

ORDINANCE NO. 15,432

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, as heretofore amended, by amending Section 10-8 relating to the presence of persons under legal age in licensed or permitted establishments holding a liquor control license or 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, as heretofore amended, is hereby amended by amending Section 10-8 relating to the presence of persons under legal age in licensed or permitted establishments holding a liquor control license or wine or beer permit, as follows:

Sec. 10-8. Persons under legal age in licensed or permitted establishments.

No person or club holding a liquor control license, wine or beer permit, which authorizes on the premises consumption, nor his or her agents or employees shall:

- (1) Allow a person under legal age to enter or remain in the licensed or permitted establishment after 9:00 p.m. unless:
 - a. The licensee or permittee applies for and qualifies for an exception certificate from the chief of police as follows:
 1. A licensee or permittee whose primary business purpose is not the sale of alcoholic beverages, wine or beer may qualify for an exception upon submission of a verified statement from a certified public accountant or an accountant which establishes that more than 50 percent of the licensee's or permittee's gross sales are from the sale of goods or services other than for the sale of alcoholic beverages, wine or beer which shall not include income from cover charges, entertainment fees, drink mixes or nonalcoholic beverages;
 2. In addition to the statement mentioned in subsection (1)a.1 of this section, proof of qualification may include state and federal tax records for the previous year, articles of incorporation, and receipts from specific vendors which itemize goods purchased related to the applicant's primary business purpose from the previous six months as requested by the chief of police;
 3. The chief of police may issue an exception certificate if the licensee or permittee has satisfied the requirements in this subsection;
 4. An exception certificate shall be effective for the duration of the alcoholic liquor control license, wine or beer permit; or

- b. The licensee or permittee applies for a special event exception from the chief of police, which shall allow the holder to provide entertainment to persons under legal age, as follows:
 - 1. A licensee or permittee may qualify for a special event exception when an application is submitted to the chief of police or his or her designee at least seven business days prior to the proposed special event. Such application shall include the name and address of the licensed or permitted establishment, the type of event for which an exception is applied, the proposed date for the event and the time of the event;
 - 2. All alcoholic liquor, wine or beer is removed or stored so that it is not available for sale or consumption during the period of the special event;
 - 3. A special event exception shall be valid through the date of the special event or for the duration of the alcoholic liquor control license, wine or beer permit, whichever is first in time;
 - 4. Failure to comply with the terms of this special event exception shall result in the revocation or denial of such an exception application for one year; or
- c. For special events not exceeding five days in duration where a street closure has been authorized by the city council and a temporary liquor control license has been issued, the chief of police may issue a special exception for the event, such exception to be limited to outdoor areas covered by the temporary liquor control license. The chief's discretion may include but is not limited to past experience with policing the same event, staffing, and any special difficulties in policing the proposed event.
- d. The licensee or permittee posts a current exception certificate at the main entrance in the view of patrons of the licensed or permitted establishment.
- e. "The licensee or permittee applies for and qualifies for an exception certificate from the chief of police as follows:
 - 1. The licensee or permittee is a designated venue defined as booking at least 100 live performances per year, with a dedicated and installed stage, public address system and lighting system;
 - 2. Minors aged 16 through 20 years are allowed in the designated venue until 11:30 p.m. Minors under 16 years may not remain in the designated venue past 9:00 p.m.;
 - 3. The designated venue shall demand photo identification at the door and shall identify, by use of wristband or other equally effective means, those persons 21 years of age and older who may legally purchase alcoholic beverages;
 - 4. The designated venue shall be responsible for the security of the venue and any other areas such as parking lots under its ownership or control;
 - 5. The designated venue shall make its best effort to provide the police department vice unit with a schedule of events at least thirty (30) days

in advance. When an event is booked after submission of the monthly schedule, the venue shall notify the vice unit by telephone, fax or electronic mail at least ten (10) days before the event, in which case the event shall be submitted as part of the next monthly schedule;

6. The designated venue must demonstrate to the police department vice unit that at least fifty percent (50%) of its gross receipts are derived from items other than alcohol sales, which may include, but are not limited to, income from cover charges, ticket sales, entertainment fees, articles of apparel, food, drink mixes or non-alcoholic beverages;

7. The Chief of Police may issue an exception certificate if the licensee or permittee seeking an exception as a designated venue has satisfied the requirements of this subsection;

(2) Fail to post notices at all entrances to the licensed or permitted premises in the view of patrons of the licensed or permitted establishment that persons under legal age are not allowed in the premises after 9:00 p.m. unless the licensee or permittee has a current exception certificate under subsection (1)a, (1)b, (1)c or (1)e of this section.

Section 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

Ordinance No. _____ cont'd

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 15-2074), passed by the City Council of said City at a meeting held December 7, 2015 signed by the Mayor on December 7, 2015 and published and provided by law in the Business Record on December 25, 2015. Authorized by Publication Order No. 9396.

Diane Rauh, City Clerk