

## ORDINANCE NO. 2026-9

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MURRAY, IOWA, BY AMENDING PROVISIONS PERTAINING TO ALCOHOLIC BEVERAGE CONTROL

Be It Enacted by the City Council of the City of Murray, Iowa:

**SECTION 1. CHAPTER MODIFIED.** Chapter 45 of the Code of Ordinances of the City of Murray, Iowa, is repealed and the following adopted in lieu thereof:

## CHAPTER 45

### ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.02 Public Consumption or Intoxication

45.03 Social Districts

45.04 Open Containers in Motor Vehicles

45.05 Social Host

**45.01 PERSONS UNDER LEGAL AGE.** As used in this chapter, “legal age” means 21 years of age or more.

1. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage 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 during the regular course of the person’s employment by a retail alcohol licensee, or wine or beer permittee under State laws.

*(Code of Iowa, Sec. 123.47(3))*

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 from any retail alcohol licensee.

*(Code of Iowa, Sec. 123.49(3))*

### **45.02 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 that provides teaching for any grade from kindergarten through Grade 12.

*(Code of Iowa, Sec. 123.3(48))*

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 retail alcohol 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 in a public place.

*(Code of Iowa, Sec. 123.46(2)(a))*

A. Notwithstanding Subsection 2, a person may possess or consume alcoholic liquor, wine, or beer upon the public streets, highways, or public places within a social district if the possession or consumption complies with an ordinance adopted in accordance with Section 45.03.

*(Code of Iowa, Sec. 123.46(2)(b))*

3. A person shall not simulate intoxication in a public place.

4. 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)*

#### **45.03 SOCIAL DISTRICTS.**

1. Definitions. The following terms are defined for use in this section.

A. "Marked container" means a non-glass container that identifies the retail alcohol licensee providing the alcoholic liquor, beer, or wine in the container to the consumer within the social district.

*(Code of Iowa, Sec. 414.34(1)(a))*

B. "Retail alcohol licensee" means the holder of a Class C or Special Class C license issued under Section 123.30 of the *Code of Iowa*.

*(Code of Iowa, Sec. 414.34(1)(b))*

C. "Social district" means a defined area in which the possession and consumption of alcoholic liquor, wine, and beer is allowed on public streets, sidewalks, and other public spaces within the boundaries of the district that are consistent with this section.

*(Code of Iowa, Sec. 414.34(1)(c))*

2. Authority. The City may define an area by ordinance that designates a social district for use by retail alcohol licensees.

*(Code of Iowa, Sec. 414.34(2))*

A. The ordinance adopted by the City must contain all of the following:

(1) A legal description or map of the district.

*(Code of Iowa, Sec. 414.34(3)(a))*

(2) The days and hours the possession and consumption of alcoholic liquor, wine, and beer are permitted on public streets, sidewalks, and other public places within the district.

*(Code of Iowa, Sec. 414.34(3)(b))*

(3) Requirements for marked container use and identification.

*(Code of Iowa, Sec. 414.34(3)(c))*

(4) Participation requirements for retail alcohol licensees within the district.

*(Code of Iowa, Sec. 414.34(3)(d))*

(5) Enforcement provisions and penalties for violations.

*(Code of Iowa, Sec. 414.34(3)(e))*

(6) Procedures for the revocation or suspension of all of the following:

a. The participation of retail alcohol licensees for violations.

b. The social district itself for public safety concerns or other matters.

B. An ordinance adopted by the City shall not be construed to authorize any of the following:

*(Code of Iowa, Sec. 414.34(4))*

(1) Consumption of an alcoholic beverage in a motor vehicle or on the public streets, sidewalks, and other public spaces during the times when the ordinance is not in effect.

(2) Possession or consumption of an alcoholic beverage in a manner contrary to the provisions of Chapter 123 of the *Code of Iowa* except as otherwise provided by an ordinance adopted pursuant to this section.

(3) A prohibition on any participating retail alcohol licensee or other establishment located within the social district from denying entry to the premises of the licensee or establishment to persons who possess alcoholic beverages from other participating retail alcohol licensees.

3. Adopted Social Districts. The following ordinances, which are hereby specifically saved from repeal unless specifically repealed by ordinance of the City establish social districts within the City.

| Ordinance No. | Date of Approval | Social District Name | Days of Possession and Consumption | Hours of Possession and Consumption |
|---------------|------------------|----------------------|------------------------------------|-------------------------------------|
|               |                  |                      |                                    |                                     |
|               |                  |                      |                                    |                                     |

**45.04 OPEN CONTAINERS IN MOTOR VEHICLES.** *(See Sections 62.01(50) and (51))*

**45.05 SOCIAL HOST.**

1. A person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises, shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of 18, to consume or possess on such property any alcoholic beverage.

*(Code of Iowa, Sec. 123.47(2)(a))*

2. The provisions of this section shall not apply to:

A. A landlord or manager of the property.

*(Code of Iowa, Sec. 123.47(2)(c)(1))*

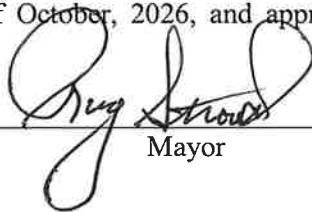
B. A person under legal age who consumes or possesses any alcoholic beverage in connection with a religious observance, ceremony, or rite.

*(Code of Iowa, Sec. 123.47(2)(c)(2))*

**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 14th day of October, 2026, and approved this 14th day of October, 2026.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

First Reading: 10-14-26

Second Reading: Waived 10-14-26

Third Reading: Waived 10-14-26

I certify that the foregoing was published as Ordinance No. 2026-9 on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
City Clerk

## CHAPTER 45

# ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age  
45.02 Public Consumption or Intoxication

45.03 Open Containers in Motor Vehicles  
45.04 Social Host

**45.01 PERSONS UNDER LEGAL AGE.** As used in this section, “legal age” means 21 years of age or more.

1. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage 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 during the regular course of the person’s employment by a retail alcohol licensee, or wine or beer permittee under State laws.

*(Code of Iowa, Sec. 123.47[3])*

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 from any retail alcohol licensee.

*(Code of Iowa, Sec. 123.49[3])*

*(Section 45.01 – Ord. 2022-4 – Mar. 24 Supp.)*

## **45.02 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 that 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 retail alcohol 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 in a public place.

*(Ord. 2022-4 – Mar. 24 Supp.)*

3. A person shall not simulate intoxication in a public place.

4. 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)*

**45.03 OPEN CONTAINERS IN MOTOR VEHICLES.** *[See Section 62.01(50) and (51) of this Code of Ordinances.]*

**45.04 SOCIAL HOST.** A person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of 21, to consume or possess on such property any alcoholic beverage. The provisions of this section shall not apply to a landlord or manager of the property or to a person under legal age who consumes or possesses any alcoholic beverage in connection with a religious observance, ceremony, or rite.

*(Code of Iowa, Sec. 123.47)*

[The next page is 271]