

## CHAPTER 120

# LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required  
120.02 General Prohibition  
120.03 Investigation  
120.04 Action by Council

120.05 Prohibited Sales and Acts  
120.06 Security  
120.07 Regulation of Outdoor Service Areas  
120.08 Amusement Devices

**120.01 LICENSE OR PERMIT REQUIRED.** No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

*(Code of Iowa, Sec. 123.22, 123.122 & 123.171)*

**120.02 GENERAL PROHIBITION.** It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the Code of Iowa, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

*(Code of Iowa, Sec. 123.2, 123.39 & 123.50)*

**120.03 INVESTIGATION.** Upon receipt of an application for a liquor license, wine or beer permit, the Clerk shall forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

*(Code of Iowa, Sec. 123.30)*

**120.04 ACTION BY COUNCIL.** The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

*(Code of Iowa, Sec. 123.32 [2])*

**120.05 PROHIBITED SALES AND ACTS.** A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

*(Code of Iowa, Sec. 123.49 [1])*

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on a weekday, and between the hours of two o'clock (2:00) a.m. on Sunday and six o'clock (6:00) a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic liquor, beer or wine between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on the following Monday when that Sunday is the day before New Year's Day.

*(Code of Iowa, Sec. 123.49 [2b and 2k] & 123.150)*

3. Sell alcoholic beverages, wine or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center or events center.

*(Code of Iowa, Sec. 123.49 [2c])*

4. Employ a person under twenty-one (21) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

*(Code of Iowa, Sec. 123.49 [2f])*

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

*(Code of Iowa, Sec. 123.49 [2i])*

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

*(Code of Iowa, Sec. 123.49 [2a])*

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

*(Code of Iowa, Sec. 123.49 [2j])*

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

*(Code of Iowa, Sec. 123.49 [2d])*

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

*(Code of Iowa, Sec. 123.49 [2e])*

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

*(Code of Iowa, Sec. 123.49 [2g])*

**120.06 SECURITY.** Any liquor license establishment which provides live entertainment shall provide a security person on the premises. The security person shall be approved by the Police Chief at least twenty-four (24) hours in advance of the event.

**120.07 REGULATION OF OUTDOOR SERVICE AREAS.** Liquor control licensees desiring to operate an outdoor service area, except for sidewalk cafés, are subject to the following terms, conditions and regulations:

*(Ord. 07-07 – Oct. 07 Supp.)*

1. The outdoor service area must be enclosed by a permanent or temporary retainer which clearly encloses the outdoor service area contiguous to the licensed establishment. The retainer must either:

A. Be at least seventy-two (72) inches in height and constructed in a manner that prevents the passage of beverage containers outside of the enclosed area; or

B. Consist of two (2) barriers, both of which must be at least forty-two (42) inches in height, and spaced at least six (6) feet apart to prevent the passage of beverage containers outside the

- enclosed area. No person shall be allowed within the six-foot space between the barriers.
2. Emergency exits must be provided with a clear and unobstructed access to a public way.
  3. The outdoor service area must have adequate lighting to allow for the easy identification of individuals within that area.
  4. The licensee or permittee must provide adequate staff in order to have all entrances and exits between the enclosed outdoor service area and the public way staffed to prevent the transfer of open beverage containers beyond the enclosed outdoor service area and to prevent entrance to the outdoor service area by individuals which have not presented valid identification and verification of being legal drinking age.
  5. Any outdoor service area which exceeds twelve hundred (1,200) square feet must have at least two (2) bathrooms or portable bathrooms provided within that outdoor service area.
  6. A diagram showing the outdoor service area and describing how it will be enclosed shall be submitted to the Clerk.
  7. An endorsement from the insurance company acknowledging that the outdoor service area is covered by the dramshop insurance policy shall be submitted to the Clerk.
  8. An application from the licensee or permittee telling what dates the outdoor service area will be used shall be submitted to the Clerk.
  9. The licensee will discontinue alcoholic beverage sales one-half hour prior to completion of the event. The entertainment may not begin before 6:00 p.m. and shall end at midnight.
  10. The maximum volume of sound permitted for outdoor service areas, measured from the nearest residential dwelling, is 60 decibels.
  11. The outdoor service area that will be serving alcoholic beverages and the outdoor service area that is serving soft drinks will have a buffer between.
  12. After the event is finished, licensee will have six hours to clean. If not completed, the City will complete the cleaning so the street can be opened and the licensee will be assessed for the cost for City assistance.

After compliance with the above listed requirements, the Clerk shall forward the appropriate information to the Council which may approve the outdoor service area and authorize the Clerk to forward the information to the Iowa

Alcoholic Beverages Division. Applications for approval of an outdoor service area shall include all information required by Chapter 123 of the Code of Iowa and a diagram of the proposed outdoor service area. The City may, after notice to the licensee and a reasonable opportunity for hearing, suspend or revoke authorization for operation of an outdoor service area in the event of any violation of any provision of State or local statute or when the continued operation of the outdoor service area is deemed to constitute a threat to the public health, safety or welfare.

**120.08 AMUSEMENT DEVICES.**

*(Code of Iowa, Sec. 99B.10C)*

1. As used in this section an “electronic or mechanical amusement device” means a device that awards a prize redeemable for merchandise on the premises where the device is located and which is required to be registered with the Iowa Department of Inspection and Appeals.
2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.
3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.
4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.