

OFFICE OF THE CITY MANAGER  
DES MOINES, IOWA

CITY COUNCIL COMMUNICATION 96-285  
JULY 15, 1996 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
AMENDMENT TO COUNCIL LIQUOR LICENSE POLICY	<ul style="list-style-type: none"> <li>◆ RESOLUTION</li> <li>◆ ORDINANCE</li> <li>RECEIVE/FILE</li> </ul>	STEVE GUNSON ADMINISTRATIVE ASSISTANT TO THE CITY MANAGER

**SYNOPSIS —**

At the July 1, 1996 Council meeting, by Roll Call No. 96-2429, the City Council directed staff to prepare an amendment to the Council's policy on the timely filing of beer and liquor licenses. This change would remove the requirement that the City Clerk bring beer and liquor licenses which have not been filed in a timely manner to the City Council for *denial*. Such licenses would be allowed to lapse, the applicant would be directed to close or to stop selling beer or liquor until such time as a new license is issued, and the Police Department would follow up to insure compliance.

The amendment also permits the issuance of a license for a *beer garden* to an applicant with a current beer or liquor license who has filed the application in less than the 30-day requirement. It would also facilitate the transfer of a current license holder's ability to sell beer or liquor from one location to another for special events.

**FISCAL IMPACT —**

N/A

**RECOMMENDATION —**

Approval.

**BACKGROUND —**

Current Council policy requires that applicants for beer and liquor licenses file their paperwork at least 30 days prior to the license's expiration; this policy permits no exceptions.

While this time period is the minimum necessary for the Police and the City Clerk's Office to process *new* and *renewal* licenses, it creates a serious difficulty for beer gardens which may be planned in a time period shorter than 30 days (e.g., the recent Barnstormer/Court Avenue Association request).

For beer garden requests which are made by the holder of a current beer/liquor license, the City Clerk and the Police Department need only a relatively short period of time to process the application.

The current policy also forces the City Clerk to bring licenses which have not been *timely filed* to the Council for denial, as opposed to just letting the license lapse.

The Legal Department has also prepared an amendment to Chapter 5-10 of the Municipal Code which will permit the implementation of this policy.

Staff anticipates that the proposed changes in the policy and in the ordinance will help to facilitate the processing of the 45 to 50 applications for beer and/or liquor licenses which the City Clerk receives every month.

Attachment

**REVISED**  
**CITY OF DES MOINES/CITY COUNCIL POLICY**  
**For Beer, Wine or Liquor Permit/License Applications**

**Renewal Permits/Licenses-----**

Completed applications must be submitted to the City Clerk at least **thirty (30)** days prior to expiration of the existing permit/license. **NO EXCEPTIONS.**

**Any business whose application is not timely filed and does not have the necessary inspections completed will not be allowed to sell beer, wine or liquor during the period of time between expiration of the existing license and approval of the renewal.**

At the time of application, any fees and charges due by the applicant(s) to the City of Des Moines must be paid in full.

All applications will be submitted to the City Council with a recommendation for approval or denial based upon the most recent inspections. **Council will not approve a license or permit subject to completion of fire, building, electrical, zoning, vice or other inspection.**

**New Permits/License-----**

Completed applications must be submitted to the City Clerk at least **thirty (30)** days prior to the proposed opening of a facility. **NO EXCEPTIONS.**

At the time of application, any fees and charges due by the applicant(s) to the City of Des Moines must be paid in full.

All applications will be submitted to the City Council with a recommendation for approval or denial based upon the most recent inspections. **Council will not approve a license or permit subject to completion of fire, building, electrical, zoning, vice or other inspection.**

Your facility (**new or renewal**) must pass all inspections, no later than the Wednesday prior to City Council action on your license, **or the item will not be presented to the City Council.**

Permanent and Temporary Beer Garden requests, Special Events (5-Day/14-Day Licenses) and Transfer of License requests, which are made by holder(s) of a current beer/liquor license, may not require a thirty day notification and may be presented to Council pending necessary inspections, due to the temporary nature of the event.

Adopted: 7-15-96