

ORDINANCE NO. 23

AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF INTOXICATING LIQUOR, REPEALING INCONSISTENT ORDINANCES, AND PROVIDING A PENALTY FOR VIOLATION.

The Council of the City of Green Isle do ordain:

Section 1. PROVISIONS OF STATE LAW ADOPTED. The provisions of Minnesota Statutes, Chapter 340, with reference to the definition of terms, applications for license, granting of license, conditions of license, restrictions on consumption, provisions on sales, conditions of bonds of licensees, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor are hereby adopted and made a part of this ordinance as if fully set out herein, EXCEPT hours of sale which are set forth herein.

Section 2. LICENSE REQUIRED.

Subdivision 1. No person, except wholesalers or manufacturers to the extent authorized under state license, shall directly or indirectly deal in, sell or keep for sale any intoxicating liquor without first having received a license to do so as provided in this ordinance. Licenses shall be of three kinds: "on sale," "off sale," and club licenses.

Subdivision 2. "On sale" licenses shall permit the sale and consumption of liquor on the licensed premises only.

Subdivision 3. "Off sale" licenses shall be granted to permit the sale of liquor at retail in the original package for consumption off the licensed premises only.

Subdivision 4. Special "on sale" licenses may be issued only to duly incorporated clubs and veteran's organizations pursuant to M.S.A. 340.11 Subdivision 11.

Section 3. APPLICATION FOR LICENSE.

Subdivision 1. Every application for a license to sell liquor shall be verified and filed with the City Clerk. It shall state the name of the applicant, his age, representations as to his character, with such references as may be required, his citizenship, whether the application is for "on sales" or "off sales", the business in connection with which the proposed license will operate and its location, whether applicant is owner and operator of the business, how long he has been in that business at that place, and such other information as the Council

may require from time to time. In addition to containing such information, each application for a license shall be in the form prescribed by the liquor control commissioner. No person shall make a false statement in an application.

Subdivision 2. Each application for a license shall be accompanied by a surety bond, liability insurance policy, or in lieu thereof, cash or United States Government bonds of equivalent market value as provided in Minnesota Statutes 1945, Sec. 340.12, except that the liability insurance policy provided for in Laws 1945, Ch. 313, and embodied in the fourth paragraph of Sec. 340.12 shall not be acceptable. Such surety bond or other security shall be in the sum of \$3,000.00 for an applicant for an "on sale" license and \$1,000.00 for an applicant for an "off sale" license.

Subdivision 3. The security offered under Subdivision 2 shall be approved by the City Council and in the case of applicants for "off sale" licenses by the state liquor control commissioner. Surety bonds and liability insurance policies shall be approved as to form by the city attorney. The operation of such "off sale" or "on sale" liquor business without having on file at all times with the municipality an effective bond, insurance policy or other security as required in Subdivision 2 shall be grounds for immediate revocation of the license.

Section 4. 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 of 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 set by the City Council each year to be effective for all licenses issued during that year. The annual fee for an "off sale" license and the annual fee for a special club license shall also be separately set by the City Council each year for "off sale" or special club licenses issued during that year.

Subdivision 4. No refund of any fee shall be permitted except as authorized under Minnesota Statutes, Section 340.112.

Section 5. GRANTING OF LICENSES.

Subdivision 1. The City Council shall investigate all facts set out in the application. No "off sale" license shall become effective until it, together with the bond furnished by the applicant, has been approved by the liquor control commissioner.

Subdivision 2. Each license shall be issued to the applicant only. Each license shall be issued only for the premises described in the application. No license may be transferred to another person or to another place without the approval of the City Council.

Section 6. CONDITIONS OF LICENSE.

Subdivision 1. All persons, except licensee, his bona fide employees and law enforcing officers, shall be excluded from the bar within 30 minutes after the expiration of the time on any day when intoxicating liquor may be legally sold therein, and all doors into said bar shall then be closed and locked, and all persons, except said licensee, his bona fide employees, and law enforcing officers, shall thereafter continuously be excluded therefrom until the time next thereafter when such liquor may again be legally sold therein.

Subdivision 2. No licensee obtaining a license under any section of this ordinance shall hire or permit go-go dancing, strippers, exotic dancing or other similar exhibitions, activities or entertainment on or in any premises. This prohibition does not include normal social dancing by customers, but only dancing by hired employees or volunteers under control of the licensee or the licensee's agents or subcontractors.

Section 7. RESTRICTIONS ON PURCHASE AND CONSUMPTION.

Subdivision 1. No minor shall misrepresent his age for the purpose of obtaining intoxicating liquor.

Subdivision 2. No person shall induce a minor to purchase or procure liquor.

Subdivision 3. No liquor shall be sold or consumed on a public highway or in an automobile.

Section 8. HOURS OF SALE.

Subdivision 1. No sale of intoxicating liquor shall be made after 12:30 a.m. on Sunday, nor until 8:00 a.m. on Monday, except for those licensees who are issued a separate Sunday liquor license, nor between the hours of 12:30a.m. and 8:00p.m. or the day of

any statewide election. No "on sale" shall be made between the hours of 12:30 a.m. and 8:00 in the morning on any week day.

No "off sale" shall be made before 8:00 a.m. or after 10:00 p.m. of any day. No "off sale" may be made on New Year's Day, January 1; Independence Day, July 4th; Thanksgiving Day; or Christmas Day, December 25th; no "off sale" may be made after 8:00 p.m. on December 24th.

Subdivision 2. No intoxicating liquor shall be consumed, displayed or located in any areas open to access by the customers such as counter tops and table tops between 1:00 a.m. and 8:00 in the morning. This means that all liquor sold, bartered or given to customers within the normal sale hours must either be consumed by the customers or taken away by the management no later than 1:00 a.m. in any case.

Section 9. REVOCATION. The Council may suspend or revoke any liquor license for violation of any provision or condition of this ordinance or any state law regulating the sale of intoxicating liquor and shall revoke such license if the licensee willfully violates any provision of Minnesota Statutes Section 340.07 to 340.40. Except in the case of a suspension pending a hearing on revocation, revocation or suspension by the Council shall be preceded by written notice to the grantee and a public hearing. The notice shall give at least eight days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The Council may, without any advance notice, suspend any license pending a hearing on revocation for a period of not exceeding 30 days.

Section 10. PENALTY. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$300.00 or imprisonment in the County Jail for not more than 90 days or both, plus the costs of prosecution in either case.

Section 11. REPEAL. Ordinances 15, 37 and 56 are hereby repealed, and all other ordinances inconsistent herewith are hereby repealed.

Section 12. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the Council this _____ day of _____,
1980.

Mayor

Attest:

Clerk

On sale license and \$1,000.00 for an applicant for an "off sale" license.

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