

## 24. ALCOHOLIC BEVERAGE LICENSE AND PERMIT POLICY

### POLICY

Chapter 123, Code of Iowa grants the Board of Supervisors the power to approve or deny applications for retail beer or wine permits and liquor control licenses. This policy provides that the Board may deny applications as long as the reason is not arbitrary and that they may recommend an application for approval by the Alcoholic Beverages Division of the Iowa Department of Commerce. These decisions by the Board of Supervisors are based upon investigations conducted by various departments within the County.

### SCOPE

This policy is applicable to those County offices and departments involved in the alcoholic beverage permit and license process.

### ADMINISTRATIVE PROCEDURES

- I. APPLICATIONS FOR NEW PERMITS OR LICENSES
  - A. The Auditor's Office, upon receipt of application for a new beer or wine permit or new liquor control license, will send a copy of said application to the following departments: County Attorney, Health, Planning and Development, Sheriff, and Board of Supervisors.
  - B. Each department will have fourteen (14) days after receipt of the information to review the application and relay pertinent information to the Auditor's Office.
  - C. The Sheriff's Office and the County Attorney's Office will provide information in relation to the criminal records, if any, of the applicant or owners of an applicant corporation and can verify the correct corporate status of an applicant.

The County Attorney will check the records of the District Court of Scott County for a period of five (5) years for a new applicant. This will include both civil and criminal records. The civil record check will be for judgments against the applicant which are a result of an alcohol related lawsuit (i.e. dramshop). The criminal check will be for all crimes.

The Sheriff's Office will check all available criminal history in counties other than Scott, the State of Iowa system, and the FBI.

The response from the Sheriff's and County Attorney's Offices will indicate that records have been checked and that either there are no records or that a summary of the record is included. This information shall be returned to the Auditor's Office.

- D. The Health Department will conduct a pre-opening or change-of-owner inspection for those applying for an original liquor license, wine or beer permit that allows for consumption on the premises. Minor violations such as floors, walls or ceilings needing repair will be noted. These are not violations which would solely pose a significant public health risk and preclude approval of the license or permit. However, these problems should be addressed by the applicant within ninety (90) days. The results of the inspection will be forwarded to the Auditor's Office.
- E. The Department of Planning and Development will inspect the property to see if it meets the Building Code if it is a new building or an addition to an existing building. Also, the department will inspect to determine if it meets the zoning regulations. The information will be forwarded to the Auditor's Office.
- F. The Auditor's Office will forward all the information, along with a copy of the application, to the Board of Supervisors. The Board will then make a decision as to whether to approve or deny the permit or application. This approval or denial will be indicated on the application.
- G. The Auditor's Office will be responsible for sending the completed application with the Board's decision to the Alcoholic Beverages Division of the Iowa Department of Commerce.

## II. RENEWAL OF PERMITS OR LICENSES

- A. The Auditor's Office will send out a notice to the business establishment one month prior to the expiration of the beer or wine permit or liquor control license. At the same time, the Auditor's Office will notify the following departments of upcoming renewals: County Attorney, Health, Planning and Development and County Sheriff.
- B. Each department will have fourteen (14) days from the receipt of the actual renewal application to review the application and relay pertinent information to the Auditor's Office.
- C. The Sheriff's Office and the County Attorney's Office will provide information in relation to the criminal records, if any, of the applicant or owners of an applicant corporation and can verify the correct corporate status.

The County Attorney will check the records of the District Court of Scott

County for a period of one (1) year for a renewal applicant. This will include both criminal and civil records.

The Sheriff's Office will check all available criminal history and information of the applicant in counties other than Scott, the State of Iowa, and the FBI.

The response from the Sheriff's Office and County Attorney's Office will indicate that the records have been checked and that either there are no records or that a summary of the record is included. This information shall be returned to the Auditor's Office.

- D. The Health Department will conduct an inspection if the application is for a liquor license, wine or beer permit that allows for consumption on the premises and there is not a current satisfactory inspection on file. If the inspection indicates Health Code violations that warrant attention, those facts will be passed on to the Auditor's Office. The Health Department will indicate whether or not the violations should be addressed immediately.

If there have been repeated (3 year period) minor violations of a structural nature, then the license or permit will be approved contingent upon the establishment correcting the violations within ninety (90) days. If the violations are still not corrected at the time of the next renewal the permit or license may not be recommended for renewal.

- E. The Planning and Development Department will check to see if the applicant had made any additions to the existing building. If the person did add on, the Planning and Development Department will make sure it complies with the Building Code. The Department will also check for zoning compliance. This information will be forwarded to the Auditor's Office.
- F. The Auditor's Office will forward all the information, along with a copy of the application, to the Board of Supervisors. The Board will then make a decision as to whether to approve or deny the permit or application. This approval or denial will be indicated on the application.
- G. The Auditor's Office will be responsible for sending the completed application with the Board's decision to the Alcoholic Beverages Division of the Iowa Department of Commerce.