

CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
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120.03 Investigation
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120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit, or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations, and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

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

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

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

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage, wine, or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a license or

permit granted the privilege of selling alcoholic liquor, beer, or wine on Sunday may sell or dispense alcoholic liquor, beer, or wine between the hours of 8:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine, or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49[2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine, or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center, or events center.

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under 18 years of age in the sale or serving of alcoholic liquor, wine, or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine, or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49[2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

(Code of Iowa, Sec. 123.49[2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee, permittee, or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49[2g])

11. Sell, give, possess, or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[21])

120.06 OUTDOOR SERVICE AREAS. No application for a liquor control license or retail wine or beer permit, which includes an application for an Outdoor Service Area, also known as a Beer Garden, shall be approved by the Council unless the following criteria are met by the licensee:

1. The Beer Garden shall abut on and be part of the premises included in the operator's liquor license.

2. All boundaries of the Beer Garden not constituting walls of abutting buildings shall be fenced with a fence not less than eight feet in height to prevent drinks or other items from being passed over the top of the fence. The fence should be made of material with openings sufficiently large enough to be seen through and sufficiently small enough to prevent beverage containers from being passed through the openings. The fencing shall be removed or slid open when the Beer Garden is not being operated. The fence shall include at least one gate or door that shall open outward for safety issues.

3. The Beer Garden shall be inspected by the Police Chief prior to the issuance of the Beer Garden permit. The Police Chief shall certify to the Council the applicant's compliance with this section.

4. At least one adult, competent, sober employee of the operator shall be on duty in the Beer Garden while the Beer Garden is in operation.

5. A Beer Garden shall not be operated outside State guidelines and shall comply with the Residential Property Noise Limits contained in Section 52.03 of this Code of Ordinances.

6. The Beer Garden shall be kept free of debris and litter at all times.

120.07 AMUSEMENT DEVICES. The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a liquor control license or beer permit, as specifically authorized in said Chapter 99B.)

(Code of Iowa, Sec. 99B.57)

1. As used in this section, "registered electrical or mechanical amusement device" means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.

2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a

registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.

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CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-Service Sales Prohibited
121.09 Permit Revocation

121.01 DEFINITIONS. For use in this chapter the following terms are defined:

(Code of Iowa, Sec. 453A.1)

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, cigarette shall not be construed to include cigars.
3. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product”

includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

121.02 PERMIT REQUIRED.

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

(Code of Iowa, Sec. 453A.13)

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Alcoholic Beverages Division of the Department of Commerce within 30 days of issuance.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 18 years of age. The provision of this section includes prohibiting a minor from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of \$300.00. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of 14 days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 or the retailer's permit shall be suspended for a period of 30 days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 60 days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give 10 days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36[6] of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless

good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

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CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.09 License Not Transferable
122.02 Definitions	122.10 Time Restriction
122.03 License Required	122.11 Site Requirements
122.04 Application for License	122.12 Rebates
122.05 License Fees	122.13 License Exemptions
122.06 Bond Required	122.14 Charitable and Nonprofit Organizations
122.07 License Issued	122.15 Suspension or Revocation of License
122.08 Display of License	

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors, and transient merchants.

122.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader, or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED.

1. Except for those exempt activities identified in Section 122.13, every person engaging in peddling, soliciting or in the business of a transient merchant shall, before offering for sale any goods, wares or merchandise in the City, obtain a license from the City Clerk as provided in this chapter.
2. A three-day transient merchant license shall permit the operation of the licensed business at the licensed premises during any three days in the specified month or months. A 30-day transient merchant license shall permit the operation of the licensed business at the licensed premises during 30 consecutive days. An annual transient merchant license shall permit the operation of the licensed business at the licensed premises during more than 30 consecutive days during the calendar year.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant’s name,

permanent and local address, and business address if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three places of such business and the length of time sought to be covered by the license. An application fee of \$5.00 shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of \$10.00 per year.
2. Peddlers.
 - A. For one day.....\$ 100.00
 - B. For one week.....\$ 500.00
 - C. For up to six months.....\$5,000.00
 - D. For one year or major part thereof.....\$7,500.00
3. Transient Merchants.
 - A. Any three days per month license \$ 50.00 (one month only)
 - B. Any three days per month license \$ 150.00 (12 months)
 - C. Thirty consecutive days license..... \$ 150.00
 - D. Annual license \$ 5,000.00

122.06 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

122.07 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct, and the license fee paid, a license shall be issued immediately.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant’s license in the merchant’s place of business.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler’s and solicitor’s licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 7:00 p.m.

122.11 SITE REQUIREMENTS. A transient merchant license shall not be issued unless the licensed premises upon which the transient merchant operates satisfies the following requirements. A transient merchant shall maintain the licensed premises in a condition that satisfies the following requirements for the duration of the license.

1. All Licensed Premises. The licensed premises for all transient merchants shall conform with the following requirements:
 - A. All applicable requirements of this chapter, this Code of Ordinances, the Iowa Code and the Iowa Administrative Code.
 - B. The licensed premises must be within a commercial or industrial zoning district.
 - C. The licensed premises cannot be upon a parcel having a residential use as its principal use.
 - D. Only one transient merchant at a time may operate upon a parcel. A transient merchant license shall not be issued for the operation of more than one transient merchant on a parcel on the same day, unless otherwise specifically allowed by the City Clerk.
2. Additional Requirements for a Food Service Establishment. The licensed premises for any transient merchant which operates as a food service establishment shall conform to the following additional requirements:
 - A. The business shall comply with the requirements established by Iowa Administrative Code §481-31.7 for a mobile food unit/pushcarts.
 - B. Bathroom facilities must be provided for the business workers and customers on the licensed premises or by agreement for the use of bathroom facilities located within 500 feet of the licensed facilities.

122.12 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least \$5.00 of the original fee shall be retained by the City to cover administrative costs.

122.13 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the West Central Valley Community School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.14 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of

Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.15 of this chapter.

122.15 SUSPENSION OR REVOCATION OF LICENSE.

1. Whenever the City Clerk finds that the licensee or the licensee's employees or agents has furnished any false information required under this chapter, has violated or failed to comply with any of the requirements of this chapter or any other chapter of this Code of Ordinances, or has otherwise conducted the business in an unlawful manner, the City Clerk may give notice to the licensee of the City's intent to suspend or revoke the license.
2. Notice of the City's intent to suspend or revoke a license shall be served upon the licensee by personal service or by service upon a cashier for the business at a licensed premises, or by regular mail addressed to the licensee at the licensee's business address as shown on the application, a minimum of five days prior to the date set for the hearing. Such notice shall inform the licensee of the time, date and place of a hearing before a hearing officer when the suspension or revocation shall be considered and shall set out briefly the reasons therefore.
3. If, after such hearing, the hearing officer makes a finding based on substantial evidence that a violation of this chapter or another chapter of this Code of Ordinances did in fact take place as alleged, the hearing officer may suspend or revoke the license or deny it renewal; the determination of whether to so suspend, revoke or deny such license shall be in the discretion of the hearing officer and shall be dependent upon the circumstances surrounding the violation and its severity. The hearing officer may continue the hearing for good cause shown.
4. The applicant may appeal the decision of the hearing officer to the City Council by filing a written notice of appeal with the City Clerk within ten days after the decision is entered of record. Failure to timely file such written notice of appeal shall constitute a waiver of the right to appeal the decision of the hearing officer. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk.
5. The hearing on an appeal to the City Council shall be scheduled within 20 days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing the City Council may affirm or reverse the decision of the hearing officer. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three days after the hearing or any continued session thereof. The hearing shall be confined to the record made before the hearing officer, the arguments of the parties or their representatives, any additional evidence which was not available at the time of the hearing before the hearing officer and any other information the City Council deems necessary.

6. A licensee whose license has been revoked shall not be eligible for another such license for a period of 180 days after such revocation.

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CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined
123.02 Permit Required
123.03 Application
123.04 Bond Required
123.05 Insurance Required
123.06 Permit Fee

123.07 Permit Issued
123.08 Public Safety
123.09 Time Limit
123.10 Removal by City
123.11 Protect Pavement
123.12 Overhead Wires

123.01 HOUSE MOVER DEFINED. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies, or any other specialized moving equipment.

123.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than 100 square feet are exempt from the provisions of this chapter.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of \$5,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Occurrence Limit – \$5,000.00 any one person; \$100,000.00 any one premises; \$1,000,000.00 each occurrence limit.
2. Personal and Advertising Injury Limit – \$1,000,000.00 any one person or organization.
3. General Aggregate Limits - \$2,000,000.00.

123.06 PERMIT FEE. A permit fee of \$10.00 shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flag persons at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than 12 hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each 1,000 pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

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CHAPTER 124

HOTEL/MOTEL TAX

124.01 Tax Imposed

124.02 Definitions

124.03 Collection

124.04 Use of Revenue

124.01 TAX IMPOSED. There is imposed a five percent hotel and motel tax upon the sales price from the renting of sleeping rooms, apartments or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, manufactured or mobile home which is tangible personal property, or tourist court or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals, except the sales price from the renting of sleeping rooms in dormitories and memorial unions at all universities and colleges located in the State.

(Code of Iowa, Sec. 423A.1)

124.02 DEFINITIONS. “Renting” and “rent,” as used in this chapter, include any kind of direct or indirect charge for the use of sleeping rooms, apartments or sleeping quarters. However, the tax imposed in this chapter does not apply to the sales price from the renting of a sleeping room, apartment or sleeping quarters while rented by the same person for a period of more than 31 consecutive days.

(Code of Iowa, Sec. 423A.1)

124.03 COLLECTION. The tax imposed in this chapter shall be remitted by the person or company liable for same to the State Director of Revenue in the manner required by State law.

(Code of Iowa, Sec. 423A.1)

124.04 USE OF REVENUE. The revenue derived from the tax imposed by this chapter shall be used pursuant to the provisions of Chapter 423A of the *Code of Iowa*.

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CHAPTER 125

SALVAGE DEALERS AND YARDS

125.01 Definitions	125.09 Examination of Premises and Records
125.02 License Required	125.10 Segregation of Specific Items
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125.01 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms, for the purpose of this chapter, have the meanings given in this section:

1. “Inoperable motor vehicle” means any motor vehicle which lacks: (i) current registration; or (ii) two or more wheels or other component parts the absence of which renders the vehicle totally unfit for legal use on the highways.
2. “Junk” means all old or scrap copper, brass, lead or any other nonferrous metal; old rope, rags, batteries, paper, trash, rubber debris, waste, used lumber or salvaged wood; dismantled or inoperable vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous material; old discarded glass, tinware, plastic or old discarded household goods or hardware.
3. “Junk yard” means any place not fully enclosed in a building, excluding a salvage yard, which is used in whole or in part for the storage or deposit of junk encompassing either: (i) an area of 200 square feet or more; or (ii) two or more inoperable motor vehicles or used parts and materials thereof, which taken together equal the bulk of two or more motor vehicles.
4. “Salvage dealer” means any person who buys, sells, transfers, delivers or stores junk, including all persons who carry on such business at a shop, a salvage yard or as a peddler, and any person who by advertisement, sign or otherwise holds himself or herself out as a salvage dealer, or dealer in old or discarded metals, machinery, rags, paper stock and the like.
5. “Salvage yard” means any place not fully enclosed within a building where a salvage dealer, in connection with the salvage dealer business, stores or deposits junk encompassing either: (i) an area of 200 square feet or more; or (ii) two or more inoperable motor vehicles or used parts and materials thereof, which taken together equal the bulk of two or more motor vehicles.

125.02 LICENSE REQUIRED. No person shall carry on the business of salvage dealer in the City without first paying the license fee and procuring a salvage dealer’s license.

125.03 LICENSE FEE. Every salvage dealer shall pay each year to the City a license fee of \$150.00 and shall be granted a license by the City Clerk after receiving a certificate of compliance from the Police Department and Fire Department.

125.04 DURATION OF LICENSE. All salvage dealers' licenses granted under this chapter shall expire on the last day of March next after they are issued.

125.05 APPLICATION FOR LICENSE. Application for a salvage dealer's license under this chapter shall be made in writing by regular mail to the Clerk at least 60 days prior to the date of issuance of such license. Upon such application the Clerk shall request the Police and Fire Departments to inspect the premises for which the applicant seeks a license and, if the premises complies with applicable statutes and ordinances, to send a certificate of compliance to the Clerk before the date for the issuance of the license.

125.06 ISSUANCE AND CONTENTS OF LICENSE. Upon receiving the license fee and the certificate of compliance as required by this chapter, the Clerk shall issue a license to the applicant which shall state the name and place of residence of the person licensed, the business to be transacted, the address of the premises covered by the license, the date when issued and the date when it will expire.

125.07 LICENSE FOR EACH PLACE OF BUSINESS. Any person conducting several or separate places of business as a salvage dealer shall pay the license fee and procure a license for each such place. The license for the premises shall be conspicuously displayed as such premises.

125.08 RECORD KEEPING BY SALVAGE DEALERS. Each salvage dealer shall keep complete, accurate, and legible records in the English language of all purchases, such record to include:

1. The name and residence of the person from whom received or purchased.
2. Reasonably accurate inventory and description of each article.
3. The value of amount paid for each article.
4. The weight or other quantity of each article.
5. From whom, and at what time and place the same was obtained by the person from whom it was bought or received.
6. Date and manner of disposition of each article by the salvage dealer.
7. Name and address of person to whom each article was sold or otherwise disposed.

125.09 EXAMINATION OF PREMISES AND RECORDS. It is unlawful for any salvage dealer or any other person to refuse, resist, or attempt to prevent any City employee or any authorized agent of the City from making a reasonable examination of the area in which junk is stored or deposited or the records required by Section 125.08 of this chapter.

125.10 SEGREGATION OF SPECIFIC ITEMS. Upon order of the Police Chief or designated representative, each salvage dealer shall segregate specific items or categories of items and hold such items until authorized to dispose of the items by the Police Department. The holding period shall be a reasonable time and shall not exceed 45 days.

125.11 CONCEALING ARTICLES TO PREVENT IDENTIFICATION. No salvage dealer shall conceal, secrete, or destroy any article purchased or received by said salvage dealer to prevent identification thereof by law enforcement officers or any person claiming the same.

125.12 DISPOSING OF STOLEN GOODS OR GOODS FOR WHICH THERE IS ADVERSE CLAIM. No salvage dealer shall sell, melt, break up or otherwise dispose of any article which said dealer has reason to believe has been stolen or which is adversely claimed by any person or which the dealer has been notified not to sell or otherwise dispose of by any law enforcement officer without first obtaining a permit in writing from the Police Department.

125.13 CLERKS, AGENTS AND EMPLOYEES. Every clerk, agent, or employee of any salvage dealer is subject to and bound by all the provisions of this chapter and liable to the same penalties and to the same extent as such person's employer or principal for any violation thereof.

125.14 ENCLOSURE REQUIRED. A salvage yard or junk yard shall have a front yard to be maintained as an open space free from weeds and debris, and the salvage yard or junk yard shall be enclosed on all sides with a solid opaque fence, of uniform design and uniform color and not less than eight feet high, which substantially screens the area in which the junk or material is stored or deposited. The fence must be kept in good repair and it shall not be used for advertising displays or signs. No junk shall be permitted to be stored or deposited outside of the fence or to be stacked higher than the fence within 30 feet of the fence. In the event the yard abuts either another junk or salvage yard, or a solid opaque fence or structure not less than eight feet high, then the fencing requirements of this section shall not apply to such common boundary. Suitable gates, likewise opaque, are required, which shall be closed and locked after business hours, or when the yard is unattended; provided, however, a portion of any gate, not to exceed 10 feet in length, may be constructed of a non-opaque material to permit observation of the fenced premises after business hours.

125.15 CONDITIONS SUBJECT TO ABATEMENT. If any salvage yard or junk yard is kept or operated in a way detrimental to the health and welfare of the public to the extent that a public or private nuisance exists, or is kept or operated contrary to the provisions of this chapter, or if any salvage dealer fails to comply with the licensing provisions of this chapter, the City shall notify in writing the owner of the land upon which such salvage yard or junk yard is kept or operated and, where applicable, the operator thereof, of the detrimental or violative conditions, permitting a reasonable time, not less than 10 days to correct said conditions or violations. In the event of the failure of the owner or operator to correct such conditions or to comply with the provisions of this chapter within such time, the City may seek abatement of the nuisance or bring an action enjoining the violations. The abatement of a nuisance shall be considered of benefit to the owner of the land, and the costs of such corrective action shall be chargeable to the owner and, if not paid, shall constitute a lien upon the premises and shall be assessed in the manner of a special assessment and collected in the same manner as general taxes as is provided by law.

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