

ORDINANCE NO. 2017-06

June 5, 2017

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF CASEY, IOWA BY REPEALING TITLE III COMMUNITY PROTECTION, CHAPTER 8 ALCOHOLIC BEVERAGES, AND ADOPTING TITLE III COMMUNITY PROTECTION, CHAPTER 9 ALCOHOLIC BEVERAGES, FOR THE PURPOSE OF CORRECTING A CLERICAL ERROR IN A CHAPTER NUMBER OF THE CITY CODE.

BE IT ENACTED by the City Council of the City of Casey, Iowa that:

SECTION 1: CHAPTER MODIFIED The Code of Ordinances of the City of Casey, Iowa shall be and the same is hereby AMENDED BY REPEALING TITLE III COMMUNITY PROTECTION, CHAPTER 8 ALCOHOLIC BEVERAGES in its entirety, and enacting TITLE III COMMUNITY PROTECTION, CHAPTER 9 ALCOHOLIC BEVERAGES to state as follows:

TITLE III COMMUNITY PROTECTION

CHAPTER 9 ALCOHOLIC BEVERAGES

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| 3-9-1 Purpose | 3-9-3 Action by Council |
| 3-9-2 Required Obedience to Provisions of this Chapter and State Law | 3-9-4 Transfers |

3-9-1 PURPOSE. The purpose of this chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.

(Code of Iowa, Sec. 364.1)

3-9-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly

4. 123.28 Open Alcoholic Beverage Containers
5. 123.30 Liquor Control Licenses - Classes
6. 123.31 Application Contents
7. 123.33 Records
8. 123.34 Expiration - License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees - Sunday Sales
11. 123.38 Nature of Permit or License - Surrender - Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
13. 123.40 Effect of Revocation
14. 123.44 Gifts of Liquors Prohibited
15. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test -
Notifications - Exoneration
16. 123.47 Persons Under Legal Age - Penalty
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social
Gatherings

23. 123.122 through 123.145 Beer Provisions (Division II)
24. 123.150 Sunday Sales Before New Year's Day
25. 123.171 through 123.182 Wine Provisions (Division V)
26. 321.284 Open Containers in Motor Vehicles - Drivers
27. 321.284A Open Containers in Motor Vehicles - Passengers

3-9-3 ACTION BY COUNCIL. The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division for further action as provided by law.

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

3-9-4 TRANSFERS. The City 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 the transfer will not result in the violation of any law or Ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.

(Code of Iowa, Sec. 123.38)

SECTION 2: RESERVED. TITLE III COMMUNITY PROTECTION, CHAPTER 8 OF THE CODE OF ORDINANCES FOR THE CITY OF CASEY, IOWA is hereby reserved.

SECTION 3: REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4: 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 5: WHEN EFFECTIVE. This ordinance shall be effective from and after its final passage, approval, and publication as provided by law.

Motion by Wagner and second by Lindberg to suspend the 1st and 2nd readings of Ordinance 2017-06 and to place Ordinance 2017-06 on its final reading. Roll call vote: Wedemeyer, Sneller, Lindberg, Peterson and Maas.

Passed, approved and adopted by the City Council this 5th day of June, 2017.

By: _____
BARRY CHALFANT, MAYOR

Attest by: _____
MICHELLE KING, CITY CLERK

ATTEST:

I, Michelle King, City Clerk of the City of Casey, hereby certify that the above and foregoing is a true copy of Ordinance 2017-06 passed by the City Council of said City at the meeting held on June 5, 2017 and published as provided by law in Adair News on June 8, 2017.

_____, City Clerk