



CITY OF IOWA CITY

**APPLICATION FOR EXCEPTION CERTIFICATE**  
**(BY LICENSED ESTABLISHMENT WHOSE PRIMARY BUSINESS PURPOSE**  
**IS NOT THE SALE OF ALCOHOLIC BEVERAGES, WINE OR BEER**  
**PURSUANT TO CITY CODE SECTION 4-5-8.)\***

**CAUTION:** An application alone does not entitle an establishment to exception from the provisions of Section 4-5-8 of the City Code prohibiting persons under the age of twenty one (21) from being present in licensed or permitted establishments. An exception is not effective until a certificate is issued by the Chief of Police and posted at every entrance in view of patrons in accordance with the provisions of City Code.

**Directions:** Complete Section A **AND** one of the following. All applications should be filed with the City Clerk, 410 E. Washington Street, Iowa City, IA 52240.

- Existing establishments must complete Section B (Page 2).
- New establishments desiring a temporary 6-month certificate must complete Section C (Page 3).
- New establishments with a temporary 6-month exception certificate desiring a certificate for the remainder of the duration of the license must complete Section D (Page 4).

**A. General Information (must be completed by all applicants)**

**Applicant** (Licensed or Permitted Establishment)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature of Owner Submitting Application: \_\_\_\_\_

On Site Contact Person \_\_\_\_\_ Phone Number \_\_\_\_\_

The ordinance requires that an exception certificate, if granted by the Police Chief or designee, be posted at every entrance.

If granted, number of certificates required: # \_\_\_\_\_ (please specify)

\*For specifics of the under 21 law you must refer to the ordinance #03-4073;10-4388 and 12-4462 available from the City Clerk or available on the City website [www.icgov.org](http://www.icgov.org)

5/2012

\* Pursuant to Section 123.3(4) of the Code of Iowa "alcoholic beverage" means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine and beer.  
 \* Any purchases required to gain entry shall be considered cover charges.  
 \* Ticket sales for any event performed on stage in a theater in which the entire audience area is consistent with traditional theater seating shall be counted as non-alcohol sales.

**B. Existing Licensed or Permitted Establishment** (Existing establishments making an initial application and at the time of license renewal must complete Section "B".)

STATE OF IOWA     )  
                              ) ss:  
JOHNSON COUNTY )

\_\_\_\_\_, being first duly sworn on oath, states as follows:

1. I am an \_\_\_\_\_ [accountant] doing business in Iowa City, Iowa at \_\_\_\_\_ [address].

2. I have reviewed records made in the regular course of the \_\_\_\_\_ 's [licensed or permitted establishment] business for purposes of determining whether said licensed or permitted establishment qualifies for an exception to the provisions of Section 4-5-8 of the City Code regarding the presence of persons under the age of 21 in licensed or permitted establishments.

3. The records maintained by \_\_\_\_\_ [licensed or permitted establishment] in the regular course of its business establish that on average over a calendar year \_\_\_\_\_ % of said licensed or permitted establishment's gross sales on the premises are from the sale of goods and services other than alcoholic beverages, wine or beer, which sales do not include income from fees charged to gain entry to or remain on the premises, such as cover charges, drink mixes or any part of an alcoholic beverage as defined in Chapter 123 of the Code of Iowa.\*

\_\_\_\_\_  
Signature of Accountant

Subscribed and sworn to before me by \_\_\_\_\_  
on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

\* Pursuant to Section 123.3(4) of the Code of Iowa "alcoholic beverage" means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.  
\* Any purchases required to gain entry shall be considered cover charges.  
\* Ticket sales for any event performed on stage in a theater in which the entire audience area is consistent with traditional theater seating shall be counted as non-alcohol sales.

**C. New Establishment Desiring a Temporary 6-Month Certificate**

1. I am the/an owner of \_\_\_\_\_ [licensed or permitted establishment]. \_\_\_\_\_ [licensed or permitted establishment] opened/plans to open on \_\_\_\_\_. The following is a description of the primary business purpose and nature of the establishment (for example, description of goods and services sold; description of menu (e.g. prepackaged or full service); hours kitchen open, etc.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(attach extra sheet if necessary)*

2. The business plan for said new licensed or permitted establishment reasonably projects that on average over a calendar year, approximately \_\_\_\_\_ % of the establishment's gross sales on the premises will be from the sale of goods or services other than alcoholic beverages, wine or beer, which sales will not include income from fees charged to gain entry to or remain on the premises, such as cover charges, drink mixes or any part of an alcoholic beverage as defined in Chapter 123 of the Code of Iowa. \*

\_\_\_\_\_  
Signature of Owner

Subscribed and sworn to before me by \_\_\_\_\_  
on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

\* Pursuant to Section 123.3(4) of the Code of Iowa "alcoholic beverage" means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.  
\* Any purchases required to gain entry shall be considered cover charges.  
\* Ticket sales for any event performed on stage in a theater in which the entire audience area is consistent with traditional theater seating shall be counted as non-alcohol sales.

**D. New Establishment with a Temporary 6-Month Exception Certificate Desiring a Certificate for the remainder of the Duration of the License.** (Exception based on sales during period of temporary exception.)

STATE OF IOWA     )  
  ) ss:  
JOHNSON COUNTY )

\_\_\_\_\_, being first duly sworn on oath, states as follows:

1. I am an \_\_\_\_\_ [accountant] doing business in Iowa City, Iowa at \_\_\_\_\_ [address].
2. I have reviewed records made in the regular course of the \_\_\_\_\_ 's [licensed or permitted establishment] business for purposes of determining whether said licensed or permitted establishment qualifies for an exception to the provisions of Section 4-5-8 of the City Code regarding the presence of persons under the age of 21 in licensed or permitted establishments.
3. The records maintained by \_\_\_\_\_ [licensed or permitted establishment] in the regular course of its business establish that during the establishment's first 5 months of operation, from \_\_\_\_\_ to \_\_\_\_\_ [dates] \_\_\_\_\_ % of said licensed or permitted establishment's gross sales on the premises were from the sale of goods and services other than alcoholic beverages, wine or beer, which sales do not include income from fees charged to gain entry to or remain on the premises, such as cover charges, drink mixes or any part of an alcoholic beverage as defined in Chapter 123 of the Code of Iowa.\*

\_\_\_\_\_  
Signature of Accountant

Subscribed and sworn to before me by \_\_\_\_\_  
on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

OFFICE USE ONLY
1) Additional information requested on _____ (date) as follows:
2) Exception Certificate for Period _____ Issued on _____ (date).
3) Exception Certificate Denied on _____ (date).
Police Chief or Designee Review: _____ <span style="float: right; font-size: small;">signature</span>

\* Pursuant to Section 123.3(4) of the Code of Iowa "alcoholic beverage" means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.  
\* Any purchases required to gain entry shall be considered cover charges.  
\* Ticket sales for any event performed on stage in a theater in which the entire audience area is consistent with traditional theater seating shall be counted as non-alcohol sales.

## IOWA CITY CODE 4-5-8 IMPLEMENTING STANDARDS

**PAULA Ratio.** Pursuant to Iowa City Code 4-5-8(B)(3)(a), the PAULA ratio will be calculated by dividing the total number of PAULA citations issued by both the Iowa City Police Department (ICPD) and the University of Iowa Department of Public Safety (UIPD) to patrons of the establishment by the number of bar checks performed by both ICPD and UIPD at that establishment. For purposes of these standards, a bar check is identified as an officer-initiated check of a liquor establishment for PAULA or other alcohol related violations. This includes checks done as part of directed checks of designated liquor establishments, and checks initiated by officers as part of their routine duties. In the course of a bar check, officers shall initiate and call out the activity to dispatch, walk through the interior of the establishment with the specific purpose of looking for alcohol violations, and issue citations for any alcohol offenses they observe. If officers remove patrons from the establishment for issuance of a citation, re-entry into the establishment to continue the bar check shall be considered part of the same bar check. A Bar Check DOES NOT include responding to a bar for calls for service such as a fight, ID disputes, or other calls initiated by the establishment or other outside parties. Any officer's presence not related to PAULA enforcement, such as talking with door staff or getting a drink of water, shall not constitute a bar check.

The PAULA ratio allowed by Iowa City Code 4-5-8(B)(3)(a), 4-5-8(B)(3)(g)(2), 4-5-8(B)(6)(c), 4-5-8(B)(7)(a)(5), 4-5-8(B)(7)(d)(2), and all other paragraphs referring to these paragraphs, shall be .25, based on at least ten (10) or more bar checks.

**Audits.** Pursuant to Iowa City Code 4-5-8(B)(3)(b), the following factors shall be considered in determining whether to require an audit:

1. The percentage of non-alcohol sales reported by the establishment.
2. Whether the establishment has previously qualified for an exception certificate.
3. The PAULA ratio of the establishment.
4. Whether the establishment appears to be operating as a bar.
5. Whether cover charges or other payments are required for entry.
6. The prior history of the applicant.
7. Any other information suggesting the primary business of the establishment is the sale of alcohol.

The Chief of Police retains the ultimate authority to determine whether an audit shall be performed. If an audit is required the deposit amount to be paid by the establishment to the City shall be \$2,500.

**4-5-8: PERSONS UNDER THE LEGAL AGE IN LICENSED OR PERMITTED ESTABLISHMENTS:**

- A. No person, individual, association, corporation, partnership or club holding a liquor control license, wine or beer permit, which authorizes on the premises consumption, nor his or her agents or employees shall allow a person who has not yet attained the legal age to enter or remain in the licensed or permitted establishment between the hours of ten o'clock (10:00) P.M. and closing. (Ord. 03-4073, 5-6-2003, eff. 8-1-2003; amd. Ord. 10-4388, 4-6-2010, eff. 6-1-2010)
- B. However, the provisions of subsection A of this section shall not apply when:
1. The person under the legal age is an employee of the license or permit holder, or performing a contracted service for the license or permit holder on the premises, and is on the premises during his or her scheduled work hours.
  2. The person under the legal age is accompanied by a parent, guardian, spouse or domestic partner registered as such under section 2-6-3 of this code who is the legal age or older.
  3. The licensee or permittee applies for and qualifies for an exception certificate from the chief of police, or his or her designee, as follows:
    - a. Qualification: A licensee or permittee whose primary business purpose is not the sale of alcoholic beverages, wine or beer may qualify for an exception by filing with the city clerk a verified statement from an accountant which establishes that on average over a calendar year more than fifty percent (50%) of the licensee's or permittee's gross sales on the premises are from the sale of goods or services other than alcoholic beverages, wine or beer. Income from fees charged to gain entry to or remain on the premises, such as cover charges, as well as drink mixes, or any part of an alcoholic beverage as defined in chapter 123 of the state code are to be counted as alcohol sales. Any purchases required to gain entry shall be considered cover charges. Ticket sales for any event performed on stage in a theater in which the entire audience area is consistent with traditional theater seating shall be counted as nonalcohol sales. The statement shall recite the actual percentage of nonalcohol sales, as defined herein, and be based on records made in the regular course of the licensee's or permittee's business. In order to qualify for an exception certificate, applicants must possess a trailing twelve (12) month possession of alcohol under the legal age (PAULA) ratio below the allowable limit, as defined and set by city council by resolution.
    - b. Proof Of Qualification; Audit: In addition to the aforementioned statement, proof of qualification for the exception may include the business records on which the statement is based, profit and loss statements, state and federal tax records, applications for dramshop insurance and audits performed to determine dramshop insurance premiums, and receipts from vendors for goods purchased, which records shall be made available to the chief of police or designee for review upon request. The chief of police or designee may require an audit of the establishment by an auditor selected by the chief of police or designee, which audit will be performed at the expense of the applicant. In that event, the applicant must submit a deposit to the city in an amount set by city council via resolution for the payment of the audit. At the conclusion of the audit, any additional costs over the deposit amount must be paid by the applicant before an application will be considered further. Any surplus funds from the deposit will be promptly returned to the applicant. Failure to submit the deposit or pay costs of the audit will result in a denial of the application. The factors the chief of police or designee will consider in determining whether to require an audit will be established by resolution of the city council, but the final decision to require an audit will be that of the chief of police or designee.

- c. Issuance: If the chief of police or designee determines that the licensee has satisfied the above requirements an exception certificate shall be issued.
- d. Duration: An exception certificate shall be effective for the duration of the alcoholic liquor control license, wine or beer permit.
- e. Temporary Certificate: A new licensee or permittee, as opposed to one applying for a renewal of an existing license or permit, whose primary business purpose is not the sale of alcoholic beverages, wine or beer may obtain a temporary six (6) month exception certificate if the licensee's or permittee's business plan anticipates sales as required by subsection B3a of this section and the licensee or permittee submits an affidavit which details the nature of the new establishment and the anticipated percentage of sales of food and nonalcoholic beverages. At the end of the six (6) month period the licensee or permittee may obtain an exception certificate for the remainder of the duration of the license or permit in accordance with subsections B3a through B3c of this section if sales during the six (6) month period support an exception, and the licensee or permittee has met the PAULA ratio requirement referenced in subsection B3a of this section. No more than one temporary exception certificate may be granted for any location within a three (3) year period. Applicants who sign an affidavit pursuant to this subsection but fail to secure renewal of the exception certificate following the six (6) month certificate for the subject location may not be awarded an exception certificate for any other new location within three (3) years of the granting of the subject six (6) month certificate.
- f. Posting Required: To be effective in excepting the licensee or permittee from the prohibition in subsection A of this section, the exception certificate issued by the chief of police or designee must be posted at every entrance to the licensed or permitted establishment in view of patrons of the licensed or permitted establishments. In addition, the licensee or permittee must provide staff of sufficient number and capability to monitor all patrons to prevent underage possession of alcohol.
- g. Revocation: Exception certificates may be revoked by the chief of police, or designee, for good cause. Licensees or permittees may appeal a revocation to the city manager or designee by filing a written notice of appeal with the city clerk within ten (10) days of the mailing, by first class mail, of the revocation decision. Appeals will ordinarily be heard no later than fourteen (14) days, and in no event later than thirty (30) days, following the filing of an appeal in the office of the city clerk. In the event of a revocation, the licensee may continue to operate with their exception certificate until the ten (10) day appeal period has passed, or in the event of an appeal to the city manager or designee, until after the city manager or designee has issued his or her ruling on appeal. In the event the city manager or designee affirms the revocation, the establishment's exception certificate will expire seven (7) days from the mailing, by first class mail, of the appeal decision. Good cause for revocation includes, but is not limited to, the following:
- (1) Where a preponderance of the evidence shows that the licensee, permittee, or any employees or agents thereof, sold, gave, or delivered alcohol to any patron under the legal drinking age more than once within any five (5) year period; or
  - (2) Where at the end of any month the venue's trailing twelve (12) month PAULA ratio, as determined solely by the chief of police, rises above the maximum allowed PAULA ratio, as established by city council by resolution; or
  - (3) Where the establishment has failed to cooperate fully with the police department; or
  - (4) Where continued operation under the exception certificate would be detrimental to the safety, health, and welfare of the residents of the city.
- Revocations shall last twelve (12) months. Following the period of revocation, the applicant may reapply for an exception certificate.
4. The person under the legal age is on the premises during a time that the licensee or permittee has, in accordance with a written notice and plan given in advance to and approved by the chief of police

or designee, suspended dispensing alcoholic beverages on the licensed premises. Said plan must provide a method by which alcoholic beverages will be out of sight and reach of patrons. If the plan is approved, the chief of police or designee shall issue a certificate approving the event, which certificate shall be posted at every entrance to the licensed establishment in view of patrons of the licensed or permitted establishment. It shall be the strict duty of a licensee or permittee permitting such persons under the legal age onto the licensed premises pursuant to such a plan, and the agents and employees of the licensee or permittee, to prevent persons under the legal age from consuming or possessing alcoholic beverages on said premises.

5. The person under the legal age is a patron of an "authorized entity" which has entered into an agreement with the city for use of an "authorized site" in a city park, pursuant to subsection 4-5-3D of this chapter.
6. The person under the legal age is on the alcohol free portion of the premises during a time that the licensee or permittee has, in accordance with a written notice and plan given in advance to and approved by the chief of police or designee, divided the premises into alcohol free and alcohol permitted sections. Said plan must provide a method by which alcoholic beverages will be out of sight and reach of underage patrons. If the plan is approved, the chief of police or designee shall issue a certificate approving the event, which certificate shall be posted at every entrance to the licensed establishment in view of patrons of the licensed or permitted establishment. It shall be the strict duty of a licensee or permittee permitting such persons under the legal age onto the licensed premises pursuant to such a plan, and the agents and employees of the licensee or permittee, to prevent persons under the legal age from consuming or possessing alcoholic beverages on said premises. In addition, the following requirements must be met:
  - a. The physical setup and separation of the alcohol free and alcohol permitted portions of the establishment must earn prior approval by the director of housing and inspection services, or designee, for matters of safety and code compliance, including, but not limited to, occupancy, bathrooms and exits.
  - b. Both the alcohol free and alcohol permitted portions of the establishment shall include city code compliant bathrooms.
  - c. The director of housing and inspection services may, but is not required to, allow those establishments with a PAULA ratio under that set by city council by resolution during the trailing twelve (12) months prior to the event application, to permit patrons of both the alcohol free and alcohol permitted spaces to share the same bathrooms, as long as the establishment strictly enforces a rule prohibiting alcoholic beverages in the bathrooms. For purposes of this section, the PAULA ratio shall be based on the twelve (12) PAULA reports immediately preceding the licensee's event application, all as calculated by the chief of police, or designee.
  - d. The alcohol free and alcohol permitted portions of the establishment must be separated by one hour construction walls and doors, as approved by the director of housing and inspection services, or designee, or comparable barriers, as approved by the chief of police, or designee.
  - e. It shall be the strict duty of the licensee to exclude those under legal age from the alcohol permitted area, and to exclude all alcoholic beverages from the alcohol free area.
  - f. All patrons of legal age must be marked with a wristband indicating they are of age. All patrons under legal age must be marked indicating they are under legal age.
7. The licensee or permittee applies for, qualifies for, and is granted an entertainment venue exception certificate, as follows:
  - a. Requirements: In order for an entertainment venue exception certificate to be issued by the chief of police, or designee, the establishment must demonstrate, to the satisfaction of the chief of police, or designee, that all the following requirements have been met:



- (1) The venue has hosted and will continue to host shows on at least one hundred fifty (150) calendar days each year; and
  - (2) The venue has a permanently installed (not risers) and dedicated performance stage of at least eight feet by six feet (8' x 6') in dimension, which shall never be used for any purpose other than by performers during shows; and
  - (3) The venue must distribute at least fifty percent (50%) of any fees charged to gain entry to or remain on the premises, including, but not limited to, cover charges and ticket sales, from the period of opening until closing, to the show performer(s) within forty eight (48) hours of the completion of the show; and
  - (4) The venue subscribes to at least one industry tracking service, such as Pollstar Pro, or comparable alternative; and
  - (5) The venue has a PAULA ratio, as determined solely by the chief of police or designee, of no greater than that allowed by city council, as established by resolution; and
  - (6) The venue has permanently installed professional light and sound; and
  - (7) The venue marks all patrons of legal drinking age with a wristband, and marks all patrons under legal drinking age with either a wristband of a different color from the legal age patrons, or permanent marker on the hand; and
  - (8) The venue provides staff of sufficient number and capability to monitor all patrons at all shows; and
  - (9) The venue provides to the chief of police, or designee, a report of all upcoming show dates at least seven (7) days prior to any show; and
  - (10) The venue provides to the chief of police, or designee, reports detailing all dates on which a show took place, including the name of the performer(s) for each show, which reports shall be due no later than the ninetieth, one hundred eightieth, two hundred seventieth, and three hundred sixtieth day following issuance of the entertainment venue exception certificate; and
  - (11) The venue employs at least one salaried employee responsible for booking shows by performers, and promptly provides both the employee name and most recent salary paystub upon request from the city; and
  - (12) The venue employs only TIPS certified bartenders and servers on any show date; and
  - (13) The venue allows city inspection, at any time and for any reason, of the venue, professional sound and lighting equipment, and show and performer financial records, including, but not limited to, show settlement sheets.
- b. Duration: Entertainment venue exception certificates shall be valid for one year, or until expiration of the premises liquor license, whichever is sooner.
- c. New Businesses: New businesses may be granted an entertainment venue exception certificate by satisfying all requirements of subsection B7a of this section, save subsections B7a(1) and B7a(5) of this section. For establishments previously operating under the same or substantially similar ownership and/or management, the PAULA ratio restrictions of subsection B7a(5) of this section apply, and will be utilized in assessing the establishment's application. For establishments not previously meeting the minimum show day requirements of subsection B7a(1) of this section, a credible business plan must be accompanied by a notarized affidavit by the establishment owner (or largest shareholder) attesting that the establishment will meet all requirements of subsection B7a of this section.

d. Revocation: Entertainment venue exception certificates may be revoked by the chief of police, or designee, for good cause. Venues may appeal a revocation to the city manager or designee by filing a written notice of appeal with the city clerk within ten (10) days of the mailing, by first class mail, of the revocation decision. Appeals will ordinarily be heard no later than fourteen (14) days, and in no event later than thirty (30) days, following the filing of an appeal in the office of the city clerk. In the event of a revocation, the venue may continue to operate as an entertainment venue until the ten (10) day appeal period has passed, or in the event of an appeal to the city manager, or designee, until after the city manager, or designee, has issued his or her ruling on appeal. In the event the city manager affirms the revocation, the venue's entertainment venue exception privileges will cease seven (7) days from the mailing, by first class mail, of the appeal decision. Good cause for revocation includes, but is not limited to, the following:

- (1) Where a preponderance of the evidence shows that the licensee, permittee, or any employees or agents thereof, sold, gave, or delivered alcohol to any patron under the legal drinking age more than once within any five (5) year period; or
- (2) Where at the end of any month the venue's trailing twelve (12) month PAULA ratio, as determined solely by the chief of police, rises above the maximum allowed PAULA ratio set by city council, as established by resolution; or
- (3) Where the venue has failed to cooperate fully with the police department; or
- (4) Where the venue has failed to maintain compliance with all requirements of subsection B7a of this section; or
- (5) Where continued operation under the entertainment venue exception certificate would be detrimental to the safety, health, and welfare of the residents of the city.

Revocations shall last twelve (12) months. Following the period of revocation, the applicant may reapply for an exception certificate. (Ord. 12-4462, 1-24-2012, eff. 5-1-2012)

C. Between ten o'clock (10:00) P.M. and closing, no person under the legal age shall enter into or remain on the premises of a licensed or permitted establishment which authorizes on the premises consumption unless:

1. The person is accompanied by a parent, guardian, spouse or domestic partner registered as such under section 2-6-3 of this code who is the legal age or older; (Ord. 03-4073, 5-6-2003, eff. 8-1-2003; amd. Ord. 10-4388, 4-6-2010, eff. 6-1-2010)
2. The person is an employee of the licensee or permittee or performing a contracted service for the license or permit holder on the premises, and is on the premises during his or her scheduled work hours;
3. A valid exception certificate is posted pursuant to subsection B3 of this section or a valid certificate approving a nonalcoholic event is posted pursuant to subsection B4 of this section; or (Ord. 03-4073, 5-6-2003, eff. 8-1-2003)
4. The person under the legal age is a patron of an "authorized entity" which has entered into an agreement with the city for use of an "authorized site" in a city park, pursuant to subsection 4-5-3D of this chapter. (Ord. 04-4123, 4-20-2004; amd. Ord. 10-4388, 4-6-2010, eff. 6-1-2010)
5. The person under the legal age is in the alcohol free portion of an establishment hosting a split premises event approved by the chief of police pursuant to subsection B6 of this section. (Ord. 10-4411, 10-26-2010)
6. The person is at least nineteen (19) years of age and is in an establishment with a current and valid entertainment venue exception certificate, as long as all of the following are true:

- a. The person is not in the establishment between twelve o'clock (12:00) midnight and closing; and
  - b. The entertainment venue hosted or is hosting at that time a show, lasting past ten o'clock (10:00) P.M. on the evening on which the person is found there; and
  - c. The person bears the venue's official marking as being under legal age. (Ord. 10-4412, 10-26-2010)
- D. Unless a valid exception certificate under the provisions of subsection B3 of this section has been obtained and posted, or a certificate approving a nonalcoholic event under the provisions of subsection B4 of this section has been obtained and posted for the duration of the event or the licensed premises is an "authorized entity" which has entered into an agreement with the city for use of an "authorized site" in a city park, pursuant to subsection 4-5-3D of this chapter, the holder of a liquor control license, wine or beer permit, which authorizes on premises consumption, shall obtain from the city clerk and post a notice at every entrance to the licensed or permitted establishment in view of patrons of the licensed or permitted establishment, stating: (Ord. 04-4123, 4-20-2004)

***Notice to Persons Under The Legal Age.***

***You are subject to a fine ranging from \$300 to \$625 for being on these premises between the hours of 10:00 p.m. and closing unless:***

*1. you are accompanied by a parent, guardian, spouse or domestic partner registered as such under Section 2-6-3 of the City Code who is the legal age or older; or*

*2. you are an employee of this establishment or performing a contracted service with respect to this establishment and are on the premises during your scheduled work hours.*

(Ord. 04-4123, 4-20-2004; amd. Ord. 10-4388, 4-6-2010, eff. 6-1-2010; Ord. 11-4432, 6-7-2011, eff. 7-1-2011)

Said notices will be prepared by the city clerk and available at no charge. (Ord. 04-4123, 4-20-2004)

The posting of this notice shall not be considered an element of the offense delineated in subsection C of this section, and failure by a liquor license establishment to post said notice shall not be considered a legal defense to such charge for a patron.

- E. 1. A person under the legal age who violates the provisions of subsection C of this section is guilty of a simple misdemeanor punishable as follows:
- a. For a first offense, a fine of three hundred dollars (\$300.00).
  - b. For a second offense, a fine of five hundred dollars (\$500.00).
  - c. For a third or subsequent offense, a fine of six hundred twenty five dollars (\$625.00). (Ord. 11-4432, 6-7-2011, eff. 7-1-2011)
2. Violation of the provisions of subsection A or D of this section shall be a municipal infraction. (Ord. 03-4073, 5-6-2003, eff. 8-1-2003)