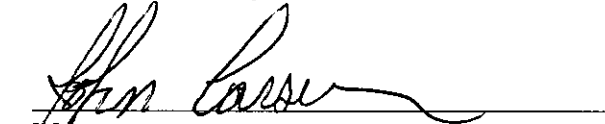
Full force and effect. This ordinance shall be in full force and effect from the date of passage and publication as required by law.

Repealer. This ordinance shall be construed to repeal any prior ordinance inconsistent herewith.

Severability of provisions. If any section, subsection, sentence, clause, phrase, or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as separate, distinct, and independent provision as such holdings shall not affect the validity of the remaining portion hereof.

Passed by the City Council of the City of Buffalo, Iowa, this 5 day of October, 2009.

Approved and signed by the Mayor of Buffalo, Iowa, this 5 day of October, 2009.



Mayor

Attest: 

City Clerk

Date of 1st reading: October 05, 2009

Date of 2nd reading: Waived

Date of 3rd reading: Waived

Date of publication: October 14, 2009