

ORDINANCE

- 21 -

AN ORDINANCE REGULATING THE SALE AND CONSUMPTION OF BEER AND LIQUOR; PROVIDING FOR THE ISSUANCE OF PERMITS AND LICENSES THEREFOR; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, the City Council of Farmington, Iowa, by previous Ordinance has regulated the sale and consumption of beer and liquor; provided for the issuance, revocation and suspension of permits and licenses; and provided penalties for violations thereof; and

WHEREAS, the City Council of Farmington, Iowa, now desires to refine the procedures for the enforcement of sale and consumption of beer and liquor and rely more heavily on the State for the administration, revocation and suspension of permits and licenses therefor,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMINGTON, IOWA AS FOLLOWS:

SECTION 1 Prior Ordinance 21 is hereby amended to delete the current provisions thereof and to substitute in place thereof the following sections 2 through 8.

SECTION 2 Approval or Disapproval of Applications: Upon receipt of an application for a Class A, Class B, Class C, or a Class E liquor control license, for a Class A micro-distilled spirits permit, for a retail beer permit as provided in Sections 123.128 and 123.129 of the Code of Iowa, or for a Class B, Class B native, or Class C native retail wine permit as provided in Sections 123.178, 123.178A, or 123.178D of the Iowa Code from the State, the City Council shall either approve or disapprove the issuance of the license or permit and shall endorse its approval or disapproval on the application and forward the application to the Alcoholic Beverages Division of the Department of Commerce established by Iowa Code Chapter 123. No application shall be approved unless the applicant gives consent, in writing, to allow members of law enforcement, health departments and building inspections to enter upon the premises without a warrant to inspect for violations of the provisions of State law and this Ordinance. Further, no application shall be approved unless the applicant certifies, in writing, that the premises for which he, she or it has sought a license or permit conform to all applicable laws, Ordinances of the City of

Farmington, Resolutions of the City of Farmington and health and fire regulations.

SECTION 3 Prohibited Sales and Acts: No licensee or permittee and no agent or employee of a licensee or permittee shall do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.
2. Sell or dispense any alcoholic liquor or beer on the premises covered by the license or permit, or permit the consumption thereon between the hours of two a.m. and six a.m. on any weekday, and between the hours of one a.m. on Sunday and six a.m. on the following Monday except Sunday licenses.
3. Sell alcoholic liquor or beer to any person on credit, except with a bona fide credit card. This provision shall not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.
4. Employ any person under the age of eighteen (18) years old in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold. Persons between the ages of eighteen (18) and twenty-one (21) shall be allowed to serve or clear alcoholic liquor or beer as an incident to a meal if the business of selling food or other services constitutes more than (50) percent of the gross business of the licensee or permittee.
5. Sell, give, or otherwise supply any alcoholic beverage or beer to any person knowing or having reasonable cause to believe the person to be under legal age, or permit any person knowing or having reasonable cause to believe him to be under legal age, to consume any alcoholic beverage or beer.
6. In the case of a retail beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer or any other beverage in or about his place of business.
7. Knowingly permit any gambling, gaming, solicitations for unusual purposes, or immoral or disorderly conduct on the premises covered by the license or permit.
8. Permit the placement of any sign or other matter advertising any brand of beer upon the outside of any premises occupied by a licensee or permittee authorized to sell beer at retail.

9. For purposes of this Ordinance, a “licensee” and “permittee” shall mean a person or entity licensed or permitted to sell alcoholic beverages by the State of Iowa, as the case may be.

SECTION 4 Consumption in Public Places - Intoxication. A person shall not use or consume alcoholic liquors, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquors in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending a public or private school-related function. A person shall not be intoxicated in a public place.

SECTION 5 Persons Under Legal Age. No person shall sell, give or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under legal age, where legal age for purposes of each section of this Ordinance means twenty-one years of age or more. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic liquor, wine, or beer in their possession or control; except in the case of liquor, wine, or beer 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 and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under Iowa Code Chapter 123. Except as provided, above, a person who is the owner or Lessee of, or who otherwise has control over property that is not a licensed premises where a licensed premises, for purposes of each section of this Ordinance, means all rooms, enclosures, contiguous areas, or places susceptible of precise description satisfactory to the administrator of the Alcoholic Beverages Division where alcoholic beverages, wine, or beer is sold or consumed under authority of a liquor control license, wine permit or beer permit, 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 liquor, wine, or beer.

SECTION 6 Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed. These are: none.

SECTION 7 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 8 When effective. This Ordinance shall become effective upon its passage, approval and publication in accordance with law.

Passed and approved: November 14, 2016

Janet Browning, Mayor

Becky L. Fry, Clerk