

Chapter 3 - Alcoholic Beverages

Sec. 3-1. - Definitions adopted.

For the purpose of this chapter, all definitions of words, terms, and phrases as set forth in the Alcoholic Beverage Code are adopted and made a part of this chapter.

Sec. 3-2. - City permit required.

No person shall manufacture, sell, distribute, or store any liquor, malt liquor, or other alcoholic beverage, or engage in any other activity with relation to them, for which a permit is required by the Alcoholic Beverage Code, within the city without first obtaining a permit to do so from the city. The fee for such license shall be an amount equal to one-half the permit or license fee charged by the state under the Alcoholic Beverage Code.

Sec. 3-3. - State permit required.

No permit required under the terms of this chapter shall be issued to any person until he shows that he holds a state permit for the particular phase of liquor traffic in which he desires to engage in the city and until the fee required by the city for the permit shall have been paid to the city.

Sec. 3-4. - Expiration of permit.

All permits issued under the terms of this chapter shall expire at the time shown in the state permit presented by the applicant. If the permit sought is issued for a period of time of less than one (1) year, only a proportionate part of the annual fee shall be exacted and collected; provided, however, that a fractional part of any month shall be counted as one (1) month in calculating the fee which is to be paid.

Sec. 3-5. - Sales location restricted.

It shall be unlawful for any person to sell or engage in the business of selling liquor or beer within the city where the place of business of such person is situated within three hundred (300) feet of any church, hospital, school or other educational institution or any residence. The measurement of the distance between the place of business where liquor or beer is sold, and the church, hospital or residence shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where liquor or beer is sold, and the school or educational institution shall be in a direct line from the property line of the school or educational institution to the property line of the place of business, and in a direct line across intersections.

Sec. 3-6. - Hours for sale.

It shall be unlawful for any person to sell beer or offer the same for sale during the following times:

- (1) Between the hours of 1:00 a.m. on Sunday and 7:00 a.m. on Monday.
- (2) On any day at any time between the hours of 1:00 a.m. and 7:00 a.m.

Sec. 3-7. - Hours of consumption.

It shall be unlawful for any person to consume any alcoholic beverage in any public place, or for any person to possess any alcoholic beverage in any public place for the purpose of consuming the same in a public place between the hours of 1:15 a.m. on Sunday and 7:00 a.m. on Monday and on all other days at any time between the hours of 12:15 a.m. and 7:00 a.m.

Sec. 3-8. - Private clubs restricted.

It shall be unlawful for any private club to cause, permit, or allow any person to consume, or to be served, any alcoholic beverage on private club premises at any time on Sunday between the hours of 1:15 a.m. and 12:00 noon or on any other day between the hours of 12:15 a.m. and 7:00 a.m.

Sec. 3-9. - Reserved.

Sec. 3-10. - Consumption on public way.

It shall be unlawful for any person to consume any alcoholic beverage while on any street, sidewalk, or other public way of the city. It shall be unlawful for any person to sell, give away, possess, or drink any beer or liquors of any kind or nature whatever within the city municipal parks.

Sec. 3-11. - Sale to intoxicated person prohibited.

It shall be unlawful for any person to sell any alcoholic beverage to any person who is under the influence of liquor for either on-premises or off-premises consumption.

Sec. 3-12. - Reserved.

Sec. 3-13. - Employment of minors to sell.

Except as otherwise provided by law, it shall be unlawful for any person engaged in the business of selling alcoholic beverages to employ any person under the age of eighteen (18) years to sell, handle, transport, or dispense alcoholic beverages, or to assist in selling, handling, transporting or dispensing any alcoholic beverage.

Sec. 3-14. - Purchase by minors prohibited.

- (a) It shall be unlawful for any person under the age of twenty-one (21) years of age to purchase any alcoholic beverage.
- (b) Except as provided in subsection (c) of this section, a violation of this section is punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00).
- (c) If a person has been previously convicted of a violation of this section, a violation is punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00).

Sec. 3-15. - Possession, consumption by minors.

It shall be unlawful for any person under the age of twenty-one (21) years to consume any alcoholic beverage in any public place unless, at the time of such possession or consumption, such person is accompanied by his parent, guardian, adult husband or adult wife, who is actually visible and personally present at the time such alcoholic beverage is possessed or consumed by such person under the age of twenty-one (21) years.

Sec. 3-16. - Possession at school athletic events.

It shall be unlawful for any person to bring, or carry, into any enclosure, field, or stadium where athletic events sponsored or participated in by any public school are being held, any alcoholic beverage or to have any alcoholic beverage in his possession while in, or on, such enclosure, field, or stadium.

Sec. 3-17. - Unlawful conduct on premises where beer or wine is sold.

Conduct that is lewd, immoral, or offensive to public decency by any person at a place of business where the sale of beer or wine at retail is authorized is hereby declared to include, but not be limited to, the following prohibited acts and it shall be unlawful for any person engaged in such business or any agent, servant, or employee of such person to engage in or to permit such conduct on the premises of the retailer:

- (1) Using or permitting the use of loud, vociferous, obscene, vulgar, indecent, or abusive language;
- (2) Exposing of one's person or permitting any persons to expose their bodies;
- (3) Displaying or permitting any person to display a pistol or a deadly weapon or switchblade knife in a manner calculated to disturb the inhabitants of such place;
- (4) Soliciting of any person for coin to operate musical instruments or devices;
- (5) Becoming intoxicated on the licensed premises or permitting any intoxicated person to remain on the premises;
- (6) Permitting solicitation of persons for immoral or sexual purposes or relations;
- (7) Failing or refusing to comply with, or failing or refusing to maintain the retail premises in accordance with the sanitary or health provisions of the city;
- (8) Possessing any narcotics;
- (9) Possessing any equipment used or designed for the use of administering any narcotics;
- (10) Permitting any person on the licensed premises to possess any narcotics or any instruments used for, or designed for, the use of administering any narcotics.