

## CHAPTER 45

# ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age  
45.02 Misrepresentation of Age

45.03 Public Consumption or Intoxication  
45.04 Open Containers in Motor Vehicles

**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[3])*

### **45.02 MISREPRESENTATION OF AGE.**

1. No person under 21 years of age shall misrepresent his or her age for the purpose of purchasing or attempting to purchase any alcoholic liquor, wine or beer.

2. A person violating this section or reasonably believed to be violating this section may be detained in a reasonable manner and for a reasonable length of time by a peace officer, owner, operator or employee of a public establishment or private club where alcoholic liquor, wine or beer is sold or dispensed for off-premises or on-premises consumption for the purpose of investigating or determining the person’s true age and identity. Such detention shall not render the detainer criminally or civilly liable for false arrest, false imprisonment or unlawful detention.

3. The manager of any public establishment that sells alcoholic liquor, wine or beer for on-premises or off-premises consumption and the manager of any private club that serves alcoholic liquor, wine or beer for on-premises consumption is required to post in a conspicuous place a notice stating the following:

*NOTICE TO PERSONS UNDER 21 YEARS OF AGE*

*You are subject to a maximum \$500.00 fine for attempting to purchase or otherwise obtain alcoholic liquor, wine or beer or for misrepresenting your age for the purpose of purchasing alcoholic liquor, wine or beer.*

The size of said notice shall be not less than 8½ by 11 inches.

**45.03 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. A person violating this subsection is guilty of a simple misdemeanor.
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)*

**45.04 OPEN CONTAINER IN MOTOR VEHICLES.** *(See Section 62.08 of this Code of Ordinances.)*

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