

ORDINANCE NO. 158

AN ORDINANCE AMENDING ORDINANCE NO. 108
CONCERNING UNDERAGE POSSESSION OF ALCOHOL

- I. Ordinance No. 108 is amended as follows:
- a. The title of said Ordinance is changed to "AN ORDINANCE PROSCRIBING POSSESSION OF ALCOHOL UNDER THE LEGAL AGE".
 - b. The title of **Section 1** is changed to "POSSESSION OF ALCOHOL UNDER THE LEGAL AGE PROHIBITED".
 - c. **Section 2, subsection a** is amended as follows (deletions shown by ~~struck text~~; additions shown by underline):
 - 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 punishable as a scheduled violation under Iowa Code §805.8C, subsection 7 for a first offense. ~~a scheduled violation under Iowa Code §805.8, punishable by a fine of two hundred dollars (\$200.00) for the first offense. In determining if a violation is a second or subsequent offense for purposes of this ordinance, convictions under statutes or ordinances substantially corresponding to this ordinance shall be counted as previous offenses. Each previous conviction entered prior to the date of the violation charged shall be considered and counted as a separate previous offense.~~
 - d. **Section 2, subsection b** is amended as follows (deletions shown by ~~struck text~~; additions shown by underline):
 - 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.
 - e. New **subparagraph e** is added to **Section 2**, to provide as follows:
 - e. In determining if a violation is a second or subsequent offense for purposes of this ordinance, convictions under statutes or ordinances substantially corresponding to this ordinance shall be counted as previous offenses. Each previous conviction entered prior to the date of the violation charged shall be considered and counted as a separate previous offense, regardless of whether such prior conviction was for a first or subsequent offense.
- II. This amendment shall become effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council this 8th day of May, 2007, and approved this 8th day of May, 2007.

_____/S/_____
Louise From, Mayor

ATTEST: (SEAL)

_____/S/_____
Jerry Musser, City Clerk