

ORDINANCE NO. 6327

AN ORDINANCE TO AMEND CHAPTER 3.08 “BEER AND LIQUOR CONTROL” OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 3.08.190 “PROHIBITED SALES AND ACTS” BY REPLACING PARAGRAPH (7) WITH A NEW PARAGRAPH (7).

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That Chapter 3.08 “Beer and Liquor Control” of the 2015 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Sections 3.08.190 “Prohibited sales and acts”, to read as follows:

3.08.190 – Prohibited sales and acts.

No person or club holding a liquor license or beer permit nor his or her agents or employees shall do any of the following:

(1) Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.

(2) Sell or dispense any alcoholic liquor or beer on the premises covered by the license or permit, or permit the consumption thereon during any hours prohibited by the state of Iowa.

(3) Sell alcoholic liquor or beer to any person on credit, except with a bona fide credit card. This provision shall not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.

(4) Employ any person under the age of eighteen (18) years old in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold.

(5) Sell, give or otherwise supply any alcoholic beverage or beer to any person knowing or having reasonable cause to believe him or her to be under legal age, or permit any person knowing or having reasonable cause to believe him or her to be under legal age, to consume any alcoholic beverage or beer.

(6) Allow open containers of alcohol or consumption of alcohol in any area that qualifies as a Section 3.08.045(f) exception between the hours of 10:00 p.m. to 7:00 a.m. Sunday through Thursday, and 11:00 p.m. to 7:00 a.m. Fridays and Saturdays.

(7) Allow any person to remove an open container of alcohol from any area that is licensed as a liquor license premise. **EXCEPTION.** This prohibition shall not apply when the open container is being carried out into a “Publicly Owned Area” during a period of time it is being utilized pursuant to a Special Event Permit as provided for in section 8.10.025. Provided that the content of said open container can be classified as either beer or wine.

(8) In the case of a retail beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer or any other beverage in or about his or her place of business.

(9) Keep, or allow to be kept, gambling devices of any kind or description on the premises or place of business of the license or permit holder.

(10) Permit or allow any live person to appear in any licensed premises in a state of nudity, as herein defined, to provide entertainment, to provide service, to act as hostess, manager or owner, or to

serve as an employee in any capacity; or to permit or allow any live person to remain in or upon any licensed premises in a state of nudity, as herein defined.

For the purposes of this subsection, the term "nudity" means the showing of the human male or female genitals, pubic area or buttocks, or the human female breast including the nipple or any portion below the nipple with less than full opaque covering.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED

April 23, 2018.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 4-9-18

Second Consideration: 4-23-18

Public Hearing: N/A

Third Consideration: