WOODBURY COUNTY, IOWA
ORDINANCE NO. 23

TITLE: An ordinance providing for the registration and documentation of retail sales of keg alcoholic beverages.

WHEREAS, alcohol is the drug most frequently used by youth twelve to seventeen years of age and the drug that causes the most negative health consequences for those children;

WHEREAS, the identification of purchasers and providers of keg alcoholic beverage for consumption by underage persons is a major law enforcement concern in Woodbury County;

WHEREAS, when keg alcohol is found where underage persons are present, it is necessary to readily identify those responsible;

WHEREAS, the investigation of crimes involving the furnishing of alcohol to minors and related crimes involving keg alcoholic beverages is inhibited by the inability to identify who purchased the keg alcohol;

WHEREAS, registration and identification information must be available on all keg alcoholic beverages in Woodbury County;

WHEREAS, individual identification number, purchaser and retailer identity information will better enable law enforcement to identify providers of keg alcoholic beverages to underage persons; and,

WHEREAS, it is in the public interest to establish reasonable keg registration and identification rules as set forth in this Ordinance.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA:

SECTION 1. **Definitions.** As used in this ordinance, unless the context otherwise requires:

(1) "Retailer" means any person who proposes to sell at retail, any alcoholic beverage by a Keg container of two (2) gallons or more in Woodbury County, Iowa, for off-site consumption.

(2) "Purchaser" means any person who proposes to purchase any alcoholic beverages by a Keg container of two (2) gallons or more in Woodbury County, Iowa, for off-site consumption.

(3) "Keg" means any container which holds two (2) gallons or more of alcoholic beverages.

(4) "Log" means that form provided by the Office of the Woodbury County Auditor to the Retailer for recording Keg purchase and return information, including information so recorded.

(5) "Keg Label-Sticker" means that label-sticker provided by the Office of the Woodbury County Auditor to the Retailer for attachment to each Keg sold for offsite premises consumption. Each Keg Label-Sticker shall bear (1) an individual keg identification number assigned to the Keg by the Retailer and (2) a prominent warning that it is illegal to alter, damage or remove the sticker from the Keg.

SECTION 2. **Registration / Return Procedure.** Any Retailer who proposes to sell any alcoholic beverage by Keg container of two (2) gallon volume or more in Woodbury County, Iowa for off-site consumption at a location which does not hold a liquor license shall comply with the following registration, documentation and labeling requirements and restrictions imposed by this Ordinance:

A. Purchasers shall provide a current government issued photo identification with the purchaser's name, address and individual identification number to the Retailer.

B. Retailer shall record the following information for each Keg sold in a Log provided by the Woodbury County Auditor's Office:

1. Date of sale;
2. Time of sale;
3. Name of Purchaser;
4. Address of Purchaser;
5. Purchaser identification number (e.g. driver's license number);
6. Indication that photo identity was produced and matched to the Purchaser;
7. Individual Keg identification number from Keg Label-Sticker;
8. Expected Return date of the Keg by the Purchaser;
9. Identity of Retailer's employee conducting transaction.

C. Retailers shall assign, record and attach to each Keg sold for off site consumption an individual Keg Label-Sticker, at or before the time of sale to the purchaser.

D. Retailers of Keg alcohol shall obtain the individual Keg Label-Sticker from the Woodbury County Auditor's Office. The Woodbury County Auditor's Office shall record to whom the stickers are distributed and shall restrict the distribution of the stickers to licensed alcoholic beverage Retailers. The Auditor shall keep the record of distribution for one year.

E. Retailers shall collect a deposit in an amount set by the Retailer for each Keg.

F. Purchasers shall return kegs to the Retailer where it was purchased with the Keg Label-Sticker attached, intact and legible or the deposit shall be forfeited.

G. Retailer shall record the following information for each Keg returned in the Log provided by the Woodbury County Auditor's Office:

1. Date the Keg is returned;
2. Name of person who returned the Keg;
3. Indication whether the Keg Label-Sticker is present or absent.

H. Retailer shall contact the Woodbury County Sheriff's Office if a Keg Label-Sticker is not attached, intact, or legible when a Keg is returned.

I. Retailer shall keep the Log for a minimum period of six (6) months from the date of the sale.

J. Retailers shall remove the individual Keg Label-Sticker from the Kegs when they are returned. Used Keg Label-Stickers shall be destroyed.

K. Retailers shall produce the Log to law enforcement upon request. A law enforcement request for records shall be prospective only. A request shall be honored for records twelve (12) hours old or older.

L. This ordinance does not apply to Keg sales to liquor license permittees.

SECTION 3. **Keg Possession Requirements / Restrictions.** No person shall possess a Keg container of alcoholic beverage of two (2) gallons or more, which was purchased in Woodbury County, after the effective date of this ordinance, without an intact and legible, undamaged and unaltered Keg Label-Sticker attached to the Keg (except for Retailers of keg alcohol and liquor license permittees).

SECTION 4. **Retailer Violations.** No Retailer shall sell or offer for sale in any transaction after the effective date of this Ordinance, any Keg of two (2) gallons or more, containing an alcoholic beverage, without complying with the requirements of SECTION 2 of this Ordinance.

SECTION 5. **Keg Label-Sticker / Prohibitions.** No person shall alter, damage, destroy or remove the individual Keg Label-Sticker, which is described and required by this Ordinance after it has been attached to a Keg sold at retail (except Retailers of keg alcohol pursuant to SECTION 2.J. of this Ordinance).

SECTION 6. **Violation / Penalty.** A Purchaser, Retailer or other person who violates any of the above requirements and/or restrictions imposed by this Ordinance shall be subject to a fine not to exceed $500.00 or a term of imprisonment not to exceed thirty (30) days.

SECTION 7. **Severability Clause.** If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of this document, which are separate from the unlawful provision shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

SECTION 8. **Effective Date.** This Ordinance shall be in effect sixty (60) days after its final passage, approval and publication as provided by law.

This Ordinance passed and approved by the Board of Supervisors of Woodbury County, Iowa, on this 29th day of August, 2006.

First Hearing: August 15, 2006

Second Hearing: August 22, 2006

Third Hearing: August 29, 2006

WOODBURY COUNTY BOARD OF SUPERVISORS

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ATTEST:

Patrick Gill
County Auditor