

CHAPTER 201
NON-INTOXICATING LIQUOR

210.01 DEFINITIONS.

- A) As used in this Chapter, the term, “person” includes a natural person of either sex, co-partnership, corporation and association of persons and the agent or manager of any of the aforesaid. The singular number includes the plural, and the masculine pronoun indicates the feminine and neuter.
- B) “Beer” or “non-intoxicating malt liquor” means any malt beverage with an alcoholic content of more than one-half of one percent (.005%) by volume and not more than three and two-tenths percent (3.2%) by weight.
- C) “Intoxicating liquor,” means any distilled, fermented or vinous beverage containing more than three and two-tenths percent (3.2%) of alcohol by weight.
- D) “Original package” means the bottle or sealed container in which the liquor is placed by the manufacturer.
- E) “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.
- F) “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.
- G) “Beer Store” means an establishment for the sale of beer, cigars, cigarettes, all forms of tobacco, beverages and soft drinks at retail.

201.02 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, and beer within the Municipality without first having received a license as hereinafter provided. Licenses shall be of two kinds:
 - 1) Retail “on sale” or
 - 2) Retail “off sale”.

- B) "On Sale" licenses shall be granted only to bona fide clubs, beer stores, drug 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.
- C) Not more than six (6) "off sale" licenses shall be issued during each year.
- D) "Off Sale" licenses shall permit the sale of beer at retail, in the original package for consumption off the premises only.

201.03 APPLICATION FOR LICENSE

All applications for any license to sell non-intoxicating malt liquor shall be made in writing to the Council, setting forth the requirements of the statute, and such other requirements as the Council may from time to time designate. No license shall be issued to any person who has not been a resident of said Municipality for a period of 12 months, nor who has not been in business in said Municipality for a period of six months prior to the making of the application.

201.04 LICENSE FEES

The annual fee for an "on sale" license shall be seventy-five dollars (\$75.00). "Off sales" licenses shall be granted to permit the sale at retail and wholesale of such liquor in the original package for removal from and consumption off the premises only. The annual fee for an "off sale" license shall be five dollars (\$5.00). No part of the fee paid for any license issued under this chapter shall be refunded.

201.05 GRANTING OF LICENSE

- A) 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. After such investigation and hearing the Council shall grant or refuse the application in its discretion.
- B) 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. No license may be transferred to another place without the approval of the Council.

201.06 PERSONS INELIGIBLE FOR LICENSE.

No license shall be granted to any person:

- A) Who is a minor.
- B) Who has been convicted of a felony, or of violating the National Prohibition Act or any law of this state or local ordinance relating to the manufacture or transportation of intoxicating liquors.
- C) Who is a manufacturer of beer or who is interested in the control of any place where beer is manufactured.

- D) Who is an alien.
- E) Who is not of good moral character.
- F) Who is or during the period of this license becomes a holder of a federal retail liquor dealer's special tax stamp for the sale of intoxicating liquor at any place unless there has also been issued to him a local license to sell intoxicating liquor at such place.
- G) Who is not the proprietor of the establishment for which the license is issued.

201.07 PLACES INELGIBLE FOR LICENSES.

No "on sale" or "off sale" license shall be granted for sale on any premises where a licensee has been convicted of a violation of this Chapter, or of the state non-intoxicating or intoxicating liquor law, or any license hereunder has been revoked for cause until one year has elapsed after such conviction or revocation.

201.08 CONDITIONS OF LICENSE.

- A) Every license shall be granted subject to the conditions in the following paragraphs and all other provisions of this Chapter and of any other applicable chapter of this code or state law.
- B) All license premises shall have the license posted in a conspicuous place at all times.
- C) No beer shall be sold or served to any intoxicated person or to any person who is a minor.
- D) In any place license for "on sale" the liquor sold shall be consumed at tables and shall not be consumed or served at bars, provided that the same may be served at counters where food is regularly served and consumed. All windows in the front of any such place shall be of clear glass and the view of the entire interior shall be unobstructed by screens, curtains, or partitions.
- E) An applicant for a license hereunder shall furnish to said Council a bond in the penal sum of \$250.00, with sufficient sureties to be approved by said Council, which bond shall be conditioned for the faithful compliance by the principal with all the laws of the State of Minnesota, ordinances of said Municipality, and all regulations adopted by said Council relating to the sale of non-intoxicating malt liquors. Upon the failure of the principal of said bond to comply with the provisions of the said laws of said state, the ordinances and

regulations of said Council, the said Council shall declare a forfeiture of said bond, and the principal sum thereof shall thereupon be forfeited and paid to the Treasurer of said Municipality. The said Council shall be the sole and exclusive judge of whether a default in the provisions of said bond has occurred.

- F) No minor shall be permitted to consume beer on the licensed premises.
- G) No minor shall be permitted to sell or serve beer in any "on sale" establishment.
- H) No gambling or any gambling device shall be permitted on any licensed premises.
- I) No manufacturer or wholesaler of beer shall have any ownership of or interest in an establishment licensed to sell at retail contrary to the provisions of Minnesota Statutes 340.02. No retail licensee and manufacturer or wholesaler of beer shall be party to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of beer and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.
- J) No licensee shall sell beer while holding or exhibiting in the licensed premises a federal retail liquor dealer's special tax stamp unless he is licensed under the laws of Minnesota to sell intoxicating liquors.
- K) The Liquor Control Commissioner, his designated agents, and duly authorized peace officers of the Municipality shall have the unqualified right to enter, inspect, and search the premises of a licensee during business hours without a search and seizure warrant. Refusal to permit such inspection shall be a violation of this Chapter.
- L) No licensee who is not also licensed to sell intoxicating liquor shall sell intoxicating liquors on the licensed premises.
- M) Every licensee shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order.
- N) An "on sale" license shall entitle the holder to serve beer in a separate room of the licensed premises for banquets or dinners at which are present not less than eight persons.
- O) It shall be unlawful for any bona fide club or public place, other than a place licensed to sell intoxicating liquors to directly or indirectly or

upon any pretense or by any device 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 permit from the Liquor Control Commissioner and paying the annual fee as provided for in this Chapter.

201.09 CLOSING HOURS.

No sale shall be made between the hours of 12:00 midnight and 7:00 a.m. of any day.

201.10 REVOCATION.

The violation of any provision or condition of this Chapter by a beer licensee or his agent shall be grounds for revocation or suspension of the license. The license of any person who holds a federal retail liquor dealer's special tax stamp shall be revoked without notice and without hearing. In all other cases, a license granted under this chapter may be revoked or suspended by the Council after written notice to the licensee 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 suspend any license pending a hearing on revocation or suspension.

201.11 PENALTY.

Any person violating any provisions of this chapter shall be guilty of a misdemeanor.