

ORDINANCE # 73-1987

ORDINANCE RELATING TO INTOXICATING LIQUOR LICENSE AND REGULATION

The council of the City of Rose Creek, Minnesota ordains:

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 intoxication liquor are adopted and made a part of this ordinance as if set out in full.

Section 2. License Required.

Subdivision 1. General Requirements;

No person, except a wholesale 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 to do so as provided in this Ordinance. Liquor licenses shall be of three kinds: "on sale", "off sale" and combination "onsale and "off sale".

Subdivision 2. On SALE LICENSES.

"on-sale licenses shall be issued only to hotels, clubs, restaurants, and exclusive liquor stores and shall permit "on-sale" of liquor only.

Subdivision 3. OFF - SALE LICENSES:

Off - sale licenses shall be issued only to drug stores and exclusive liquor stores and shall permit "off-sale" of liquor only.

Subdivision 4. COMBINATION LICENSES:

A combination "on - sale" and "off-sale" license shall be issued only to and exclusive liquor store.

Section 3.

Subdivision 1. FORM.

Every applicaiton 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 liquor control director and shall be verified and filed with the city clerk. No person shall make a false statement in an application.

Subdivision 2. BOND

Each application for a license shall be accompanied by a surety Bond, or in

2.
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 \$3000.00 for an application for an "On-sale" license \$1000.00 for an application for an "off-sale" license, and \$4000.00 for an application for a combination "onsale" and off-sale" license.

Subdivision 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 \$250,000 coverage for one person, and \$300,000 coverage for more than one person and shall comply with the provisions of Minnesota Statutes. Section 340.12 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.

Subdivision 4. APPROVAL OF SECURITY

The security offered under Subdivision 2 and 3 shall be approved by the City council and in the case of applicants for "on-sale" "off-sale" and combination on-sale and off-sale licenses by the state liquor control division. 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 subdivision 2 and 3 is a cause for revocation of the license.

Section 2. LICENSE FEES.

Subdivision 1. Fees.

The annual fee for a liquor license shall be \$1900.00 for an "on-sale" license and \$100.00 for an "off - sale" license, and \$2000.00 for a combination "on-sale and "off-sale" license.

Subdivision 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. All fees shall be paid into the general fund. If an application for a license is rejected, the treasurer shall refund the amount paid.

Subdivision 3. ERM, PRO-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.

Subdivision 4. REFUNDS.

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

Section 2. GRANTING OF LICENSES:

Subdivision 1. INVESTIGATION AND ISSUANCE.

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 "on-sale" "off sale" or a combination "on-sale" and "Off sale" license shall become effective until it, together with the security furnished by the applicant, has been approved by the Liquor Control director.

Subdivision 2. PERSON 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 council approval is a ground for revocation of the license.

Section 6. PERSONS INELIGIBLE FOR LICENSE.

No license shall be granted to any person deemed ineligible for such a license by state law.

Section 7. PLACE INELIGIBLE FOR LICENSE.

Subdivision 1. General prohibition.

No license shall be issued for any place of any business ineligible for such a license under state law.

Subdivision 2. TIME IN BUSINESS.

No license shall be issued to any business, except an exclusive operation continuously for 12 months.

Subdivision 3. 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.

Subdivision 4. DISTANCE FROM SCHOOL OR CHURCH.

No license shall be granted within 300 feet of any school or within 300 feet of any church. In applying this restriction the distance shall be ordinary pedestrian travel.

Section 8. CONDITIONS OF LICENSE.

Subdivision 1. IN GENERAL

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 or regulation.

Subdivision 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 unauthorized 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 ordinance, and the law equally with the employee.

Subdivision 3. INSPECTIONS.

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.

Subdivision 4. DISPLAY DURING PROHIBITED HOURS.

No "on-sale" establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

Subdivision 5. FEDERAL STAMPS.

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

Section 9. RESTRICTIONS ON PURCHASE AND CONSUMPTION.

Subdivision 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 liquor control director under Minnesota Statutes, Section 340.119 and no person shall consume liquor in any such place.

Subdivision 2. CONSUMPTION IN PUBLIC PLACES.

No person shall consume liquor on a public highway, public park, or other public place.

Section 10. SUSPENSION AND REVOCATION.

The council may either suspend for not to exceed 60 days or revoke any liquor license upon a finding that the licensee has failed to comply with any applicable statute, regulations 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 Section 15.0418 to 15.0426.

Passed by the City Council this 8th day of January, 1987.



City Clerk



Mayor

(SEAL)
ATTEST: