

ORDINANCE NO. 14-01

AN ORDINANCE AMENDING THE MARION CODE OF ORDINANCES, CHAPTER 120.06 REGARDING THE SALE OF ALCOHOL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, IOWA:

Section 1. The Code of Ordinances is amended by deleting section 120.06 and inserting in lieu thereof the following:

120.06 A. Definition. "School" means any state accredited public or private institution where formal education is provided by licensed instructors to any children Pre-Kindergarten through 12th grade; this excludes licensed childcare centers, registered or non-registered child development homes or businesses providing general childcare services as an accessory use.

"Religious Institution" means a building where people regularly assemble for religious worship and ceremonies and is maintained and controlled by a religious body. This includes: church, synagogue, temple, mosque, or other structure used by congregations to worship. A school or religious building which is used for administrative or office purposes only shall not be included.

- B. Location.** The location of a building wherein there is sale of alcoholic liquor, wine, or beer for consumption on the premises, other than Class "B" permit, shall be conducted in a properly zoned district under the City's Zoning Ordinance, but in no case shall any building used for the sale of beer or liquor for consumption on the premises be within 200 feet of school or religious institutions, except;
- 1) permits in force on the effective date of the ordinance, or renewals thereof
 - 2) businesses located within the Central Business District Commercial Zone (C-2) shall be limited by Schools; not Religious Institutions
 - 3) businesses desiring to establish that the selling of alcoholic beverages for on-premises consumption constitutes less than fifty percent (50%) of the annual gross business revenue.

Legal non-conforming uses that sell or close their business have four months from the date the previous liquor license was terminated to obtain a new liquor license.

The 200 feet shall be determined by a measurement to be made by a straight line between the closest point on the parcel to be licensed to the closest point on the parcel where a school or religious institution is located.

Businesses wanting to qualify for the fifty percent exemption rule from location distances shall submit their business financial records for compliance verification annually to the Finance Department. The Finance Department may request additional verification of financial records whenever the department deems it reasonable or necessary for compliance verification purposes. A new business shall submit a business financial record at the six (6) month mark to the Finance

Department to monitor that the nature of the new business will meet the fifty percent exemption requirement by the end of the first year. Failure to meet the fifty percent exemption rule shall be considered a violation of this section, resulting in a revocation of all permittee or licensee of alcoholic beverage permits or licenses issued by the City. If the permittee or licensee feels the revocation of the permits or licenses was unjust they may bring it forward to City Council who will be given input from Staff to deny or overturn the ruling; if overturned conditions will be set in place.

Section 2. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. That the changes as provided in this Ordinance shall be made a part of the replacement pages of the Code of Ordinances of the City of Marion, Iowa, and made a part of said Code as provided by law.

Section 4. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed and approved this 20th day of February, 2014.



Snooks Bouska, Mayor

ATTEST:



Wesley A. Nelson, City Clerk

CERTIFICATE OF SERVICE
The undersigned City Clerk of Marion, Iowa certifies that the Ordinance & Summary shown immediately above was published in the Marion Times on the 16th day of March, 20 14.
Wes Nelson

City Clerk