



# MEMO

To: Mayor and City Council  
Date: January 23, 2023  
From: Geoff Huff, Chief of Police  
Subject: Referral Response: Fines for Minors on Premise

**At the January 10, 2023, meeting, the City Council referred to staff a request for information regarding the current fine structure for violations of the ordinance prohibiting minors in certain liquor licensed establishments (on premise violations).**

Sec. 17.16 of Ames Municipal Code prescribes that a violation is a municipal infraction punishable by a penalty of **\$100** for a person's first violation and **\$200** for each repeat violation. Municipal infractions are accompanied by court costs of \$95. Therefore, a municipal infraction for on premise would be a total cost of \$195 for a first offense and \$295 for a second offense. Alternatively, a violation of this subsection can be charged as a simple misdemeanor.

Iowa Code Section 364.22 limits the penalties for municipal infractions to no more than **\$750** for each violation, or **\$1,000** for each repeat offense.

Many on premise violations meet the criteria to be cited for Possession of Alcohol Under the Legal Age (or PAULA, a simple misdemeanor under state). However, in practice, officers generally cite the municipal infraction violation of Sec. 17.16 when minors are encountered in bars rather than citing them with the more serious PAULA simple misdemeanor violation. A PAULA citation would more typically be issued if a person under the legal age was encountered in possession of alcohol on the street.

For comparison, the fine for a PAULA is \$260, plus \$55 court costs, and \$39 surcharge, for a total of \$354 per violation. A second violation is \$500 plus \$55 court costs and \$75 surcharge for a total of \$630 and a choice between completing a substance abuse evaluation or suspension of their motor vehicle operating privileges for a period not to exceed one year. A third or subsequent offense would impose the \$630 fine and suspension of their motor vehicle operating privileges for a period not to exceed one year.

**If the Council desired to adjust the fine for on premise violations, it may be reasonable to establish the fine at an amount comparable to the PAULA fine. This could provide a more serious deterrent to being present in a bar underage, while maintaining the option to cite the violation as a municipal infraction rather than a criminal charge. The municipal infraction does not go on a criminal record while a citation for possession underage would.**