

AN ORDINANCE LICENSING AND REGULATING THE SALE
AND CONSUMPTION OF NON-INTOXICATING MALT LIQUORS
AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE COUNCIL OF THE CITY OF GREEN ISLE, MINNESOTA, ORDAINS:

SECTION 1. Definition of Terms.

Subdivision 1. "Beer" or "non-intoxicating malt liquor" means any malt beverage with an alcoholic content of not less than one-half of one percent by volume and not more than three and two-tenths percent of alcohol by weight.

Subdivision 2. "Intoxicating liquor" means any distilled, fermented or vinous beverage containing more than three and two-tenths percent of alcohol by weight.

Subdivision 3. "Original package" means the bottle or sealed container in which the liquor is placed by the manufacturer.

Subdivision 4. "Bona fide club" means a club organized for social or business purposes or for intellectual improvement or for the promotion of sports, where the serving of beer is incidental to and not the major purpose of the club.

Subdivision 5. "Restaurant" means a place of which the major business is preparing and serving lunches or meals to the public to be consumed on the premises.

Subdivision 6. "Beer store" means an establishment for the sale of beer, cigars, cigarettes, all forms of tobacco, beverages and soft drinks at retail.

SECTION 2. License Required.

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SECTION 2. License Required.

Subdivision 1. 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 beer within the City without first having received a license as hereinafter provided. Licenses shall be of two kinds: (1) Retail "on sale"; (2) Retail "off sale".

Subdivision 2. "On Sale" licenses shall be granted only to bona fide clubs, beer stores, restaurants and hotels where food is prepared and served for consumption on the premises. "On Sale" licenses shall permit the sale of beer for consumption on the premises only.

Subdivision 3. "Off Sale" licenses shall permit the sale of beer at retail in the original package for consumption off the premises only.

SECTION 3. LICENSE Fees.

Subdivision 1. Each application for a license shall be accompanied by a receipt from the City Treasurer for payment in full of the required fee for the license. All fees shall be paid into the general fund of the municipality. Upon

rejection of any application for a license the treasurer shall refund the amount paid.

Subdivision 2. All licenses shall expire on the last day of June in each year. Each license shall be issued for a period of one year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing such fee any unexpired fraction of a month shall be counted as one month.

Subdivision 3. The annual fee for an "On Sale" license shall be \$ 50.00. The annual fee for an "Off Sale" license shall be ~~\$~~ 5.00.

Subdivision 4. No part of the fee paid for any license issued under this ordinance shall be refunded except in the following instances upon application to the council within 15 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 licenses premises by fire or other catastrophe.
- (2) the licensee's illness.
- (3) the licensee's death.

SECTION 4. Granting of License.

Subdivision 1. Each license shall be issued to the applicant only and shall not be transferrable to another holder. Each license shall be issued only for the premises in the application. No license may be transferred to another place without the approval of the City Council.

Subdivision 2. Licenses hereunder shall be issued only to persons who are citizens of the United States and who are of good moral character and repute, who have attained the age of 18 years and who are proprietors of the establishments for which the licenses are issued.

SECTION 5. Conditions of License.

Subdivision 1. Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any

Subdivision 5. No person under 18 shall be permitted to sell or serve beer in any "on sale" establishment.

Subdivision 6. No gambling or gambling device shall be permitted on any licensed premises.

Subdivision 7. Every licensee shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order.

SECTION 6. Sales, closing hours.

No sale of non-intoxicating malt liquor shall be made between the hours of 12:30 A. M. and 8:00 A. M. on any weekday, Monday through Saturday, inclusive.

Neither shall any sale of such liquor be made on any Sunday between the hours of 12:30 A. M. and twelve o'clock noon, nor between the hours of 12:30 A. M. and 8 o'clock P. M. on the day of any statewide election.

Every place in the City, except "restaurants" as defined in this ordinance, in which non-intoxicating liquor is permitted to be sold or served by the licensee thereof pursuant to an "on sale" license shall be closed and kept closed to the public between the hours of 1:00 A. M. and 8:00 A. M. During said hours no person or persons shall be allowed to be or remain upon, or within such room, place or premises for any purpose whatsoever, except the owner or licensee, his agents, or employees may remain therein and thereon for the purpose only of cleaning, necessary repairs or as watchmen.

SECTION 7. Clubs.

No club shall sell beer except to members and to guests in the company of members.

SECTION 8. Revocation.

The violation of any provision or condition of this ordinance by a beer licensee or his agent shall be ground for revocation or suspension of the license. A license granted under this ordinance may be revoked or suspended by the Council after written notice to the licensee and a public hearing. The notice shall state the nature of the charges against the licensee. The council may suspend any license pending a hearing on revocation or suspension.

SECTION 10. Repeal.

Ordinance Number 13 passed March 6, 1951, and all other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 11. Effective date.

This ordinance shall be in full force and effect from and after its passage and publication.

Passed by the council this 8 day of July, 1974.


Mayor

(Seal)

Attest: Carol Schmidt
Clerk