

ORDINANCE NO. 15,022

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 Sections 10-45 and 10-54, relating to class E alcoholic beverages.

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 Sections 10-45 and 10-54 relating to class E alcoholic beverages, as follows:

Sec. 10-45. Classes of liquor control licenses.

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 such liquors, wine, and beer, to bona fide members and their guests by the individual drink for consumption on the premises only.
- (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 such 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.
- (3) *Class C.* A class C liquor control license issued to a commercial establishment must be issued in the name of the individual who actually owns the entire business and 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 such 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) *Special class C.* A special class C liquor control license 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.
- (5) *Class E.* A class E liquor control license shall authorize the holder to purchase alcoholic liquor from the state department only and high alcoholic content beer from a state class AA beer permittee only and to sell the alcoholic liquor and high alcoholic content beer to patrons for consumption off the licensed premises and to other liquor control licensees. A holder of a class E liquor control license may hold other retail liquor control 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.
- (6) *Sunday sales.* Any club, hotel, motel, or commercial establishment holding a liquor control license may apply for and receive permission to sell and dispense alcoholic liquor and wine to patrons on Sunday for consumption on the premises only, and beer for consumption on or off the premises between the hours of 10:00 a.m. and 12:00 midnight on Sunday. For the privilege of selling beer, wine, and alcoholic liquor on the premises on Sunday, the liquor control license fee of the applicant shall be increased by 20 percent of the regular fee prescribed for the license pursuant to this article, and the privilege shall be noted on the liquor control license.

Sec. 10-54. Fees.

- (1) The following fees shall be submitted with the respective application for the license or permit required by this article:
 - a. For a class B beer permit the annual fee shall be \$300.00.
 - b. For a class C beer permit the annual fee shall be graduated on the basis of the amount of interior floor space which comprises the retail sales area of the premises covered by the permit, as follows:
 1. Up to 1,500 square feet, \$75.00.
 2. Over 1,500 square feet and up to 2,000 square feet, \$100.00.
 3. Over 2,000 square feet and up to 5,000 square feet, \$200.00.
 4. Over 5,000 square feet, \$300.00.

- c. For a class A liquor control license the annual fee shall be as follows:
 - 1. A club with 250 members or more, \$600.00 plus state surcharge.
 - 2. A club with less than 250 members, \$400.00 plus state surcharge.
 - 3. A club which is a post, branch, or chapter of a veterans organization chartered by the Congress of the United States, if such club does not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week or more than 52 days in a year, and if the application for a license states that such club does not and will not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week or more than 52 days in a year, \$200.00 plus state surcharge.
- d. For a class B liquor control license the annual fee shall be \$1,300.00 plus state surcharge.
- e. For a class C liquor control license the annual fee shall be \$1,300.00 plus state surcharge.
- f. For a class E liquor control license the annual fee shall be a sum determined as follows:
 - 1. For licensed premises at which gasoline is not sold, a sum of not less than seven hundred and fifty dollars, and not more than seven thousand five hundred dollars as determined on a sliding scale as established by the state alcoholic beverages division taking into account the factors of square footage of the licensed premises, the location of the licensed premises, and the population of the area of the location of the licensed premises.
 - 2. For licensed premises at which gasoline is sold, a sum equal to the greater of five thousand dollars or the amount that would be established pursuant to subparagraph 1. if gasoline were not sold at the premises.
- g. For a special class C liquor control license the annual fee shall be \$450.00 plus state surcharge.
- h. For a class B wine permit the annual fee shall be \$500.00.
- i. For a class B native wine permit the annual fee shall be \$25.00.
- j. For a class C native wine permit the annual fee shall be \$25.00.
- k. For the privilege of selling and dispensing alcoholic liquor, wine, or beer to patrons on Sunday the annual fee shall be increased by 20 percent of the regular prescribed fee plus the designated state surcharge.

- (2) The police department is authorized to charge and collect an administrative fee on requests for an exemption certificate pursuant to section 10-8 Article I of this chapter for investigating and processing such exemption certificates. The City Clerk may collect this fee in lieu of the police department. The fee shall be in the amount set in the Schedule of Fees adopted by the City Council by resolution.
- (3) The City Clerk is authorized to charge and collect a transfer fee as established by the administrator of the state alcoholic beverages division.

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

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. 11-1023), passed by the City Council of said City at a meeting held June 13, 2011 signed by the Mayor on June 13, 2011 and published as provided by law in the Business Record on July 1, 2011. Authorized by Publication Order No.7483.

Diane Rauh, City Clerk