

112.40 LICENSING AND REGULATING OF INTOXICATING LIQUOR

Section 1: Provisions of State Law Adopted. The provisions of Minnesota Statutes, Chapter 340, 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 part of this ordinance as if set out in full.

Section 2: License Required

Subd. 1 General Requirement No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale in the city any intoxicating liquor without a license or permit to do so as provided in this ordinance. Liquor licenses and permits shall be of five kinds: "on-sale", "on-sale" Sunday, "off-sale", club licenses, and bottle club permits.

Subd. 2 "On-Sale" Licenses

(a) Places Eligible "On-Sale" licenses shall be issued only to hotels, clubs, restaurants, and exclusive liquor stores and shall permit "on-sale" of liquor only.

(b) Number of Licenses. The number of "on-sale" licenses issued shall be limited by the Minnesota Statutes and the City Council's discretion.

Subd. 3 "On-Sale" Sunday Licenses

(a) A restaurant, exclusive liquor store, hotel, or club, which meets requirements of MN. Chapter 340 and this ordinance, and which is the holder of a Sunday License from the City, pursuant to the terms hereof, shall be allowed to sell intoxicating liquor on-sale-between the hours of 12:00 o'clock noon and 9:00 o'clock P.M. on any Sunday.

(b) Sunday on-Sale licenses shall be issued only to on-sale licensees who make such application on forms provided by the City Clerk. Only the Lanesboro City Council may grant on-sale Sunday Liquor License upon a majority vote at a regularly scheduled monthly City Council Meeting. The annual fee for a Sunday Liquor License shall be \$100. A license shall authorize only one serving station at the establishment issued said license.

(c) Any Sunday Sales Licensee who offers for sale any intoxicating liquor before 12:00 o'clock noon on Sunday or later than 9:00 o'clock P.M. shall be considered as violating the liquor law and shall, as a penalty, forfeit its Sunday liquor License for the remainder of the year.

Subd. 4 Off-sale Licenses

(a) Places Eligible "Off-sale" licenses shall be issued only to exclusive liquor stores. An exclusive liquor store holding an "off-sale" license may also hold an "on-sale" license. In order for a place to qualify for an "off-sale" license, it must meet the following conditions:

a. The licensed place must have its "off-sale" operation physically separate from its restaurant operation or "on-sale operation. To be physically separate, the "off-sale" premises must be fully enclosed by solid walls extending from ceiling to floor, said enclosure broken only by such door or doors

that are necessary for access to the premises. In order to facilitate safe exit in case of an emergency, said "off-sale" operation must have a standard-sized door opening to the outside of the entire licensed place.

b. The physically separate "off-sale" area shall not allow consumption of liquor "on-sale", nor shall it allow the display of liquor for "on-sale" consumption. (b) Number: Only one "off-sale" liquor license shall be issued under this ordinance.

Subd. 5 Special Club Licenses: Special Club licenses shall be issued only to incorporated clubs which have been in existence for 15 years or more or to congressionally chartered veterans' organizations which have been in existence for 10 years. There is no limitation on the number of special club licenses that may be issued.

Subd. 6 Bottle Club Permits: The City may issue bottle club permits, including one-day intoxicating liquor consumption and display permits, in such manner and to such applicants as M.S.A Section 340.119, as amended, provides.

Section 3 Application for License

Subd. 1 Form Every application for a license to sell liquor shall state the name of the applicant, his age, representations as to his character, with such references as the council may require, his 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 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, the application shall be in the form prescribed by the commissioner of public safety and shall be verified and filed with the city clerk. No person shall make a false statement in an application.

Subd. 2 Bond Each application for license shall be accompanied by a surety bond or, in lieu thereof, cash or United States Government bonds of equivalent market value as provided in Minnesota Statutes, Section 340.12. Such surety bond or other security shall be in the sum of \$5,000.00 for an applicant for an "on-sale" license, \$1,000.00 for an "off-sale" license, and \$3,000.00 for a special club license.

Subd. 3. Liability Insurance. Prior to the issuance of a liquor license, the applicant shall file with the city clerk a liability insurance policy in the amount of \$50,000.00 coverage for one person and \$100,000.00 coverage for more than one person and shall comply with the provisions of Minnesota Statutes Section 340.11 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 Subdivision 2.

Subd. 4. Approval of Security. The security offered under Subdivisions 2 and 3 shall be approved by the city council and in the case of applicants for on-sale", "on-sale" Sunday and "off-sale" licenses, by the state commissioner. of public safety. Surety bonds and liability insurance policies shall be, approved as to form by the city attorney. Operation of a licensed business without having on file with the city at all times effective security as required in Subdivisions 2 and 3 is a cause for automatic and immediate revocation of the license.

SECTION 4. License Fees.

Subd. 1. Fees. The annual fee for liquor licenses and permits shall be \$1,500.00 for an "on-sale" license, \$100.00 for an "off-sale" license, \$100.00 for a special club license, \$100.00 for an "on-sale" Sunday license, and 3100.00 for a bottle club permit.

Subd. 2. Payment. Each application for a license shall be accompanied by a receipt from the city treasurer for payment in full of the license fee and the fixed investigation fee required under Section 5, Subdivision 1, if any. All fees shall be paid into the general fund. If an application for a license is rejected, the treasurer shall refund the amount paid as the license fee. the treasurer shall refund the amount paid as the license fee Subd. 3. Term) PTO Rata Fee. 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

'Subd. 4. Refunds. No refund of any fee shall be made except as authorized by statute.

SECTION 5. Granting of Licenses.

Subd. 1. Preliminary Investigation. On an initial application for an on-sale license and on application for transfer of an existing on-sale license, the applicant shall pay with his application an investigation fee of \$100.00 and the city shall Conduct preliminary background and final investigation of the applicant. The application in such case shall be made on a prescribed by the state bureau of criminal apprehension and with such 'additional information as the council may require. If the council deems it in the public interest to have an investigation made on a particular application for renewal of an on-sale license, it shall so determine. In any case, if the council determines that a comprehensive background and financial investigation of the applicant is necessary, it may conduct the investigation itself or contract with the bureau of criminal investigation for the investigation. No license shall be issued, transferred, or renewed if the results show to the satisfaction of the council that issuance would not be in the public interest. If an investigation outside the state is required, the applicant shall be charged the cost not to exceed \$10,000 and shall be paid by the, applicant after deducting any initial investigation fee already paid. The fee shall be payable by the applicant whether or not the license is granted. Subd. 2. Hearing and Issuance. The city council shall investigate all facts set out in the application and not investigated in the preliminary background and financial investigation conducted pursuant to Subdivision 1. 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 "off-sale" license shall become effective until it, together with the security furnished by the applicant, has been approved by the commissioner of public safety.

Subd. 3. Persons and Premises Licensed, Transfer. Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without city council approval. Any transfer of stock of a corporate licensee is deemed a transfer of the license and a transfer of stock without prior approval is a ground for revocation of the license.

SECTION 6. Persons Ineligible for License. No license shall be granted to any person made ineligible for such a license by state law. No more than one intoxicating liquor license shall be directly or indirectly issued within the city to any one person.

SECTION 7. Places Ineligible for License.

Subd. 1. General Prohibition. No license shall be issued for any place or any business ineligible for such a license under state law.

Subd. 2. Delinquent Taxes and Charges. 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.

SECTION 8. Conditions of License.

Subd. 1. In General. Every license is subject to the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance, state law or regulation.

Subd. 2. Licensee's Responsibility. Every licensee is responsible for the conduct of his place of business and the conditions 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 the licensee shall be liable to all penalties provided by this ordinance and law equally with the employee.

Subd 3 Inspections. Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the city to enter, r inspect, and search the premises of the licensee during business hours without a warrant.

Subd. 4. Display During Prohibited Hours. No "on-sale" establishment shall display liquor to the public during hours when the sale of liquor is prohibited Subd. 5. Federal Stamps. No licensee shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.

SECTION 9. Restrictions on Purchase and Consumption.-

Subd. 1. Liquor in Unlicensed Places. 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 commissioner of public safety under Minnesota Statutes, Section 340.119 and no person shall consume liquor in any such place.

Subd. 2. Consumption in Public Places. No person shall consume liquor on a public highway, public sidewalk, public alley, or public parking lot within this municipality.

SECTION 10. Suspension and Revocation. The council may either suspend for not to exceed 60 days or revoke one liquor license upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to intoxicating liquor. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statutes Sections 14.57 to 14.70.

SECTION 11. Penalty. Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$700 or imprisonment in the county jail for not more than 90 days, or both, plus the cost of prosecution in any case.