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ret. to Co. Auditor

SHERYL J THUL, COUNTY RECORDER
BOONE IOWA

BOONE COUNTY ORDINANCE

No. 73

- 1. Title
- 2. Purpose
- 3. Registration / Return Procedure
- 4. Keg Possession Requirements / Restrictions
- 5. Keg Sticker / Label Prohibitions
- 6. Violations / Penalty
- 7. Severability Clause
- 8. Effective Date

Section 1. Title

AN ORDINANCE PROVIDING FOR THE REGISTRATION AND DOCUMENTATION OF RETAIL SALES OF KEG ALCOHOLIC BEVERAGES

Section 2. Purpose

The identification of purchasers/providers of keg alcoholic beverage for consumption by underage persons is a major law enforcement concern in Boone County, Iowa. When keg alcohol is found where underage persons are present it is necessary to readily identify those responsible. 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. Registration/identification information must be available on all keg alcohol beverage in Boone County Iowa. Individual identification number, purchaser and retail seller identity information will better enable law enforcement to identify providers of keg alcoholic beverages to underage persons. Therefore, it is in the public interest to place reasonable keg registration/identification rules as hereinafter set forth.

Section 3. Registration / Return Procedure

All retail sales/purchases of alcoholic beverage by keg container of 2 gallon volume or more in Boone County, Iowa, for off site (at a location which does not hold a liquor license) consumption must 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 seller who shall then record and document that information in a log. The log shall also contain the individual keg identification assigned to the keg by the seller, and include the date of sale and indicate that the photo identification that was produced was matched to the purchaser. The log shall also contain some identifier of each person, owner/employee who sold to each purchaser. This information shall be kept by the seller for a minimum period of six months from the date of sale;

- B. Sellers shall assign, record and attach to each retail keg sold for off site consumption an individual keg identification label/sticker, at or before the time of sale to the purchaser, and the label/sticker shall also include a prominent warning thereon that it is illegal to alter, damage or remove the label/sticker from the keg;
- C. Sellers of keg alcohol shall obtain the individual keg identification label/stickers from the Boone County Sheriff's Office which shall record to whom the label/stickers are distributed and shall restrict the distribution of the label/stickers to licensed alcoholic beverage retailers. The Sheriff shall keep the record of distribution for one year;
- D. Sellers shall collect a deposit *in an amount set by the retailer* for each keg. Purchasers shall return kegs to the retail seller where it was purchased with the individual keg identification label/sticker attached, intact and legible on or before sixty (60) days from the date of sale or the deposit shall be forfeited;
- E. Sellers shall record the date on which the keg is returned, who returned the keg and indicate whether the keg identification label/sticker is present or absent by notation on the log;
- F. Sellers shall remove the individual keg identification label/stickers from the kegs when they are returned. The old label/stickers are to be destroyed;
- G. Sellers shall produce keg registration logs/records to law enforcement upon request.
- H. This ordinance does not apply to keg sales to liquor license permittees.

Section 4. Keg Possession Requirements / Restrictions

No person shall possess a keg container of alcoholic beverage of 2 gallons or more which was purchased in Boone County, Iowa, for consumption, after the effective date of this ordinance, without an intact and legible individual keg identification label/sticker attached (except for retail sellers of keg alcohol and liquor license permittees).

Section 5. Keg Sticker / Label Prohibitions

No person shall alter, damage, destroy or remove the individual keg label/sticker which is described and required by this ordinance or other county ordinance/law after it has been attached to the keg (except retail sellers of keg alcohol).

Section 6. Violation / Penalty

A seller or purchaser or other person who violates the any of the above requirements and/or restrictions imposed by this ordinance shall be subject to a fine not to exceed \$500 or a term of imprisonment not to exceed 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 separable 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 June 1, 2006 after final passage, approval and publication as provided by law.

ACTION UPON FIRST READING

DATE: March 17, 2006

Moved by: Sorensen

Seconded by: Reed

Discussion: The Board discussed and agreed that the following amendments be made at the first reading. Section 3 Paragraph C from Boone County Auditor's Office to Boone County Sheriff's Office and Section 8 from sixty days to June 1, 2006.

AYES (A), NAYES (N), ABSENT (X):

Albert Sorensen Mike O'Brien David Reed

ACTION UPON SECOND READING

DATE: March 20, 2006

Moved by: Sorensen

Seconded by: O'Brien

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Albert Sorensen Mike O'Brien David Reed

ACTION UPON FINAL READING

DATE: March 22, 2006

Moved by: Sorensen

Seconded by: Reed

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Albert Sorensen Mike O'Brien David Reed

M. O'Brien
Chairman
Boone County Board of Supervisors

3-27-06
Date

Philippe E. Meier
ATTEST:
Philippe E. Meier, County Auditor

3-27-06
Date

