

CHAPTER 17
CLASS "E" LIQUOR CONTROL LICENSES

185—17.1(123) Definitions.

17.1(1) "*Class "E" liquor license*" means a liquor control license, issued pursuant to Iowa Code chapter 123, and permits the holder of a Class "E" liquor control license to sell and to deliver alcoholic liquor in the original, sealed, and unopened container to consumers and Class "A," Class "B," and Class "C" liquor licensees for consumption off the premises. A Class "E" liquor license is a privilege and is subject to suspension and revocation for cause.

17.1(2) Rescinded IAB 5/15/91, effective 6/19/91.

17.1(3) "*Square footage of the licensed premises*" means the entire interior square footage of the establishment, including, but not limited to, all areas used in the storage, distribution, warehousing, display, and wholesale or retail sale of merchandise.

17.1(4) "*Premises at which gasoline is sold*" means a premises where payment for gasoline is made.

a. "Premises at which gasoline is sold" excludes the passenger terminal in airports.

b. Reserved.

17.1(5) "*Separate premises*" means an area capable of precise description, bounded on all sides and at all connecting angles by permanent, solid walls or windows extending from the floor to the ceiling with entrances and exits which are constructed to permit the closure of the entrances and exits. The entrances and exits shall not abut or open into an establishment licensed under this chapter for the sale of alcoholic liquor, wine, or beer for consumption on the premises. The term "separate premises" describes the manner in which the holder of other liquor licenses and permits may establish a Class "E" liquor licensed establishment at the same location of the other licenses or permits, and does not abrogate subrule 17.4(2) (premises at which gasoline is sold may not hold a Class "E" liquor license).

This rule is intended to implement Iowa Code sections 123.20, 123.21, 123.22, 123.24, 123.26, 123.28, 123.29, 123.30, 123.32, 123.36, and 123.51.

185—17.2 Reserved.

185—17.3(123) Applications. Rescinded IAB 5/15/91, effective 6/19/91.

185—17.4(123) Square footage to be stated under oath on application. Applicants for a Class "E" liquor license shall state under oath on the application the square footage of the proposed licensed premises.

17.4(1) Applicants for a Class "E" liquor license shall state under oath on the application whether or not the location for the proposed licensed premises is a "premises at which gasoline is sold."

17.4(2) The local authority and the administrator of the division shall disapprove all applications for Class "E" liquor licenses for "premises at which gasoline is sold."

This rule is intended to implement Iowa Code sections 123.20, 123.21, 123.22, 123.24, 123.26, 123.28, 123.29, 123.30, 123.32, 123.36, and 123.51.

185—17.5(123) Authority to sell and to deliver to consumers and licensees. A Class "E" liquor license shall authorize the licensee to purchase alcoholic liquor from this division only, to sell and to deliver alcoholic liquor to consumers and Class "A," Class "B," and Class "C" liquor control licensees.

17.5(1) A Class "E" liquor licensee may sell alcoholic liquor to holders of special permits pursuant to Iowa Code section 123.29, and the holder of a special permit may purchase alcoholic liquor from a Class "E" liquor licensee or from this division.

17.5(2) Reserved.

17.5(3) A Class "E" liquor licensee may hold a Class "B" wine permit and a Class "C" beer permit at the same location and on the same premises covered by the Class "E" liquor license without maintaining separate premises. If a Class "E" liquor licensee also holds a Class "B" wine permit or a Class "C" beer permit, the square footage of the licensed premises shall be calculated upon the interior square footage of the premises. A Class "E" liquor licensee who holds a Class "B" wine permit or a Class "C" beer

permit may display and sell alcoholic liquor throughout the establishment, and may combine alcoholic liquor with displays of other products on the licensed premises.

17.5(4) The holder of a Class “E” liquor license shall not employ or use persons who are under the age of 16 years to handle or sell alcoholic liquor.

This rule is intended to implement Iowa Code sections 123.20, 123.21, 123.22, 123.24, 123.26, 123.28, 123.29, 123.30, 123.32, 123.36, and 123.51.

185—17.6(123) Closure of state liquor stores. Rescinded IAB 5/15/91, effective 6/19/91.

185—17.7(123) Advertising prohibitions. Liquor control licensees and permittees shall not advertise or display any brand of alcoholic liquor, wine, or beer on the outside of any premises licensed to sell alcoholic liquor, wine, or beer at retail, whether the sale is for on-premises consumption or off-premises consumption.

17.7(1) Liquor control licensees and permittees may display and advertise alcoholic liquor, wine, and beer within the licensed premises, and may distribute price lists for alcoholic liquor to customers within the licensed premises.

17.7(2) Reserved.

This rule is intended to implement Iowa Code sections 123.20, 123.21, 123.22, 123.24, 123.26, 123.28, 123.29, 123.30, 123.32, 123.36, and 123.51.

185—17.8(123) Class “E” liquor license fees. Class “E” liquor license fees are calculated on the following factors: population of the area of the location of the licensed premises, the square footage of the licensed premises, and the location of the licensed premises. Fees for Class “E” liquor licenses are as follows:

SQUARE FOOTAGE POPULATION	Less than 1,500 sq. ft.	1,501- 2,000 sq. ft.	2,001- 5,000 sq. ft.	Over 5,000 sq. ft.
Over 10,001	\$2,500.00	\$3,500.00	\$5,000.00	\$7,500.00
1,501-10,000	\$1,500.00	\$2,500.00	\$3,500.00	\$5,000.00
Less than 1,501	\$ 750.00	\$1,500.00	\$2,500.00	\$3,500.00

17.8(1) The license fee for a Class “E” liquor license shall be calculated on the population of the city which approves the application, or, in the event that a Class “E” liquor license application is submitted to a county board of supervisors for approval, the license fee shall be calculated on the population of the city nearest the location of the proposed licensed premises.

17.8(2) Reserved.

This rule is intended to implement Iowa Code sections 123.20, 123.21, 132.22, 123.24, 123.26, 123.28, 123.29, 123.30, 123.32, 123.36, and 123.51.

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