

ORDINANCE NO. 14,100

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,895, passed December 4, 2000, by repealing Sections 10-6 and 10-43 thereof and enacting new Sections 10-6 and 10-43, relating to prohibited sales and acts and conditions for approval of a liquor control license or a wine or beer permit.

Be It Ordained by the City Council of the
City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,895, passed December 4, 2000 is hereby amended by repealing Sections 10-6 and 10-43 thereof and enacting new Sections 10-6 and 10-43, relating to prohibited sales and acts and conditions for approval of a liquor control license or a wine or beer permit, as follows:

Sec. 10-6. Prohibited sales and acts.

(a) No person or club holding a liquor control license or a wine or beer permit nor his or her agents or employees shall do any of the following:

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

(2) Knowingly permit any gambling, except in accordance

with I.C. chs.
99B, 99D, 99E,
or 99F, or
knowingly
permit
solicitation
for immoral
purposes, or
immoral or
disorderly
conduct on the
premises
covered by the
license or
permit.

(3) Sell or
dispense any
alcoholic
liquor, wine,
or beer on the
premises
covered by the
license or
permit, or
permit the
consumption
thereon
between the
hours of 2:00
a.m. and 6:00
a.m. Monday
through
Saturday 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
liquor control
license or
retail beer
permit granted

the privilege
of selling
alcoholic
liquor, wine,
or beer on
Sunday may
sell or
dispense
alcoholic
liquor, wine
or beer
between the
hours of 8:00
a.m. on Sunday
and 2:00 a.m.
on the
following
Monday.

(4) Sell
alcoholic
liquor, wine,
or beer to any
person on
credit, except
with a bona
fide credit
card. This
subsection
shall not
apply to sales
by a club to
its members
nor to sales
by a hotel or
motel to bona
fide
registered
guests.

(5) 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.
This
prohibition
does not apply
to common
carriers
holding a
class D liquor
control
license.

(6) 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 so
reused or
adulterated.

(7) Employ any
person under
the age of 18
years old in
the sale or
serving of
alcoholic
liquor, wine
or beer for
consumption on
the premises
where sold.

(8) 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
permitted in
I.C. § 123.95.
This
subsection
does not apply
to the lodging
quarters of a
class B liquor
control
licensee or
wine or beer
permittee, or
to common
carriers
holding a
class D liquor
control
license.

(9) Sell,
give, or
otherwise
supply any
alcoholic
beverage,
wine, or beer
to any person,
knowing or
failing to
exercise
reasonable
care to
ascertain
whether the
person is
under legal
age, or permit
any person,
knowing or
failing to
exercise
reasonable
care to
ascertain

whether the person is under legal age, to consume any alcoholic beverage, wine, or beer.

(10) In the case of a retail beer permittee 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.

(11) Keep or allow to be kept gambling devices of any kind or description on the premises or place of business of the license or permit holder contrary to state law.

(12) Engage in, perform, act or cause,

permit,
procure,
counsel or
assist any
other person
who is acting
as a waiter,
waitress,
host, hostess,
dancer, or
entertainer on
the licensed
premises to:

- a.
Expo
se
his
or
her
geni
tals
,
pubi
c
hair
,
butt
ocks
,
peri
neum
,
anus
regi
on,
or
pubi
c
hair
regi
on;
- b.
Expo
se
or

wear
any
device,
costume
or
covering
which
gives
the
appearance
of
or
simulate
s
the
genitals
,
pubic
hair
,
buttocks
,
perineum
,
anus
region,
or
pubic
hair
region;
or

c.
Expo
se
any
port
ion
of
the
fema
le
brea
st
at
or
belo
w
the
nipp
le
ther
eof.

For
purp
oses
of
this
subs
ecti
on a
pers
on
shal
l be
deem
ed a
wait
er,
wait
ress
,
host
,
host
ess,
danc
er,

or
ente
rtai
ner
if
such
pers
on
acts
in
that
capa
city
with
out
rega
rd
to
whet
her
such
pers
on
is
paid
any
comp
ensa
tion
by
the
liqu
or
cont
rol
lice
nsee
,
wine
or
beer
perm
itte
e,
his
or
her

agen
t or
empl
oyee
.

(13)
Know
ingl
y
perm
it
soli
cita
tion
on
the
lice
nsed
prem
ises
for
purp
oses
of
pros
titu
tion
.

(14)
Know
ingl
y
perm
it
or
enga
ge
in
any
crim
inal
acti
vity
on
the

prem
ises
cove
red
by
the
lice
nse
or
perm
it.

(15)
No
lice
nsee
shal
l
have
or
main
tain
any
inte
rior
acce
ss
to
resi
dent
ial
or
slee
ping
quar
ters
unle
ss
perm
issi
on
is
gran
ted
by
the
admi

nist
rator
of
the
alcoholic
beverage
division
of
the
state's
department
of
commerce
in
the
form
of a
living
quarters
permit.

(16)
No
signs
or
advertisements
advertising
beer
,
wine

or
liqu
or
or
rela
ting
to
the
sale
ther
eof
shal
l be
ligh
ted
with
in
or
on
the
prem
ises
wher
e
beer

,
wine
or
liqu
or
is
sold
when
such
prem
ises
are
not
lega
lly
open
for
the
sale
of
beer

,

wine
or
liqu
or.

(17)
No
loud
or
bois
tero
us
lang
uage
shal
l be
perm
itte
d in
any
plac
e
wher
e
beer

,
wine
or
liqu
or
is
sold

,
and
such
plac
e
shal
l be
cond
ucte
d in
a
quie
t
and
orde

rly
mann
er.

(b) A person under legal age shall not misrepresent the person's age for the purpose of purchasing or attempting to purchase any alcoholic beverage, wine, or beer from any licensee or permittee. If any person under legal age misrepresents the person's age, and the licensee or permittee establishes that the licensee or permittee made reasonable inquiry to determine whether the prospective purchaser was over legal age, the licensee or permittee is not guilty of selling alcoholic liquor, wine, or beer to a person under legal age.

(c) No privilege of selling alcoholic liquor, wine, or beer on Sunday, as provided in I.C. §§ 123.36(6) and 123.134(5), shall be granted to a club or other organization which places restrictions on admission or membership in the club or organization on the basis of sex, race, religion, or national origin. However, the privilege may be granted to a club or

organization which places restrictions on membership on the basis of sex, if the club or organization has an auxiliary organization open to persons of the other sex.

Sec. 10-43. Conditions for approval.

The following conditions and regulations must be met by an applicant for a liquor control license or a wine or beer permit:

(1) The applicant must give consent in writing on the application that members of the fire and police departments and the building inspector may enter upon the premises without warrant to inspect for violations of the provisions of state law and of this chapter.

(2) The premises for which a liquor control license, or a wine or a beer permit is sought must be located within an area where such business is permitted by chapter 134 of this Code and must otherwise conform to the city zoning requirements.

(3) The premises of a class B beer permit shall, at the time of the application, continue to be equipped

with sufficient tables and seats to accommodate 25 persons at one time.

(4) All permits and licenses provided for in this chapter shall be displayed in a conspicuous place on the premises of the permit or license holder and at all times shall be subject to inspection.

(5) No liquor control license or a wine or beer permit shall be approved for premises which do not conform to all applicable laws, ordinances, resolutions, and health and fire regulations.

(6) Licensed premises shall conform with the following:

a.
In
addi
tion
to
subs
ecti
ons
(1)
thro
ugh
(8)
of
this
sect
ion,
neit
her
clas

s A,
B, C
or
spec
ial
clas
s C
lice
nses
nor
clas
s B
beer
perm
its
shal
l be
gran
ted
for
prem
ises
whic
h
are
not
oper
ated
as a
rest
aura
nt
at
leas
t
half
of
whos
e
gros
s
inco
me
is
deri
ved
from

the
sale
of
prep
ared
food
and
food
-
rela
ted
serv
ices
and
whic
h
are
loca
ted
with
in
150
feet
of
any
chur
ch,
scho
ol,
publ
ic
park
or
lice
nsed
chil
d
care
cent
er
as
defi
ned
by
I.C.
ch.

237A

.

b.
No
clas
s B
wine
perm
it,
clas
s C
beer
perm
it,
or
clas
s E
liqu
or
lice
nse
shal
l be
gran
ted
to
an
appl
ican
t
whos
e
prem
ises
are
with
in
75
feet
of
any
chur
ch,
scho
ol,
or

publ
ic
park
or
lice
nsed
chil
d
care
cent
er
as
defi
ned
by
I.C.
ch.
237A
.

c.
In
dete
rmin
ing
the
dist
ance
s
set
out
in
this
subs
ecti
on,
meas
urem
ents
shal
l be
take
n on
a
dire
ct
line

from
the
near
est
prop
erty
line
of
the
prem
ises
upon
whic
h
the
plac
e of
busi
ness
of
an
appl
ican
t
for
a
perm
it
or
lice
nse
is
loca
ted
and
over
whic
h
such
appl
ican
t
has
cont
rol,
to
the

near
est
prop
erty
line
of
the
parc
el
of
real
esta
te
upon
whic
h
the
chur
ch
or
scho
ol
buil
ding
is
situ
ated

•
Thes
e
area
rest
rict
ions
shal
l
not
affe
ct
the
righ
t of
pres
ent
perm
it
or

lice
nse
hold
ers
who
have
qual
ifie
d
unde
r
the
rule
s
here
tofo
re
in
effe
ct,
or
thei
r
succ
esso
rs
by
purc
hase
,
from
rene
wing
thei
r
perm
its
or
lice
nses
in
thei
r
pres
ent
loca

tion
s.

(7)
a.
Exce
pt
in
the
geog
raph
ic
area
s
iden
tifi
ed
in
chap
ter
134
of
this
Code
as a
C-3
comm
erci
al
(dow
ntow
n)
dist
rict
,
neit
her
new
perm
its
or
lice
nses
nor
tran
sfer
s of

existing
perm
its
or
lice
nses

,
othe
r
than
clas
s C
beer
perm
its
and
clas
s E
liqu
or
lice
nses

,
will
be
gran
ted
for
loca
tion
s
not
curr
entl
y
oper
atin
g
unde
r a
perm
it
or
lice
nse,
unle

ss
75
perc
ent
of
the
prop
erty
abut
ting
on
both
side
s of
the
same
stre
et
as
the
prem
ises
for
whic
h
the
lice
nse
or
perm
it
is
requ
este
d
and
exte
ndin
g
200
feet
to
the
righ
t
and
left

from
the
cent
er
poin
t of
such
prem
ises
faci
ng
such
stre
et
is
eith
er
curr
entl
y
put
to a
comm
erci
al
use
or
is
comm
erci
ally
zone
d by
chap
ter
134
of
this
Code
. An
exce
ptio
n to
this
rest
rict
ion

is
perm
itte
d
wher
e
the
appl
ican
t's
prem
ises
are
oper
ated
as a
rest
aura
nt,
at
leas
t
half
of
the
gros
s
inco
me
of
whic
h is
deri
ved
from
the
sale
of
prep
ared
food
and
food
-
rela
ted
serv

ices
.

b.
In
meas
urin
g
the
dist
ance
s in
subs
ecti
on
(10)
a of
this
sect
ion,
righ
ts-
of-
way
of
inte
rsec
ting
city
stre
ets
and
alle
ys
shal
l be
excl
uded
.

c.
Wher
e
the
prem
ises
invo

lved
are
loca
ted
on a
corn
er
lot
at
the
inte
rsec
tion
of
two
stre
ets,
it
will
be
suff
icie
nt
if
the
usag
e or
zoni
ng
so
meas
ured
alon
g
eith
er
inte
rsec
ting
stre
et
meet
s
the
requ
irem
ents

of
subs
ecti
on
(10)
a of
this
sect
ion.
ion.

(8)
The
area
rest
rict
ions
set
fort
h in
this
sect
ion
shal
l
not
affe
ct
the
righ
t of
pres
ent
perm
it
or
lice
nse
hold
ers
or
thei
r
succ
esso
rs
by
purc

have
from
renewing
their
permits
or
licenses
in
their
present
locations.
No
property
whose
principal
structure
shall
be
used
wholly
or
in
part
for
residence
purposes
shall
be
deem

ed
actu
ally
devo
ted
to
comm
erci
al
use
unle
ss
more
than
50
perc
ent
of
the
gros
s
floo
r
area
of
the
stru
ctur
e
shal
l be
devo
ted
to
comm
erci
al
use.

(9)
The
subs
ecti
ons
of
this
sect

ion
conc
erni
ng
the
loca
tion
of
new
or
tran
sfer
red
perm
its
and
lice
nses
shal
l
not
appl
y to
an
appl
icat
ion
for
a
perm
it
or
lice
nse
by a
coll
ege
or
univ
ersi
ty
wher
e 75
perc
ent
of
the

real
esta
te,
excl
usiv
e of
stre
et
righ
ts-
of-
way,
with
in
200
feet
of
the
stru
ctur
e
for
whic
h
the
perm
it
or
lice
nse
is
soug
ht,
is
owne
d by
the
coll
ege
or
univ
ersi
ty.

(10)

a.
Subs

ecti
ons
(2)
and
(3)
of
this
sect
ion
shal
l
not
appl
y to
a
pers
on
who
make
s
appl
icat
ion
for
a
clas
s B
beer
perm
it
in
conn
ecti
on
with
the
oper
atio
n of
a
conc
essi
on
stan
d at
a
city

park
desi
gnat
ed
"com
muni
ty"
or
"maj
or"
by
the
dire
ctor
of
the
park
and
recre
ation
depa
rtme
nt,
or
at a
city
-
owne
d
golf
cour
se.
The
city
coun
cil
may
appr
ove
an
appl
icat
ion
for
a
clas

s B
beer
perm
it
in
conn
ecti
on
with
the
oper
atio
n of
a
conc
essi
on
stan
d at
city
park
s
desi
gnat
ed
"nei
ghbo
rhoo
d"
in
spec
ial
circ
umst
ance
s
upon
revi
ew
of
the
fact
s
and
taki
ng
into

acco
unt
the
reco
mmen
dati
on
of
the
park
and
recre
ati
on
board.
d.

b.
For
the
purp
oses
of
sect
ion
10-
47
of
this
chap
ter,
each
park
at
whic
h an
appl
ican
t
desi
res
to
oper
ate
a
conc
essi

on
stand
d
and
sell
beer
shall
be
deem
ed a
sepa
rate
plac
e of
busi
ness
for
whic
h
such
appl
ican
t
shal
l be
requ
ired
to
have
a
sepa
rate
lice
nse.

(11)
Subs
ecti
on
(2)
of
this
sect
ion
shal
l
not

appl
y to
a
club
or
corp
orat
ion
whic
h
make
s
appl
icat
ion
for
a
clas
s A
liqu
or
cont
rol
lice
nse
in
conn
ecti
on
with
the
oper
atio
n of
and
loca
ted
on
the
land
occu
pied
by a
priv
ate
full
-

size
d
nine
- or
18-
hole
golf
cour
se.

(12)
Subs
ecti
on
(9) a
of
this
sect
ion
shal
l
not
appl
y to
nonp
rofi
t
corp
orat
ions
whic
h
make
appl
icat
ion
for
a
five
-
day,
14-
day,
seas
onal
, or
Sund

ay
sale
s
liqu
or
cont
rol
lice
nse,
wher
e
the
sale
of
alco
holi
c
beve
rage
s
does
not
occu
r
betw
een
the
hour
s of
8:00
a.m.
and
5:00
p.m.
,
and
wher
e
the
sale
of
alco
holi
c
beve
rage
s is

done
on a
temp
orar
y
basi
s
for
spec
ial
even
ts
and
so
as
to
not
comp
rise
grea
ter
than
50
perc
ent
of
the
gros
s
reve
nue
for
each
day
alco
holi
c
beve
rage
s
are
sold
.

(13)
For
all

clas
s
A,B,
C or
spec
ial
clas
s C
liqu
or
lice
nses
and
all
clas
s B
beer
perm
its
the
appl
ican
t
must
prov
ide
a
stat
emen
t
that
all
desi
gnat
ed
secu
rity
empl
oyee
s
have
rece
ived
trai
ning
and
cert

ification
in
security
methods.
Such
training
shall
be
performed
and
certified
to
by a
third
party
that
is
in
the
training
business
and
shall
include
a
minimum
of
four
hours
of
training
in

the
followin
g
area
s:
medi
atio
n
tech
niqu
es,
civi
l
righ
ts
or
unfa
ir
prac
tice
s
awar
enes
s as
prov
ided
in
the
Iowa
Code
Sect
ion
216.
7,
and
prop
er
phys
ical
rest
rain
t
meth
ods
used
agai

nst
a
pers
on
who
has
beco
me
comb
ativ
e.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Douglas P. Philip, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Donna V. Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 02-1427), passed by the City Council of said City at a meeting held June 3, 2002 signed by the Mayor on June 3, 2002 and published as provided by law in the Business Record on June 17, 2002 Authorized by Publication Order No. 3286.

Donna V. Boetel-Baker, City Clerk