

TITLE VI – REGULATION OF BUSINESS AND VOCATIONS  
BEER, LIQUOR AND WINE CONTROL

CHAPTER 146  
BEER, LIQUOR, AND WINE PERMITS

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**146.01 LICENSE OR PERMIT REQUIRED.** It is unlawful for any person to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of this Code of Ordinances and State law.

(Code of Iowa, Sec. 123.2 & 123.171)

**146.02 NATURE OF LICENSE OR PERMIT.** A liquor license, wine permit or beer permit is a personal privilege and is revocable for cause. It is not property nor is it subject to attachment and execution nor alienable nor assignable, and it shall cease upon the death of the permittee or licensee. However, the Administrator has the discretion to allow the executor or administrator of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use it.

(Code of Iowa, Sec. 123.38)

**146.03 BEER PERMITS – CLASSES.** Beer permits shall be classed as follows:

1. Class “B”: A class “B” beer permit shall allow the holder to sell beer at retail for consumption on or off the premises.

(Code of Iowa, Sec. 123.124 & 123.131)

2. Class “C”: A class “C” beer permit shall allow the holder to sell beer at retail for consumption off the premises only. Such sales shall be in original containers only. No class “C” permit shall be issued to any person except the owner or proprietor of a grocery store or pharmacy.

(Code of Iowa, Sec. 123.124 & 123.129)

146.04 LIQUOR LICENSES – CLASSES. Liquor control licenses shall be classed as follows:

1. Class “A”: A class “A” liquor control license issued to a club shall authorize the holder to purchase alcoholic liquors from Class “E” liquor control licensees only, wine from Class “A” wine permittees only, and native wines from native wine manufacturers and to sell liquors, wine, and beer to bona fide members and their guests by the individual drink for consumption on the premises only.  
(Code of Iowa, Sec. 123.30[3a])
2. Class “B”: A class “B” liquor control license issued to a hotel or motel shall authorize the holder to purchase alcoholic liquors from class “E” liquor control licensees only, wine from class “A” wine permittees only and native wines from native wine manufacturers and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only; however, beer may also be sold for consumption off the premises. Each such license shall be effective throughout the premises described in the application.  
(Code of Iowa, Sec. 123.30[3b])
3. Class “C”: A class “C” liquor control license issued to a commercial establishment must be issued in the name of the individual or individuals who actually own the entire business and shall authorize the holder or holders to purchase alcoholic liquors from class “E” liquor control licensees only, wine from class “A” wine permittees only and native wines from native wine manufacturers and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only; however, beer may also be sold for consumption off the premises.
4. Class “C” – Wine: A special class “C” liquor control license may be issued and shall authorize the holder to purchase wine from class “A” wine permittees only, and to sell wine and beer to patrons by the individual drink for consumption on the premises only; however, beer may also be sold for consumption off the premises. The license issued to holders of a special class “C” license shall clearly state on its face that the license is limited.  
(Code of Iowa, Sec. 123.30[3c])
5. Class “E”: A class “E” liquor control license may be issued and shall authorize the holder to purchase alcoholic liquor from the Division only and to sell the alcoholic liquor to patrons for consumption off the licensed premises and to other liquor control licensees. A class “E” license shall not be issued to premises at which gasoline is sold. A holder of a class “E” liquor control license may hold other retail liquor licenses or retail wine or beer permits, but the premises licensed under a class “E” liquor control license shall be separate from other licensed premises, though the separate premises may have a common entrance. However, the holder of a class “E” liquor control license may also hold a class “B” wine or class “C” beer permit or both for the premises licensed under a class “E” liquor control license.  
(Code of Iowa, Sec. 123.30[3c])

6. Class “B” Wine Permits. A class “B” wine permit allows the holder to sell wine at retail for consumption off the premises.  
(Code of Iowa, Sec. 123.173)

146.05 APPLICATION. A verified application for the original issuance or the renewal of a liquor control license, a beer permit or a wine permit shall be filed at such time, in such number of copies and in such form as the Administrator shall prescribe, on forms prescribed by the Administrator.

(Code of Iowa, Sec. 123.31 & 123.76)

146.06 LICENSE AND PERMIT FEES; BOND FILED. The application shall be accompanied by the necessary fee and bond, if required, in accordance with the Iowa Alcoholic Beverage Control Act or regulations thereunder, and shall be filed with the Council  
(Code of Iowa, Sec. 123.32, 123.34, 123.36, 123.134 & 123.179)

146.07 CONDITIONS. No liquor control license or wine or beer permit shall be approved unless:

1. Character of Applicant. The applicant is a person of good moral character as defined in chapter 145 and in the case of a club, corporation or partnership, the officers of the club or corporation and the partners of a partnership are of good moral characters as defined by said chapter.  
(Code of Iowa, Sec. 123.30[1])
2. Right of Entry. The applicant gives consent in writing of the application that members of the Fire and Police Departments and any other City official authorized by State law may enter upon the areas of the premises where alcoholic beverages are stored, served or sold, without warrant during business hours of the applicant, to inspect for violations of the provisions of State law and of this Code of Ordinances.  
(Code of Iowa, Sec. 123.30[1], 123.127, 123.128 & 123.129)
3. Access to Residential or Sleeping Quarters. No interior access to residential or sleeping quarters is permitted or maintained unless permission is granted by the Administrator in the form of a living quarters permit.  
(Code of Iowa, Sec. 123.30[2])
4. Location of Premises. The premises are located within areas where such businesses are, or hereafter are, permitted by a valid zoning ordinance.  
(Code of Iowa, Sec. 123.128[1b] & 123.30[2])
5. Conform to Applicable Laws. The premises conform to all applicable laws, ordinances, resolutions, and health and fire regulations.  
(Code of Iowa, Sec. 123.30[2] & 123.128[2])

6. Seating Capacity. With respect to a class “B” beer permit or a class “C” liquor control license, the premises are, at the time of the application and continue to be, equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time.

(Code of Iowa, Sec. 123.128[1b] & 123.30[1])

146.08 CIVIL LIABILITY. Every liquor control licensee and class “B” beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the Division.

(Code of Iowa, Sec. 123.92)

146.09 SEPARATE LOCATIONS – RETAIL BEER AND WINE SALES. Every person holding a class “B” or class “C” beer permit or a Class “B” wine permit having more than one place of business where such beer or wine is sold shall be required to have a separate license for each separate place of business, except as otherwise provided by State law.

(Code of Iowa, Sec. 123.140 & 123.178[2])

146.10 INVESTIGATION. Upon receipt of an original application for a liquor license, wine or beer permit by the Clerk, it shall be forwarded to the Police Chief, who shall conduct an investigation and submit a written report as to the truth of the facts averred in the application and a recommendation to the Council as to the approval of the license or permit. It shall be the duty of the Fire Chief to inspect the premises to determine if they conform to the requirements of the City, and no license or permit shall be approved until or unless an approving report has been filed with the Council by such officers.

(Code of Iowa, Sec. 123.30[2])

146.11 ACTION BY COUNCIL. The Council shall either approve or disapprove an application. Action taken by the Council shall be so endorsed on the application and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Division for such further action as is provided by law.

(Code of Iowa, Sec. 123.32[2])

146.12 SEASONAL OR FOURTEEN-DAY PERMITS. Six (6) or eight (8) month seasonal licenses, wine permits or beer permits and fourteen (14) day permits may be issued as provided by State law. No seasonal license or permit shall be renewed except after a period of (2) months.

(Code of Iowa, Sec. 123.34)

146.13 EXPIRATION OF LICENSE OR PERMIT. All liquor control licenses, wine permits, and beer permits, unless sooner suspended or revoked, shall expire one year from date of issuance. Sixty (60) days notice of such expiration must be given in writing by the Administrator.

(Code of Iowa, Sec. 123.34)

146.14 REFUNDS. Any licensee or permittee, or the licensee’s or permittee’s executor, or administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of the licensee’s or permittee’s creditors, may voluntarily surrender a license or permit to the Division and shall notify the City,

and the Division or the City shall refund to the person surrendering the license or permit, a proportionate amount of the fee received by the Division or the City for the license or permit as follows: If surrendered during the first three (3) months of the period for which it was issued, the refund shall be three-fourths (3/4) of the amount of the fee; if surrendered more than three (3) months but not more than six (6) months after issuance, the refund shall be one-half (1/2) of the amount of the fee; if surrendered more than six (6) months but not more than nine (9) months after issuance, the refund shall be one-fourth (1/4) of the amount of the fee. No refund shall be made, however, for a liquor control license, wine permit, or beer permit surrendered more than nine (9) months after issuance. No refund shall be made to any licensee or permittee, upon the surrender of the license or permit, if there is at the time of surrender, a complaint filed with the Division or the City, charging the licensee or permittee with a violation of the chapters in this Code of Ordinances pertaining to Beer, Liquor and Wine Control or provisions of the Iowa Alcoholic Beverage Control Act. If upon a hearing on a complaint the license or permit is not revoked or suspended, then the licensee or permittee is eligible, upon surrender of the license or permit, to receive a refund; but if the license or permit is revoked or suspended upon hearing the licensee or permittee is not eligible for the refund of any portion of his license or permit fee. No refund shall be made for seasonal licenses or permits.

(Code of Iowa, Sec. 123.38)

146.15 TRANSFERS. The Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law or ordinance. An applicant for such a transfer shall file with the application a transfer fee in the amount of fifteen dollars (\$15.00).

(Code of Iowa, Sec. 123.38)

146.16 APPLICATION FOR RENEWAL. Upon receipt of an application for the renewal of a liquor license, wine permit, or beer permit, it shall be forwarded to the Police Chief, who shall conduct an investigation and shall submit a written report as to the truth of the facts contained in the application and a recommendation to the Council as to the approval of the renewal of the license or permit.

(Code of Iowa, Sec. 123.35)

146.17 PROHIBITED SALE AND ACTS. A person or club holding a liquor license or wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Intoxicated Persons. 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. Hours of Operation. Sell or dispense any alcoholic liquor, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two (2) o'clock a.m. and six (6) o'clock a.m. on a weekday, and between the hours of two (2) o'clock a.m. and ten (10) o'clock a.m. on Sunday and twelve (12) o'clock midnight on Sunday and six (6) o'clock a.m. on the following Monday, provided that when that

Monday is New Year's Day, then such sales or consumption may be permitted between the hours of midnight and two (2) o'clock a.m. on that Monday.

(Code of Iowa, Sec. 123.49[2b] & 123.50)

3. Credit Sales. Sell alcoholic beverages, wine and beer to any person on credit, except with a bona fide credit card. This provision does not apply to sale 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. Employment of Minors. Employ a person under eighteen 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. Selling of Alcoholic Beverage to Minors. Sell, give or otherwise supply any alcoholic beverage, wine 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 the person to be under legal age, to consume any alcoholic beverage, wine or beer.  
(Code of Iowa, Sec. 123.49[2h])
6. Mixing of Alcoholic Beverage. 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])
7. Soliciting and Disorderly Conduct. 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])
8. Brand Signs Prohibited. Permit any signs or other matter advertising any brand of beer or wine to be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell alcoholic liquor, beer or wine at retail.  
(Code of Iowa, Sec. 123.51)
9. Public Indecent Exposure Prohibited. Allow or permit any of the following:  
(Code of Iowa, Sec. 728.5)
  - A. The actual or simulated public performance of any sex act upon or in such licensed premises.
  - B. The exposure of the genitals or buttock or female breast of any person who acts as a waiter or waitress.
  - C. The exposure of the genitals or female breast nipple of any person who acts as an entertainer, whether or not the owner of the licensed premises in which the

activity is performed employs or pays any compensation to such person to perform such activity.

- D. Any person to remain in or upon the licensed premises who exposes to public view his or her genitals, pubic hair, or anus.
- E. The displaying of moving pictures, films, or pictures depicting any sex act or the display of the pubic hair, anus or genitals upon or in such licensed premises.

Provided that the provisions of this subsection shall not apply to a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances.

146.18 OPTIONAL SUSPENSION OR REVOCATION. Following a written notice and hearing, as provided by this chapter, a liquor license, wine permit or beer permit may be suspended by the Council for a period up to one (1) year for violations of the Code of Ordinances, or suspended for a period up to one (1) year or revoked by the Council for any of the following causes:

1. Misrepresentation. Misrepresentation of any material fact in the application for the license or permit.  
(Code of Iowa, Sec. 123.39[1])
2. Violations. Violation of any of the provisions of the Iowa Alcoholic Beverage Control Act.  
(Code of Iowa, Sec. 123.39[2])
3. Change in Ownership. Any change in the ownership or interest in the business operated under a class "A", class "B", or class "C" liquor control license, or any wine or beer permit, which changed was not previously reported to and approved by the City and the Division.  
(Code of Iowa, Sec. 123.39[3])
4. Original Disqualifications. An event which would have resulted in disqualification from receiving the license or permit when originally issued.  
(Code of Iowa, Sec. 123.39[4])
5. Sale or Transfer. Any sale, hypothecation or transfer of the license or permit.  
(Code of Iowa, Sec. 123.39[5])
6. Payment of Taxes. The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the Division under the State law.  
(Code of Iowa, Sec. 123.39[6])

7. Commission of Prohibited Sale or Act. The conviction of any liquor control licensee, wine permittee or beer permittee for a violation of any of the provisions of Section 123.49 of the Code of Iowa (subject to the provisions of subsection 3 of Section 123.50), or for a violation of any of the provisions of Section 146.17 of this Code of Ordinances, subject to Section 146.19, is grounds for the suspension or revocation of the license or permit by the Division or the City.

(Code of Iowa, Sec. 123.50[2])

146.19 MANDATORY SUSPENSION OR REVOCATION. A license or permit shall be suspended or revoked by the City Council in accordance with the following:

1. Sale to Minors or “Spiking”. If any licensee, wine permittee, beer permittee, or employee of a licensee or permittee is convicted of a violation of Section 146.17, subsection 5 of this Code of Ordinances, or if a retail wine or beer permittee is convicted of a violation of subsection 6 of that section, the City shall, in addition to the other penalties fixed for such violations by this chapter, assess a penalty as follows:

- A. Upon a first conviction, the violator’s liquor control license, wine permit or beer permit shall be suspended for a period of fourteen (14) days. However, if the conviction is for a violation which occurred on or after January 1, 1988, the violator’s liquor control license or wine or beer permit shall not be suspended, but the violator shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty will result in automatic suspension of the license or permit for a period of fourteen (14) days.

(Code of Iowa, Sec. 123.50[3a])

- B. Upon a second conviction within a period of two (2) years, the violator’s liquor control license, wine permit or beer permit shall be suspended for a period of thirty (30) days.

(Code of Iowa, Sec. 123.50[3b])

- C. Upon a third conviction within a period of five (5) years, the violator’s liquor control license, wine permit or beer permit shall be suspended for a period of sixty (60) days.

(Code of Iowa, Sec. 123.50[3c])

- D. Upon a fourth conviction within a period of five (5) years, the violator’s liquor control license, wine permit or beer permit shall be revoked.

(Code of Iowa, Sec. 123.50[3d])



2. Gambling, Solicitation, Disorderly Conduct, Use of Containers. If any liquor control licensee is convicted of any violation of Code of Iowa, Section 123.49 (2a, 2d, or 2e), or any wine or beer permittee is convicted of a violation of Code of Iowa, Section 123.49 (2a or 2e), the liquor control license, wine permit, or beer permit shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license or permit holder shall be forfeited to the Division.

(Code of Iowa, Sec. 123.50[2])

146.20 HEARING ON SUSPENSION OR REVOCATION. The Council shall conduct a hearing on each suspension or revocation in the following manner:

(Code of Iowa, Sec. 123.39)

1. Notice. The permit holder, and the surety on the permit holder's bond, shall be served with written notice containing a copy of the complaint against the permit holder, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.
2. Hearing. The Council shall conduct a hearing, at which both the permit holder and complainants shall be allowed to be present, the purpose of which is to determine the truth of the facts alleged in the complaint. Should the permit holder or authorized representative fail to appear without good cause, the Council may proceed to a determination of the complaint.
3. Rights of Permit Holder. The permit holder shall have the right to be represented by counsel, to testify and present witnesses in the permit holder's own behalf, and to cross-examine adverse witnesses.
4. Evidence. The Council shall admit only reliable and substantial evidence into the revocation or suspension proceeding, and shall give all admitted evidence its natural probative value.
5. Criminal Charges. In the event that criminal charges have been brought against the permit holder on the same facts and circumstances as are the basis for the revocation or suspension complaint, the Council shall await a judgment in the criminal action before conducting the revocation or temporary suspension hearing required by this section. Neither a conviction nor an acquittal in the criminal action shall be conclusive for purposes of the revocation or suspension proceeding held under this section.
6. Record and Determination. The Council shall make and record findings of fact and conclusions of law, and shall revoke or suspend a permit under this section only when, upon review of the entire record, it finds clear and convincing evidence of a substantial violation of this Code of Ordinances or State law.

146.21 DIVISION NOTIFIED. When the Council revokes or suspends a liquor control license, wine permit or beer permit, the Division shall be given written notice thereof stating the reasons for the revocation or suspension and the length of same.

146.22 APPEAL TO STATE AND COURT. The right of appeal to the Division hearing board shall be afforded an applicant whose application has been disapproved, or a liquor control licensee, wine permittee or beer permittee whose license or permit has been suspended or revoked. Any applicant, licensee or permittee who feels aggrieved by a decision of the Administrator or City disapproving, suspending or revoking issuance of a liquor control license, wine permit or beer permit may, provided the person has exercised the right of appeal to the hearing board as provided by State law, appeal from said decision in accordance with the provisions of the Iowa Administrative Procedure Act or may file a petition for judicial review in the District Court of the County. The City may seek judicial review of a decision of the hearing board in accordance with the terms of the Iowa Administrative Procedure Act within thirty (30) days.

(Code of Iowa, Sec. 123.32 [4&5])

146.23 EFFECT OF REVOCATION. Any liquor control licensee, wine permittee or beer permittee whose license or permit is revoked under the Iowa Alcoholic and Beverage Control Act shall not thereafter be permitted to hold a liquor control license, wine permit or beer permit in the State for a period of two (2) years from the date of revocation. A spouse or business associate holding ten percent (10%) or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a liquor control license, wine permit or beer permit, and no liquor control license, wine permit or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two (2) years from the date of revocation. If a license or permit is revoked, the premises which have been covered by the license or permit shall not be relicensed for one (1) year.

(Code of Iowa, Sec. 123.40)