

ORDINANCE 187
ALCOHOL COMPLIANCE TRAINING ORDINANCE

Be It Enacted by the City Council of the City of Keosauqua, Iowa

PURPOSE The purpose of this ordinance is to enforce the completion of an alcohol compliance training program by all persons who sell, serve, or dispense alcoholic beverages and are employed by an entity applying for a liquor license through the City of Keosauqua in Van Buren County, Iowa.

SECTION 1. Alcohol Compliance Training

Alcohol compliance training shall be completed either via an approved online program offered by the Iowa Alcoholic Beverage Division or via an in-person program offered by the Van Buren County SAFE Coalition.

Failure of an alcohol compliance check by a business requires that all servers/sellers of that establishment shall complete the in-person training provided by the Van Buren County SAFE Coalition within 90 days of the violation. If such training by the Van Buren County SAFE Coalition is not offered within 90 days following the violation, the offending business owner shall notify the City of Keosauqua's Office of that fact and the date upon which the server(s)/seller(s) can complete the required training with the Van Buren County SAFE Coalition.

Persons involved in selling, serving, or dispensing alcoholic beverages at a special event (i.e. festivals, carnivals, fundraisers, and other temporary events) are not required to take the training, but it is strongly recommended.

Section 2. Certificate of Completion

All persons who complete alcohol compliance training shall receive a certificate of completion, which shall be kept on file by the seller/server's employer at the location where the person sells, serves, or dispenses alcoholic beverages. All persons who complete the training required by this Ordinance shall maintain active certification.

The completion certificate shall remain on file with the person's employer as long as he/she is employed and shall be returned to the server/seller when his/her employment ends. These certificates shall be available during business hours for inspection by law enforcement personnel authorized to enforce Federal, State, and local liquor laws and regulations.

Section 4. Affirmative Defense

Establishments whose employees participate in online or in-person training are granted an affirmative defense, which may be used once in four (4) years. A business may avoid civil prosecution if an alcohol sale-to-minor violation occurs in their establishment. In order for the business to take advantage of the affirmative defense, the server/seller guilty of the violation must have completed the alcohol compliance training before the time the offense occurred.

PLEASE NOTE: the affirmative defense cannot be used if the employee sold to a minor under the age of 18. Additionally, only the business is eligible to avoid a civil penalty; the guilty server/seller will still be subject to a criminal fine and the Iowa Alcoholic Beverage Division will automatically revoke the server/seller's online certification (in accordance with the administrative rules of Iowa Alcoholic Beverage Division).

Ordinance 187 continued

Section 5. Penalties for Violation of this Ordinance

The City Council of the City of Keosauqua is charged with primary responsibility for the enforcement of this Ordinance. Penalties for violation of this Ordinance shall be assessed against the person or entity holding a license for the sale of alcoholic beverages under the State of Iowa. The penalties assessed against the licensee for violation of this Ordinance are as follows:

- A. For the first violation, a fine not exceeding one hundred dollars (\$100).
- B. For subsequent violations within a two (2) year period, a fine not exceeding two hundred dollars (\$200) and a written report from the Van Buren County Sheriff's Office will be sent to the Iowa Alcoholic Beverages Division for possible suspension of the liquor license.

Section 6. Repealer

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 7. Severability Clause

If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of either the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 8. Effective Date

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

1st reading approved 8th day of October 2024. Ayes- Harlan, McEntee, Jones, Allen.

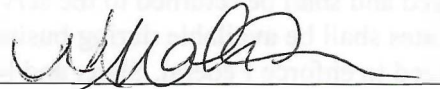
Nayes-Lazenby

2nd reading approved on the 12th day of November 2024. Ayes- Harlan, McEntee, Jones, Allen.

Nayes-Lazenby

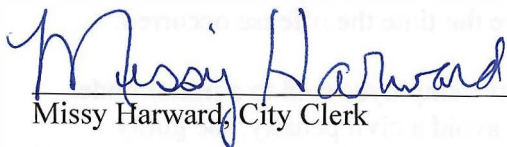
Final/3rd reading waived on the 12th day of November 2024. Ayes- Harlan, McEntee, Jones, Allen. Nayes-Lazenby

APPROVED this 12th day of November 2024.



Melissa Mahon, Mayor

ATTEST:



Missy Harward, City Clerk