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CHAPTER 80: INTOXICATING LIQUOR

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80.01. ADOPTION OF STATE LAW.

A) The provisions of M.S. Ch. 340A, as it may be amended from time to time, relating to the definition of terms, licensing, consumption, sales, conditions of bonds of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution and consumption of intoxicating liquor are adopted and made a part of this chapter as if set out in full.

80.02. LICENSE REQUIRED.

A) Licenses

- 1) No person, except a wholesaler or manufacturer to the extent authorized, state license, shall directly or indirectly deal in, sell or keep for sale in the City any intoxicating liquor without a license to do so as provided in this chapter.
- 2) Liquor licenses shall be of three kinds: on-sale, Sunday on-sale and off-sale.

B) On-sale licenses shall be issued only to hotels, restaurants and exclusive liquor stores and shall permit on-sale of liquor only.

C) Sunday.

- 1) A Sunday on-sale license authorizes the licensee to sell or serve liquor between the hours of 10:00 a.m. Sunday and 1:00 a.m. Monday.
- 2) Sunday on-sale licenses shall be issued only to a hotel or restaurant having facilities for serving at least 30 guests at a time, and which has an on-sale license.
- 3) No Sunday on-sale license shall be valid unless a valid on-sale license is also in effect for the same premises.

D) Off-sale licenses shall be issued only to exclusive liquor stores and for a permit off-sale of liquor only. An exclusive liquor store shall include an on-sale or a combination on-sale and off-sale establishment at which food is sold for consumption on the premises.

80.03. APPLICATION FOR LICENSE.

A) Application.

- 1) Every application for a license to sell liquor shall state the name of the applicant, his or her age, representations as to his or her character, with references as the Council may require, his or her citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the, business, how long he or she has been in that business at that place; and other information as the Council may require from time to time.
- 2) In addition to containing the information, the application shall be in the form prescribed by the Department of Public Safety and shall be verified and filed with the Administrator/ Clerk-Treasurer.
- 3) No person shall make a false statement in an application.

B) Every applicant for the issuance of renewal of an on-sale or off-sale license shall demonstrate proof of financial responsibility by filing with the City one of the following:

- 1) A certificate showing insurance against general liability and that imposed by M.S. § 340A.409, as it may be amended from time to time, in the amount of \$50,000 coverage for bodily injury to one person, \$100,000 for coverage for two or more persons injured in one occurrence, \$10,000 for damage to property of others in one occurrence, and \$100,000 for loss of means of support of any one person in any one occurrence, and \$100,000 for loss of means of support of two or more persons in any one occurrence;
- 2) A surety bond with minimum coverage as provided in this Section; or
- 3) A certificate of the State Treasurer that the licensee has deposited with him or her \$360,000 in cash for securities in accordance with M.S. § 340A.409, as it may be amended from time to time.

C) On-sale or off-sale liquor business without having on file at all times the insurance bond or other security required hereby shall be grounds for immediate revocation of the license.

D) The operation of an on-sale or off-sale liquor business shall be on file at all times. The insurance bond or other security required hereby shall be grounds for immediate revocation of the license.

80.04. LICENSE FEES.

A) The annual fee for liquor licenses shall be as follows:

- 1) On-sale license: \$3,900.
- 2) Off-sale license: \$100.

- 3) Sunday on-sale: \$200.
- 4) Special three-day on-sale license: \$25.

B) Receipt; General Fund.

- 1) Each application for a license shall be accompanied by a receipt from clerk for payment in full of the license fee.
- 2) All fees shall be paid into the general fund. If an application for a license is rejected, the Administrator/Clerk-Treasurer shall refund the amount paid.

C) Each license shall be issued for a period of one year, except that if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of December.

D) No refund of any fee shall be made, except as authorized by statute.

80.05. GRANTING OF LICENSES.

A) Investigation; Hearing; Decision.

- 1) The Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license.
- 2) After the investigation and hearing, the Council shall, in its discretion, grant or refuse the application.
- 3) No off-sale license shall become effective until the application, together with the security furnished by the applicant, has been approved by the Department of Public Safety.

B) Each license shall be issued only to the applicant and/or the premises described in the application. No license may be transferred to another person, nor place without Council approval. Any transfer of stock of a corporate licensee is deemed a transfer of the license and a transfer of stock without prior Council approval is a ground for revocation of the license.

80.06. INELIGIBILITY.

A) No license shall be granted to any person made ineligible for a license by state law.

B) Ineligible; Delinquent.

- 1) No license shall be issued for any place or any business ineligible for a license under state law.
- 2) No license shall be granted for operation on any premises on which taxes, assessments or other financial claims of the City are delinquent and unpaid.

80.07. CONDITIONS OF LICENSE.

A) Every license is subject to the conditions in the following subdivisions and other provisions of this chapter and of any other applicable chapter, state law or regulation.

B) Every licensee is responsible for the conduct of his or her place of business and the conditions of sobriety and order in it. The act of any employee in the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this chapter and the law equally with the employee.

C) Every licensee shall allow any peace officer, health officer or properly designated officer or employee of the City to enter, inspect and search the premises of the licensee during business hours without a warrant.

D) No intoxicating beverage shall be displayed or exhibited upon the bar or tables or booths within the premises of an establishment licensed for on-sale of intoxicating liquor between the hours of 1:15 a.m. and 8:00 a.m. of any day.

E) No licensee shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.

F) No licensee shall allow any person under 18 years of age to sell or serve liquor. No licensee shall allow any person under the age of 21 who has consumed intoxicating liquor or 3.2% malt liquor to be in or on the licensed premises whether the person has consumed the beverages on the premises or any other place.

80.08. CLOSING HOURS.

A) No person other than an employee of the licensed establishment shall remain on the premises of any licensed liquor establishment after one-half hour after sales are closed.

B) Employees shall be off the premises by one hour after sales are closed. Employees shall not re-enter the premises until 8:00 a.m. the following day.

C) The licensee shall post and display a legible list of the names of all current employees. The list shall be displayed in the same location as the liquor license and shall be furnished to law enforcement officers on demand.

80.09. PURCHASE AND CONSUMPTION.

A) No person shall mix or prepare liquor for consumption in any public place or place of business unless it has a license to sell liquor on-sale or a permit from the Department of Public Safety under M.S. § 340A.414, as it may be amended from time to time, and no person shall consume liquor in any place, which does not have a license or permit.

B) Public Area; Parking Lot.

1) No person shall consume liquor on a public street, public sidewalk or is parking lot.

- 2) No license holder shall allow the consumption of intoxicating liquor by its patrons within any parking lot owned or operated by any intoxicating liquor license holder.

CHAPTER 81: 3.2% MALT LIQUOR

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81.01. DEFINITIONS.

A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- 1) 3.2% MALT LIQUOR. Any malt beverage with an alcoholic content of more than one-half of one percent by volume and not more than three and two-tenths percent by weight.
- 2) 3.2% MALT LIQUOR STORE. An establishment for the sale of 3.2% malt liquor, cigars, cigarettes, all forms of tobacco, beverages and soft drinks at retail.

81.02. LICENSE REQUIRED.

A) No person, except wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale or otherwise, or keep or offer for sale, any 3.2% malt liquor within the City without first having received a license as hereinafter provided. Licenses shall be of three kinds: regular on-sale, temporary on-sale and off-sale.

B) Regular on-sale licenses shall be granted only to bona fide clubs, 3.2% malt liquor stores, exclusive on-sale liquor stores, restaurants and hotels where food is prepared and served for consumption on the premises. On-sale licenses shall permit the sale of 3.2% malt liquor for consumption on the premises only.

C) Temporary on-sale licenses shall be granted only to bona fide clubs and charitable, religious and non-profit organizations for the sale of 3.2% malt liquor for consumption on the premises only.

D) Off-sale licenses shall permit the sale of 3.2% malt liquor at retail in the original package for consumption off the premises only.

81.03. APPLICATION.

A) Every application for a license to sell 3.2% malt liquor shall be made to the Administrator/Clerk-Treasurer on a form supplied by the City and containing the information as the Administrator/Clerk-Treasurer or the Council may require. It shall be unlawful to make any false statement in an application.

81.04. FEES.

A) Each application for a license shall be accompanied by a receipt from the Administrator/ Clerk-Treasurer for payment in full of the required fee for the license. All fees shall be paid into the general fund of the City. Upon rejection of any application for a license, the Administrator/Clerk-Treasurer shall refund the amount paid.

B) Every license, except a temporary license, shall expire on the last day of December of each year. Each license, except a temporary license, shall be issued for a period of one year, except that if a portion of the license year has elapsed when the license is granted, the license shall be issued for the remainder of the year for a pro rata fee. In computing the fee, any unexpired fraction of a month shall be counted as one month. A temporary license shall be issued for a specific period in which a special event to which the sale is incident is being held and the period shall be stated on the license.

C) The annual fee for 3.2% malt liquor licenses are as set by the Council.

D) No part of the fee paid for any license issued under this chapter shall be refunded, except in the following instances, upon application to the Council within 30 days from the happening of the event. There shall be refunded a pro rata portion of the fee for the unexpired period of the license, computed on a monthly basis, when operation of the licensed business ceases not less than one month before expiration of the license because of:

- 1) Destruction or damage of the licensed premises by fire or other catastrophe;
- 2) The licensee's illness;
- 3) The licensee's death; and
- 4) A change in the legal status of the municipality making it unlawful for the licensed business to continue.

81.05. GRANTING OF LICENSE.

A) The Council shall investigate all facts set out in an application. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the Council shall grant or refuse the application in its discretion.

B) Non Transferable.

- 1) Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application.
- 2) No license may be transferred to another place without the approval of the Council.

C) Insurance.

- 1) Prior to the issuance of a license, the applicant shall file with the Administrator/Clerk-Treasurer a dram shop liability insurance policy in the

amount of \$100,000 coverage for one person and \$300,000 coverage for more than one person.

- 2) If sales are less than \$25,000 in the case of an on-sale license and \$50,000 in the case of an off-sale license and no dram shop insurance is required, the City has the right to inspect records of sales.

81.06. INELIGIBILITY.

- A) No license shall be granted to any person made ineligible for a license by state law.
- B) Premises.
 - 1) No license shall be issued for any place or business ineligible for a license under state law.
 - 2) No license shall be granted for operation on any premises on which taxes, assessments or other financial claims of the City are delinquent and unpaid.

81.07. CONDITIONS OF LICENSE.

A) Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this chapter and of any other applicable chapter of the City or state law.

B) No 3.2% malt liquor shall be sold or served to any intoxicated person or to any person under 21 years of age.

C) No person under 18 years of age shall be employed on the premises of a 3.2% malt liquor store.

D) No gambling or any gambling device shall be permitted on any licensed premises.

E) No manufacturer or wholesaler of 3.2% malt liquor shall have any ownership or interest in an establishment licensed to sell at retail contrary to the provisions of M.S. § 340A.301, as it may be amended from time to time. No retail licensee and manufacturer or wholesaler of 3.2% malt liquor shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of 3.2% malt liquor and no manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.

F) No licensee shall sell 3.2% malt liquor while holding or exhibiting a licensed pressed by a federal retail liquor dealer's special tax stamp unless he or she is licensed under the laws of the state to sell intoxicating liquors.

G) Intoxicating Liquor.

- 1) No licensee who is not also licensed to sell intoxicating liquor and who does not hold a consumption or display permit shall sell or permit the consumption and display of intoxicating liquors on the licensee's premises or serve any liquids for the purpose of mixing with intoxicating liquor.

- 2) The presence of intoxicating liquors on the premises of a licensee shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale and the serving of any liquid for the purpose of mixing with intoxicating liquors shall be prima, facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this chapter.

H) Any peace officer, health officer or other properly designated employee of the City, may enter, inspect and search the premises of a licensee during business hours without a search and seize warrant and may seize all intoxicating liquors found on the licensed premises in violation of this Section.

I) Every licensee shall be responsible for the conduct of his or her place of business and shall maintain conditions of sobriety and order. The act of any employee on the licensed premises authorized to sell or serve 3.2% malt liquor shall be deemed the act of the licensee as well and the licensee shall be liable to all penalties provided by this chapter equally with the employee.

J) A regular on-sale license shall entitle the holder to serve 3.2% malt liquor in a separate room of the licensed premises for banquets or dinners at which are present not fewer than 25 persons.

81.08. CLOSING HOURS.

A) No sale of 3.2% malt liquor shall be made on any Sunday between the hours of 1:00 a.m. and 8:00 p.m. No sales shall be made between the hours of 1:00 a.m. and 8:00 a.m. on any other day.

81.09. PURCHASE AND CONSUMPTION.

A) No person under 21 years of age shall misrepresent his or her age for the purpose of obtaining 3.2% malt liquor.

B) No person shall induce a person under 21 years of age to purchase or procure 3.2% malt liquor.

C) No person other than the parent or legal guardian shall procure 3.2% malt liquor for any person under 21 years of age.

D) No person under 21 years of age shall have 3.2% malt liquor in his or her possession with the intent to consume it at a place other than the household of his or her parent or guardian.

E) No person under 21 years of age shall consume 3.2% malt liquor unless in the company of his or her parent or guardian.

F) Public Property.

- 1) No person shall consume 3.2% malt liquor on a public street, public sidewalk or public parking lot unless the location is under a temporary license in force when the consumption takes place.

- 2) The Council may by resolution regulate 3.2% malt liquor consumption at public parks and shall post notice of the regulations in the park.
- G) No person shall consume or display any intoxicating liquor on premises of a licensee who is not also licensed to sell intoxicating liquors or who does not hold an option and display permit.

CHAPTER 82: CONSUMPTION AND DISPLAY

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82.01. LICENSE REQUIRED.

A) It shall be unlawful for any private club or public place, directly or indirectly or upon any pretense or by any device to allow the consumption or display of intoxicating liquor, or the serving of any liquid for the purpose of mixing with intoxicating liquor without first securing a license from the Commissioner of Public Safety and paying the annual fee as provided in this Chapter.

82.02. FEES.

A) Every private club or public place desiring to allow the consumption or display of intoxicating liquor shall, on or before January 1 of each year, pay to the Administrator/Clerk-Treasurer a fee as established herein and shall be issued a written receipt therefor. No proration of fees shall be made. The written receipt shall be posted in scene conspicuous place upon the premises alongside the license issued by the Commissioner of Public Safety and shall be kept posted at all times.

82.03. INSPECTIONS.

A) Any private club or public place allowing the consumption or display of intoxicating liquor shall be open at all reasonable hours for inspection by the Commissioner of Public Safety, his or her designated agents, and any peace officer, health officer or other properly designated officer or employee of the City. Refusal to permit the inspection shall be a violation of this chapter.

82.04. ADOPTION OF STATE LAW.

A) The regulatory provisions of M.S. § 340A.414, as it may be amended from time to time, are hereby adopted by reference.

82.05. EXEMPTIONS.

A) The provisions of this Chapter do not apply to any premises licensed the sale of intoxicating liquor.

CHAPTER 83: CLUB LICENSES

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83.01. ADOPTION OF STATE LAW.

A) The provisions of M.S. Ch. 340A, as it may be amended from time to time, relating to the definition of terms, licensing, consumption, sales, conditions of bonds of licensees, hours of sale and all other matters pertaining to the retail sale, distribution and consumption of intoxicating liquor insofar as they are applicable to club licenses authorizing the sale of liquor for consumption on the licensed premises only, are adopted and made a part of this subchapter as if set out in full.

83.02. APPLICATION FOR A LICENSE.

A) Every club, as herein defined, requesting a club license pursuant to M.S. § 340A.404, as it may be amended from time to time, from the City shall, through its proper officers, file with the City Administrator/Clerk-Treasurer, a verified application setting forth all information necessary to show whether or not the club qualifies for a license within the meaning of this subchapter, together with all additional information as may be required by the City Council. In addition to containing this information, the application shall be in the form prescribed by the Commissioner of Public Safety. No person shall make a false statement in an application.

B) Each application for a license shall be accompanied by a surety bond or, in lieu thereof, cash or U.S. Government bonds of equivalent market value as provided in M.S. § 340A.409, as it may be amended from time to time. The surety bond or other security shall be in the sum of \$3,000.

C) Prior to the issuance of a club license, the applicant shall file with the City Administrator/Clerk-Treasurer a liability insurance policy in the amount of \$50,000 coverage for one person and \$100,000 coverage for more than one person and shall comply with the provisions of M.S. § 340A.409, as it may be amended from time to time, relating to liability insurance policies. If a liability insurance policy is made subject to all the conditions of a bond under that statute, the policy may be accepted by the Council in lieu of the bond required under this Section.

D) The security offered under this Section above shall be approved by the City Council and the Commissioner of Public Safety. Surety bonds and liability insurance policies shall be approved as to form by the City Attorney. Operation of a licensed club without having on file with the City at all times effective security, as required in this Section, is a cause for revocation of the license.

83.03. FEES.

A) The annual fee for a club license is \$100.

B) Each application for a club license shall be accompanied by a receipt from the City Administrator/Clerk-Treasurer for payment in full of the license fee. All fees shall be paid into the general fund. If an application for a license is rejected, the City Administrator/Clerk-Treasurer shall refund the amount paid.

C) Each license shall be issued for a period of one year, except that if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of December.

D) No refund of any fee shall be made, except as authorized by statute.

83.04. GRANTING OF LICENSES.

A) The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the Council shall, in its discretion, grant or refuse the application. No club license shall become effective until it, together with the security furnished by the applicant, has been approved by the Commissioner of Public Safety.

B) No license shall be granted for a building within 500 feet of any school.

C) No license shall be granted or renewed for operation on any premises on which taxes, assessments or other financial claims of the City are delinquent and unpaid.

83.05. CONDITIONS OF LICENSE.

A) Every license is subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance, state law and regulation.

B) Every licensee is responsible for the conduct of its place of business and the condition of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this chapter and the law equally with the employee.

C) The license shall not be transferable as to the premises without the approval of the City Council.

D) The sale of intoxicating liquor under a club license is restricted to card-carrying members of the licensed club, bona fide guests of members, guests of an event sponsored by the licensee, or guests of an event held at the licensee's building, pursuant to a rental agreement, with the licensee.

E) Every licensee shall allow any peace officer, health officer or properly designated officer or employee of the City to enter, inspect and search the premises of the licensee during business tours without a warrant.

F) The licensee shall not permit access to intoxicating or 3.2% malt liquor by any person during hours when the sale of liquor is prohibited.

G) No licensee shall possess a federal wholesale liquor dealers special tax stamp or a federal gambling stamp.