

ORDINANCE NO. 20

AN ORDINANCE PROHIBITING MINORS ON CERTAIN PREMISES; PROVIDING PENALTIES; PROVIDING FOR SEVERANCE AND PROVIDING FOR AN EFFECTIVE DATE.

- 20.1 Title
- 20.2 Minors Prohibited on Certain Premises
- 20.3 Penalties
- 20.4 Construction
- 20.5 Severability
- 20.6 Effective Date

20.1 TITLE.

This ordinance shall be known and may be cited as the "Prohibition of Minors on Certain Premises" ordinance of Appanoose County, Iowa.

20.2 MINORS PROHIBITED ON CERTAIN PREMISES.

- (a) It shall be unlawful for the holder of a class "A", "B", "C", "D", "B" Beer Permit, or Special Class "C" license or permit (herein after referred to as "licensee") issued pursuant to the Iowa Alcoholic Beverage Control Act for a premises where more than fifty percent (50%) of the business conducted is the sale or dispensing of alcoholic beverages for consumption on the premises, and for any person employed with respect to such premises to knowingly permit or fail to take reasonable measures to prevent the entry onto such premises of any and all persons who have not yet attained twenty-one (21) years of age.
- (b) "Business conducted" is defined as the licensee's gross sales from the sale of goods and services, but shall not include cover charges, entertainment fees, or coin operated amusement machines.
- (c) It shall be the duty of the licensee and of the person or persons managing such premises to cause to be posted and maintained at all times an easily readable notice in the English language displayed in a prominent place stating that persons less than twenty-one (21) years of age are prohibited from entering the premises.
- (d) A licensee that conducts more than fifty percent (50%) of its gross sales in goods and services other than alcoholic beverages, cover charges, entertainment fees, and coin operated amusement machines shall obtain a letter of exemption from the Appanoose County Sheriff prior to allowing persons under twenty-one (21) years of age on the premises.
- (e) A letter of exemption shall be obtained by submitting to the Appanoose County Sheriff a verified statement from an accountant which establishes that more than fifty percent (50%) of the licensee's gross sales are from goods and services other than alcoholic beverages, cover charges, entertainment fees, and coin operated amusement machines. The letter of exemption shall be effective during the duration of the license or permit, and a current statement from an accountant shall be submitted each time the license or permit is renewed.

- (f) It shall be unlawful for any person under twenty-one (21) years of age to be on the premises where more than fifty percent (50%) of the business conducted is the sale or dispensing of alcoholic beverages for consumption on the premises.
- (g) The provisions of this Section shall not apply when:
1. The person under twenty-one (21) years of age is an employee of the license holder, or performing a contracted service with respect to said premises and is on the premises during their scheduled work hours.
 2. The person under twenty-one (21) years of age is accompanied by a parent, legal guardian, or spouse who is of legal age for the purchase of alcoholic beverages.
 3. The person under twenty-one (21) years of age is on the premises during a time that the licensee has, in accordance with a written notice and plan submitted to and approved by the Appanoose County Sheriff, suspended dispensing alcoholic beverages on the licensed premises or on a clearly delineated part of the licensed premises operating under a different trade name. It shall be the duty of the licensee permitting such person under twenty-one (21) years of age onto the licensed premises pursuant to such a plan, and of all persons employed with respect to said premises, to prevent a person under twenty-one (21) years of age from consuming or possessing alcoholic beverages on the premises. Law Enforcement Officers and their designees shall be admitted to the premises at any time to inspect for compliance with all applicable laws. Failure in that duty by the licensee shall be punishable as a violation of this section.
 4. The person under twenty-one (21) years of age is on the premises as a participant in a special event in accordance with a plan approved in advance by the Appanoose County Sheriff. It shall be the duty of a licensee permitting such person under twenty-one (21) years of age onto the licensed premises, and of all persons employed with respect to said premises, to prevent a person under twenty-one (21) years of age from consuming or possessing alcoholic beverages on said premises.
 5. The person under twenty-one (21) years of age is on the premises during specified posted hours that the licensee does its business primarily in food sales, in accordance with a plan approved in advance by the Appanoose County Sheriff. To receive plan approval, a licensee shall be required to demonstrate that there is a clearly definable pattern of hours during which more than fifty percent (50%) of the business sales are food. It shall be the strict duty of the licensee, and of all persons employed with respect to said premises, to remove all person under twenty-one (21) years of age from the premises before the start of restricted admission hours each day, and it shall be the duty of the licensee permitting person under twenty-one (21) years of age onto the premises, and of all persons employed with respect to said premises, to prevent person under twenty-one (21) years of age from consuming or possessing alcoholic beverages on said premises. Failure in these duties shall be punishable as a violation of this section.

20.3 PENALTIES.

Vio. of the provisions of _____ ordinance shall constitute a simple misdemeanor punishable by a fine not

20.3 PENALTIES.

Violation of the provisions of this ordinance shall constitute a simple misdemeanor punishable by a fine not exceeding two hundred dollars (\$200.00), or by imprisonment for a period not to exceed thirty (30) days.

20.4 CONSTRUCTION.

This ordinance constitutes remedial legislation and is to be liberally construed to give effect to its purpose.

20.5 SEVERABILITY.

It is the legislative intent that should any provisions, section, clause or sentence be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions, sections, clauses or sentences and to this end the provisions of this ordinance are severable.

20.6 EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED and APPROVED this 19 day of July, 1999.

Royce D. Joiner Chm.
Royce Joiner, Chairman
Appanoose County Board of Supervisors

ATTEST:

Linda Demry
Linda Demry, Appanoose County Auditor

Read first time and passed: 7-14-99

Read second time and passed: unanimous 7-14-99

Final reading and passage: unanimous 7-14-99