

TITLE III - PUBLIC ORDER AND SAFETY

CHAPTER 38

KEG REGISTRATION ORDINANCE

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38.01 TITLE. An Ordinance providing for the registration and documentation of retail sales of keg alcoholic beverages.

38.02 PURPOSE. Alcohol is the drug most frequently used by youth twelve to seventeen years of age and the drug that causes the most negative health consequences for those children. A study by researchers at the University of Minnesota, Alcohol Epidemiology Program indicates that underage use of alcohol contributes to Risky Sexual Behavior, Alcohol Poisoning, Suicide, Rape and Sexual Assault, Water Related Injuries and Drowning, Vehicular Accidents and High School Related Problems. Requiring registration for those who propose to serve keg based beer, wine and malt beverage products for off premise consumption will assist law enforcement authorities within Dallas County in identifying those individuals who provide keg based alcohol products to minors in violation of existing state laws and thereby reduce the flow of those products to underage drinkers. It is therefore in the public interest to put in place reasonable requirements for the registration of keg based alcohol products

38.03 REGISTRATION/RETURN PROCEDURE. Any person who proposes to sell at retail, any alcoholic beverage by single container or keg of two (2) gallons or more in Dallas County, Iowa, for off site consumption shall comply with the following registration, documentation and labeling requirements:

1. Retailers shall require purchasers to provide a current, government issued photo identification with the purchaser's

name and current address. The retailer shall record the purchaser's information on a "Keg Registration" log. The log entry shall correspond with a keg registration identification number assigned to the keg by the retailer. The log will include the date of sale, and indicate that the photo identification that was produced relative to the sale was matched to the person of the purchaser. The log shall also contain an identification of each person, owner/employee who sold the each product. This log shall be kept by the retailer for a minimum period of six months from the date of sale.

2. At the time of sale, Retailers shall assign record and attach to each retail keg or container subject to this ordinance an individual keg identification label/sticker. The label /sticker shall also include a prominent warning thereon that it is illegal to alter, damage, or remove the label/sticker from the keg.
3. A separate entry on the log and separate registration number shall be maintained for each keg or container purchased.
4. Retailers shall obtain the registration log and individual keg identification label/stickers from the Dallas County Sheriff's Office. The Sheriff's office shall record to whom the label/stickers are distributed and shall restrict the distribution of the label/stickers to licensed alcoholic beverage retailers. The Sheriff shall keep the record of distribution for one year.
5. The Retailer shall collect a minimum deposit of \$50.00 for each keg or single container as described in paragraphs 38.04 and 38.05, below. A retailer shall not refund a deposit to a purchaser for any single container or keg on which the keg identification label/sticker has been removed, altered or damaged.
6. Purchasers shall return the container or kegs to the retailer where it was purchased with the individual keg identification label/sticker intact, legible, undamaged and unaltered within 60 days of the date of initial purchase. A retailer shall not refund a deposit for a keg or container returned after sixty (60) days.
7. Upon return of the Keg or container, the Retailer shall record the date of the return, the identity of the person

who returned the keg or container, and whether the identification label/sticker is present, absent, or damaged upon the registration log.

8. The Retailer shall remove the Keg identification label/stickers from the kegs or containers when returned, destroying such label/sticker when removed.
9. The Retailer shall produce keg registration logs and records to any law enforcement officer upon request.
10. The Sheriff may charge a fee for providing forms and identification labels/stickers or performing registration activities. Such fee shall be reasonably related to the actual cost of providing such services.

38.04 KEG POSSESSION REQUIREMENTS/RESTRICTIONS. No Person shall possess a single container or keg of alcoholic beverage of two (2) gallons or more which was purchased in a retail sales transaction, for off site consumption, after the effective date of this ordinance, without an intact, legible and undamaged keg identification label/sticker attached thereto.

Single containers of two (2) gallons or more and kegs purchased in a jurisdiction requiring registration of such container or keg shall be registered in conformity with the requirements of that jurisdiction. Such registration is deemed in conformity with the requirements of this section.

Single containers of two (2) gallons or more and kegs which are purchased in a jurisdiction that does not require registration of such container or keg shall be registered in Dallas County, if brought into the jurisdiction after purchase, pursuant to the provisions set forth herein.

1. An individual intending to purchase a single container of two (2) gallons or more or a keg from a jurisdiction which does not require registration of such container or keg may, prior to the purchase of such container or keg, register the keg or container at the Office of The Dallas County Sheriff prior to the purchase of such container or keg, and obtain a keg identification label/sticker. Upon the purchase of such container or keg, such individual shall promptly affix the identification label/sticker to the container or keg as provided in this ordinance. Further, upon the return of such container or keg, or upon otherwise disposing of such container or keg, the person obtaining the registration shall bring the keg or

container with identification label intact to the office of the Dallas County Sheriff for removal of the identification label/sticker. The Sheriff's office shall record the identification of the person bringing in such keg or container, noting whether the identification label is present, absent, or damaged, and remove the identification label/sticker from the container or keg, destroying the label/sticker.

2. Should an individual fail to pre-register a container or keg as provided herein, the person possessing the container or keg shall promptly register such container or keg upon bringing it into the county, as set forth in paragraph 1, above, obtaining and affixing the identification label from the Dallas County Sheriff's Office. Thereafter, the person shall return the keg as set forth in paragraph 1, above, prior to returning the keg or container to the retailer or otherwise disposing of such keg or container.

3. Office hours for registration of containers and kegs herewith shall be reasonably set by the Dallas County Sheriff, but shall not be less than 8:00 am to 4:30 pm on weekdays which are not designated county holidays.

4. The Office of the Dallas County Sheriff shall register such containers and kegs as provided herein for retailers to register such containers and kegs. The Office of the Dallas County Sheriff shall maintain a log or registry of those persons who register containers or kegs directly with the sheriff, and shall separately maintain a log or registry of those persons and represented entities that take out registration logs and identification labels/stickers for registration by the retailer as provided herein.

5. Failure of a person possessing such container or keg to timely arrange for the registration of the container or keg shall not be grounds for a defense to an action brought hereunder.

38.05 RETAILER VIOLATIONS. No Retailer shall sell or offer for sale in any transaction after the effective date of this ordinance, any single container or keg of two (2) gallons or more, containing an alcoholic beverage, without complying with the requirements of Section Three of this ordinance.

38.06 KEG STICKER/LABEL PROHIBITIONS. No person shall alter damage, destroy or remove the Keg identification label/sticker which is described and required by this ordinance after it has

been attached to a keg or container, except as allowed in Section 38.03.8 and 38.04.1 (above) herein.

38.07 VIOLATION/PENALTY. A person or retailer who violates any of the above requirements or restrictions shall be subject to penalty as set forth in Chapter 2 of the Dallas County Code of Ordinances. Violations of this ordinance may be charged as a simple misdemeanor criminal offense thereunder.

38.08 SEVERABILITY CLAUSE If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this document which are separable from the unlawful provision shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

38.09 EFFECTIVE DATE. This ordinance shall become effective sixty (60) days following publication upon final reading, as required by law.