

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 Regulation of Persons Under Legal Age

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 City Administrator may 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 bona fide credit card. This provision does not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.

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

4. Employ a person under eighteen (18) 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 REGULATION OF PERSONS UNDER LEGAL AGE. The following provisions shall regulate the selling, giving and otherwise supplying alcoholic liquor, wine or beer to persons under legal age. For the purposes of this section “legal age” means twenty-one (21) years of age or more and “gross business” means the total proceeds from the sale of alcoholic liquor, wine, beer and foodstuffs with exception of any ingredients or beverages added with or to alcoholic beverages. Proceeds from the sale of goods other than alcoholic beverages or foodstuffs and services, including but not limited to cover charges, admission, games and amusements, shall not be used when determining gross business.

1. No person shall sell, give or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe him or her to be under 21 years of age, and no person or persons under 21 years of age shall individually or jointly have alcoholic liquor, wine or beer in his, her or their possession or control or attempt to purchase or obtain any alcoholic liquor, wine or beer; except in the case of liquor, wine or beer given or dispensed to a person under 21 years of 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 him or her by either a physician or dentist for medicinal purposes and except to the extent that a person under 21 years of age may handle alcoholic liquor, wine, and beer during the regular course of the his or her employment by a liquor control licensee or beer permittee.

2. No person or club holding a class “A” or “B” or “C” liquor license or a class “B” beer permit nor his or her agents or employees shall employ any person under 18 years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

3. Except as may be allowed in subsection 4 herein below: If the business of selling alcoholic liquor, wine and beer constitutes more than 50% of the gross business transacted therein, it shall be unlawful for any person under 21 years of age to enter into, remain upon or frequent the place of business of any class “A”, “B” or “C” liquor license holder or any class “B” beer permit holder after 10:00 p.m. on any day of the week, unless the person under 21 years of age is engaged in a trade, occupation or business, which is not otherwise prohibited by the Code of Iowa, or the Municipal Code of the City of Arnolds Park, and which requires his or her presence within or upon said premises. If the business of selling alcoholic liquor, wine and beer constitutes more than 50% of the gross business transacted therein, it shall be unlawful for a parent or guardian of any person under 21 years of age, any class “A”, “B” or “C” liquor license holder, or any class “B” beer permit holder to permit a person under 21 years of age to enter into, remain upon, or frequent the place of business of any class “A”, “B” or “C” liquor license holder after 10:00 p.m. on any day of the week, unless the person under 21 years of age is engaged in a trade, occupation, or business, which is not otherwise prohibited by the Code of Iowa, or the Municipal Code of the City of Arnolds Park, and which requires his or her presence within or upon said premises.

4. The Arnolds Park City Council may take action to authorize that the place of business of any class “A”, “B” or “C” liquor license holder or class “B” beer permit holder in which the business of selling alcoholic liquor, wine or beer constitutes more than 50% of the gross business transacted therein, may allow persons under 21 years of age, to enter into, remain upon, or frequent a place of business after 10:00 p.m. on any day of the week upon such terms and conditions as may be established by Arnolds Park City Council. To obtain such authorization, hereinafter referred to as “special permit,” the licensee or permittee shall submit a written application to the City Administrator, upon a form provided by the City Administrator. A special permit as may be granted

hereunder, however, shall be limited to the dates and time expressly referenced in any such special permit. The special permit shall also contain such age limitations, hours of operation, and other rules and regulations, including the prohibition of the use, sale, or consumption of alcoholic liquor, wine, or beer during the dates and times for which such special permit be granted, that the Arnolds Park City Council shall deem necessary. The licensee or permittee must accept the rules and regulations established by the City Council in writing before the special permit may be granted. The City Administrator and Police Chief may grant a special permit under limited circumstances and conditions as adopted by the City Council when, in the judgment and discretion of both the City Administrator and Police Chief, the City's action on the special permit cannot wait until the next scheduled City Council meeting. A license holder or permit holder can appeal the denial of a special permit to the City Council at its next scheduled meeting or at a special meeting called for that purpose if the permit holder prepays to the City the cost of that special meeting at the time the permit holder files a written appeal with the City Administrator.

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[The next page is 535]