

ORDINANCE NO. 898

**AN ORDINANCE ADDING MANDATORY ALCOHOL COMPLIANCE TRAINING
WITHIN THE CITY LIMITS OF ANAMOSA, IOWA TO CHAPTER 45**

WHEREAS, alcohol sales to individuals who are or about to become intoxicated, pose a significant risk of serious injury or death to the motoring public and financial liability to the business serving the alcohol. Alcohol servers and sellers who receive alcohol compliance training should be less likely to sell alcohol to persons underage or who have consumed too much alcohol by virtue of their training in state and Federal liquor laws and regulations and recognition of characteristics of intoxication; and

WHEREAS, alcohol compliance training would inform alcohol servers and sellers of the consequences of the illegal sale of alcohol to persons under age or who have consumed too much alcohol. This training would be more effective through the participation of owners or managers of businesses selling alcohol in courses on the development of effective policies, which reduce youth access to alcohol and support employees in refusing the sale or service of alcohol to persons under age or who have had too much alcohol; and

WHEREAS, to insure that all sales of alcoholic beverages within the City of Anamosa are made in a responsible and educated manner, the City now desires that the alcohol compliance training program approved resolution of the City Council be required and all persons selling, serving or dispensing alcohol be certified in this program offered by the Iowa Alcoholic Beverage Division's approved training, the Anamosa Police Department or its designee.

BE IT ENACTED by the City Council of the City of Anamosa, Iowa:

SECTION 1. ORDINANCE AMENDED. The Code of ordinances of the City of Anamosa, Iowa, 2014, is amended by adding Sections 45.05 – 45.07, which is hereby adopted to read as follows:

45.05 ALCOHOL COMPLIANCE TRAINING. All persons involved in the selling, serving, or dispensing of alcoholic beverages shall participate in and complete a free alcohol training program (in-person or online) offered by the Iowa Alcoholic Beverage Division's approved training, Anamosa Police Department, or its designee. All persons required to complete training, shall do so within ninety (90) days of the date on which the person becomes subject to the training requirement (date of hire or enactment of this ordinance). If such training is not offered within ninety days, the person subject to the requirements of this ordinance shall notify the Anamosa Police Department of that fact and the date upon which the employee can complete the required training. All persons completing the training required by this section shall maintain active certification. Approval of liquor license applications is contingent on all servers/sellers completing the required training within the 90 day timeframe mentioned above. **If a business fails a compliance check all servers/sellers who do not hold the in-person certification must complete the in-person classroom training with the Anamosa Police Department, or its designee, within 90 days of the violation.**

A. SPECIAL EVENTS. Persons involved in the selling, serving, or dispensing of alcoholic beverages at festivals, carnivals, fundraisers, and other temporary events are not required to take the training, but is strongly recommended.

45.06. CERTIFICATE OF COMPLETION. All persons completing the training shall receive a certificate of completion, which shall be kept on file at the location where the person sells, serves, or dispenses alcoholic beverages, and maintained by that person's employer. The certificate shall remain on file as long as the person is employed at that location, and shall be returned to the employee when his or her employment ends. These certificates shall be available

for inspection during business hours to law enforcement personnel authorized to enforce Federal, State, and local liquor laws and regulations.

45.07 PENALTIES. Consistent with the provisions of the Anamosa City Ordinances, the Anamosa Police Department is charged with primary responsibility for 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 violations 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 year period, a fine not exceeding two hundred dollars (\$200) and a written report sent to the Iowa Alcoholic Beverages Division for possible suspension of the liquor license.

SECTION 2. 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 the ordinance as a whole or any section, provision or part thereof not adjusted invalid or unconstitutional.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in effect from and after its final passage, approval and publication as provided for by law.

Passed and approved by the Council the 9th day of February, 2015.

Dale Barnes, Mayor

Tammy Coons, City Clerk

**RECORD OF COUNCIL PROCEEDINGS FOR
CONSIDERATION OF ORDINANCE**

First Reading:

The City Council of the City of Anamosa met in Regular Session in the Anamosa City Hall Council Chambers, Anamosa, Iowa at 6:00 pm on the 12th day of January, 2015 with Mayor Dale Barnes presiding and the following Council members present; Shaffer, Feldmann, Smith, Reynolds, Stivers and Dearborn.

Absent: None.

Councilmember Feldmann introduced the foregoing Ordinance No. 898 and moved for its First Reading. Councilmember Dearborn seconded the motion. The roll was called, the following indicates the result of the vote.

Councilmember	AYES	NAYS	ABSENT
Shaffer	X		
Feldmann	X		
Smith	X		
Reynolds		X	
Stivers	X		
Dearborn	X		

Second Reading:

The City Council of the City of Anamosa met in Regular Session in the Anamosa City Hall Council Chambers, Anamosa, Iowa at 6:00 pm on the 26th day of January, 2015 with Mayor Dale Barnes presiding and the following Council members present; Shaffer, Feldmann, Smith, Reynolds, Stivers and Dearborn.

Absent: None.

Councilmember Feldmann introduced the foregoing Ordinance No. 898 and moved for its Second Reading. Councilmember Dearborn seconded the motion. The roll was called, the following indicates the result of the vote.

Councilmember	AYES	NAYS	ABSENT
Shaffer	X		
Feldmann	X		
Smith	X		
Reynolds	X		
Stivers	X		
Dearborn	X		

Third Reading:

The City Council of the City of Anamosa met in Regular Session in the Anamosa City Hall Council Chambers, Anamosa, Iowa at 6:00 pm on the 9th day of February, 2015 with Mayor Dale Barnes presiding and the following Council members present; Shaffer, Smith, Reynolds, Stivers and Dearborn.

Absent: Feldmann.

Councilmember Dearborn introduced the foregoing Ordinance No.898 and moved for its First Reading. Councilmember Stivers seconded the motion. The roll was called, the following indicates the result of the vote.

Councilmember	AYES	NAYS	ABSENT
Shaffer	X		
Feldmann			X
Smith	X		
Reynolds	X		
Stivers	X		
Dearborn	X		

RECORDING OF ORDINANCE

The foregoing **Ordinance No. 898** having been enacted by the City Council of the City of Anamosa, Iowa, and thereafter signed and approved by Dale Barnes, Mayor of the City of Anamosa, Iowa was duly recorded in the permanent book of Ordinances of the City of Anamosa, Iowa on the 9th day of February 2015.

Tammy Coons, City Clerk

(seal)

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[copy of publication attached]