

## CHAPTER 120

# LIQUOR LICENSES AND WINE AND BEER PERMITS

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**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 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 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 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 8:00 a.m. on Sunday and 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 8:00 a.m. on

Sunday and 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 8:00 a.m. on Sunday and 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 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])*

11. Sell, give, possess, or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

*(Code of Iowa, Sec. 123.49[21])*

#### **120.06 PERSONS UNDER 21 IN ESTABLISHMENTS HOLDING LICENSE OR PERMIT.**

1. No person, individual, association, corporation, partnership or club holding a liquor control license or wine or beer permit which authorizes on-premises consumption, and which establishment receives more than 50 percent of gross profits from the sale of alcoholic beverages,

wine, alcohol, or beer as defined by Section 123.3(4) of the *Code of Iowa*, shall allow a person who has not yet attained twenty-one (21) years of age to enter or remain in such establishment between the hours of 10:00 p.m. and closing, nor shall any agent or employee of such establishment allow a person who has not yet attained 21 years of age to enter or remain in such establishment between the hours of 10:00 p.m. and closing.

2. The provisions of subsection 1 of this section do not apply when any of the following situations are applicable:

A. The person under 21 years of age is an employee of the license or permit holder or is performing a contracted service for the license or permit holder on the premises and is on the premises during his or her scheduled work hours.

B. The licensee or permittee has obtained an exception certificate from the Police Chief.

3. Exception Certificate.

A. Any licensee or permittee may apply for an exception certificate from the Police Chief.

B. The Police Chief may issue an exception certificate to any licensee or permittee who has provided, in writing, a plan of action to prevent anyone under 21 years of age from accessing alcohol on the premises.

C. If the Police Chief denies the applicant's request for an exception certificate, such denial shall be made within 10 business days of the licensee or permittee's application. Said denial shall be made in writing and include all material reasons supporting said denial.

D. Any licensee or permittee may appeal the denial of an exception certificate to the City Council by filing a written notice of appeal with the City Clerk within 10 business days of the denial.

E. The Council shall schedule a hearing before the Council within 14 days after the receipt of any notice of appeal. The City Clerk shall notify the appellant of the date and time of said hearing.

F. Upon hearing the Council may grant an "Exception Certificate" by majority vote. The Council may also sustain the denial by majority vote.

4. If an Exception Certificate is granted, the Exception Certificate shall be posted at every entrance to the licensed establishment in view of patrons of the establishment. It shall be the strict duty of a licensee or permittee permitting such persons under 21 years of age to prevent such persons from consuming or possessing alcoholic beverages on said premises. The presence of an Exception Certificate shall not relieve any licensed or permitted establishment of its obligations and responsibilities under Iowa law and Municipal Ordinance concerning the presence of underage consumption of alcohol. The following notice shall be posted at every entrance to the establishment:

NOTICE TO PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE:

*YOU ARE SUBJECT TO A FINE OF \$100.00 FOR BEING ON THESE PREMISES BETWEEN THE HOURS OF 10:00 P.M. AND CLOSING UNLESS YOU ARE AN EMPLOYEE OF THIS ESTABLISHMENT OR PERFORMING A CONTRACTED SERVICE WITH RESPECT TO THIS ESTABLISHMENT AND ARE ON THE PREMISES DURING YOUR SCHEDULED WORK HOURS.*

**120.07 AMUSEMENT DEVICES.** The following provisions pertain to electronic or mechanical amusement devices, which are allowed only in premises with a liquor control license or beer permit as specifically authorized in Section 99B.10 of the *Code of Iowa*.

*(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, or an employee of a 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.