

CHAPTER 200
LIQUOR

200.01 DEFINITIONS. For purposes of this Chapter, any terms not defined below shall have the meanings given them in Minnesota Statutes Section 340A. The following terms are defined as follows:

- A. Alcoholic Beverage. Shall mean any beverage containing more than 1/2% alcohol by volume.
- B. Brewer. A person who manufactures malt liquor for sale.
- C. Commissioner. Shall mean the Commissioner of Public Safety of the State of Minnesota, except as otherwise provided.
- D. Club. Shall mean an incorporated organization organized under the laws of the state for civic, fraternal, social or business purpose or for intellectual improvement or for the promotion of sports or congressional chartered veterans organizations, which shall have more than thirty (30) members, and which shall for more than a year have owned or leased a building or space in a building of such extent and character as may be suitable and adequate for members at a meeting held for that purpose, none of whose members, officers, agents, or employees shall receive any profit from the distribution or sale of beverages to the members of the club, or to its guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.
- E. Distilled Spirits. Shall mean and include ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.
- F. Exclusive Liquor Store. Shall mean an establishment used exclusively for the sale of intoxicating liquors, cigars, cigarettes, all forms of tobacco, non-intoxicating malt beverages and soft drinks at retail, either on-sale or off-sale or both. It shall be under control of an individual owner or manager. It includes a restaurant or establishment selling food for consumption on the premises.
- G. Growlers. Malt liquor packaged in 64-ounce containers or in 750 milliliter bottles and bears a twist-type closure, cork, stopper, or plug. The growlers are in accordance with Minnesota Statute 340A.285 and as amended.
- H. Hotel. Means an establishment where food and lodging is regularly furnished to transients, which a dining room serving the general public at tables and having appropriate facilities for seating at least 30 guests at one time, and have guest rooms for lodging of at least 10 rooms.
- I. Intoxicating Liquor/Liquors. Shall mean and include ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2 percent of alcohol by weight.

- J. Malt Liquor. Shall mean any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.
- K. Manufacturer. Shall mean a person who, by a process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces intoxicating liquor for sale.
- L. Microdistillery. Shall mean a distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.
- M. 3.2 Percent Malt Liquor. Shall mean malt liquor containing not less than one-half of one percent (1/2%) alcohol by volume or more than 3.2% alcohol by weight.
- N. Off-Sale. Shall mean the sale of alcohol beverages in original packages for consumption off the licensed premises only.
- O. On-Sale. Shall mean the sale of alcoholic beverages for consumption on the licensed premises only.
- P. Package/Original Package. Shall mean and include any container or receptacle holding alcoholic beverages and liquor, which container or receptacle is corked or sealed.
- Q. Person. Shall include and may extend and be applied to bodies politic and corporations, partnerships, and other unincorporated associations.
- R. Restaurant. Means an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public and the principal part of the business of which is serving of foods. Such establishment shall have facilities for seating not less than 30 guests at one time and 51% of all sales will be from food.
- S. Wine. Shall mean a product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape, wine made from other agricultural products then sound, ripe grapes, imitation wine, compound sold as wine, vermouth, cider, perry and sake, in each instance containing not less than one-half of one percent nor more than 24% alcohol by volume for non-industrial use. Wine does not include distilled spirits as defined in 200.01, letter E.

200.02 PROVISIONS OF STATE LAW ADOPTED. Except where specifically set forth in this Chapter, the provisions of Minnesota Statutes Chapter 340A relating to licensing, consumption, sales, financial responsibility of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor are adopted and made a part of this ordinance as if set out in full.

200.03 LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to keep or operate an on-sale or off-sale of intoxicating liquor establishment within the limits of the City without first having obtained a license to do so.

200.04 TYPES OF LICENSES.

- A. **On-Sale Intoxicating Liquor License** shall be issued only to hotels, clubs, restaurants, bowling alleys and exclusive liquor stores and shall permit On-Sale of liquor only.
- B. **Off-Sale Intoxicating Liquor License** shall permit the licensee to sell intoxicating liquor in original packages for consumption off the premises only and shall be issued only to exclusive liquor stores.
- C. **Temporary On-Sale Intoxicating Liquor License** may be issued to (1) a club or charitable, religious, or other nonprofit organization in existence for at least three (3) years, (2) a political committee registered under MN Statute Section 10A.14, or (3) a state university, a temporary license for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the licensee. The license may authorize the on-sale of intoxicating liquor for not more than four (4) consecutive days, and may authorize on-sales on premises other than premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full-year on-sale intoxicating liquor license issued by the city. The licenses are subject to the terms, including a license fee imposed by the city. Licenses issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except MN Statute 340A.409 and 340A.504, subdivision 3, paragraph (d), and those laws and ordinances which by their nature are not applicable.
- D. **On-Sale 3.2 Malt Liquor License** shall be granted only to restaurants, hotels, bowling centers and clubs.
- E. **Temporary On-Sale 3.2 Malt Liquor License** shall be granted only to organizations organized for social purposes, business purposes, for intellectual improvement, or for the promotion of sports where the serving of 3.2 percent malt liquor is incidental to and not the main purpose of the organization, or to charitable, religious, or nonprofit organizations. The license may authorize the on-sale of 3.2 malt liquor for not more than four (4) consecutive days and follow the same terms as Temporary On-Sale Intoxicating Liquor License.
- F. **Off-Sale 3.2 Malt Liquor License** shall permit the sale of 3.2 percent malt liquor at retail, in the original package for consumption off the premises only.
- G. **Brewer Tap Room License** may be issued only in accordance with Minn. Stat. § 340A.26 as amended.
- H. **Small Brewer Off-Sale License** may be issued a license for off-sale of malt liquor at its licensed premises that has been produced and packaged by the brewer. The packaging does include

allowing the sale of Growlers as defined in this chapter. The amount of malt liquor sold at off-sale may not exceed 500 barrels annually. The license must be approved by the commissioner and is subject to the requirements contained in Minn. Stat. § 340A.28, as amended.

- I. **Cocktail Room License.** A Cocktail Room license authorizes on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller as allowed in MN Statute 340A.22, Subd. 2, as amended.
- J. **Microdistillery Off-Sale License.** A Microdistillery may be issued a license for off-sale of distilled spirits. The license may allow the sale of one 375 milliliter bottle per customer per day of product manufactured on site and in accordance to MN Statute 340A.22, Subd. 4 as amended.
- K. **Club License.** On-Sale Club License shall be granted for the consumption of liquor to bona fide clubs in existence for 15 years or more, and to congressional chartered veteran's organizations which have been in existence for 10 years, and which are duly incorporated. Such club license shall be On-Sale only and shall permit the sale of intoxicating liquor to members and bona fide guests only. Such club licenses as herein permitted may be granted in addition to other On-Sale liquor licenses.
- L. **On-Sale Wine License.** An On-Sale Wine License authorizes the sale of wine of up to 24% alcohol by volume for consumption on the licensed premises only in conjunction with the sale of food. An on-sale wine license may be issued only to a restaurants. The holder of an on-sale wine license who is also licensed to sell 3.2 percent malt liquors at on-sale is authorized to sell intoxicating malt liquors at on-sale without an additional license.

200.05 ISSUANCE OF LICENSES. The Council may issue both an On-Sale and Off-Sale license to the same licensee, except exclusive liquor stores.

200.06 NUMBER OF LICENSES.

- A. Not more than four (4) On-Sale Intoxicating licenses shall be granted at any one time to exclusive Liquor stores, intoxicating liquor premises, and hotels: to exclude Restaurants as defined in 200.01, letter P are excluded from the number of licenses issued in accordance with State Statute 340A.413, Sub. 4, (2).
- B. Number of Wine Licenses. On-Sale Wine License may be issued to Restaurants meeting the definition of 200.01. The number of On-Sale Wine License issued to restaurants shall not exceed six (6).
- C. On-Sale 3.2 Licenses. On-Sale 3.2 Malt Liquor Licenses may be issued to Restaurants for consumption on the premises only and shall be limited to six (6) licenses.

200.07 APPLICATION FOR LICENSE.

A. Every person desiring a license shall file an application with the City Clerk in the form to be described by the Commissioner of Public Safety and with any additional information as the City Council may require. The applicant shall complete the application forms furnished by the city. Every application for either On-Sale or Off-Sale license shall be accompanied by liability insurance policy in accordance to Minnesota Statutes 340A.409.

B. License Background Checks

- 1) Purpose: The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of licensing background checks.
- 2) Criminal History License Background Investigations: The Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on all licenses within the city.

In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City of Chisago City or other public entities involved in the license approval process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Stat. Chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant for a license on the basis of prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with the jail sentence. If the city rejects the applicant request on the basis, the City shall notify the applicant in writing of the following:

- a. The grounds and reasons for the denial
- b. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- c. The earliest date the applicant may reapply for the license.
- d. That all competent evidence of rehabilitation will be considered upon reapplication.

200.08 FEES. The fees established in this ordinance shall be reviewed and set by City Council resolution. The license fee for a new license shall be paid in full as listed below. The annual license fee for the renewal of an existing license shall be paid prior to the expiration of the existing license.

- A. **The bi-annual fee for an On-Sale Intoxicating liquor** license shall be \$1,250 due on the 15th of November for the year proceeding the renewal year January each year, and \$1,250 due on the 1st of July each year.
- B. **The annual fee for an Off-Sale Intoxicating Liquor** license shall be \$150 due on the 1st of January each year.
- C. **The bi-annual fee for an On-Sale Wine License** shall be \$250 due on the 1st of January each year, and \$250 due on the 1st of July each year.
- D. **The annual fee for an On-Sale 3.2 Malt Liquor** shall be \$250 due on the 1st of January each year.
- E. **The annual fee for a Brewer Tap Room License** shall be \$250 due on the 1st of January each year.
- F. **The annual fee for Small Brewer Off-Sale License** shall be \$150 due on the 1st of January of each year.
- G. **The annual fee for Cocktail Room** shall be \$250 due on the 1st of January of each year.
- H. **The annual fee for Microdistillery Off-Sale License** shall be \$150 due on the 1st of January of each year.
- I. **The annual fee for Sunday sales** for a restaurant, club, bowling center, or hotel with a seating capacity for at least thirty (30) persons and which holds an on-sale intoxicating liquor license may obtain a Sunday license and shall be \$200.00.
- J. **The fee for Temporary On-Sale** shall be \$25 due at the time of application submittal.
- K. **Refunds.** No part of the fee paid for any license shall be refunded except (1) as authorized under MN Statute 340A.408, (2) upon rejection of any application for reasons other than a willful misstatement in the license application, or (3) upon withdrawal of an application before approval of the issuance by the council. The license fee shall be refunded to the applicant. The investigation fee shall not be refunded. Fees will not be pro-rated, except the bi-annual fee for an On-Sale Intoxicating Liquor License. The City Administrator may deduct from any refund a handling fee of \$100.00. However, no refund shall be given to any licensee who has violated or whose agent has violated any provisions or conditions of the Chapter within one year of the request for refund.

200.09 GRANTING LICENSES. The Council shall cause an investigation to be made of all the representations set forth in the application. Opportunity shall be given at a regular or special

meeting of the Council to any person to be heard for or against the granting of any license. After such investigation, the Council may grant or refuse such license in its discretion; provided that no Off-Sale license shall become effective until it, together with the bond, has the approval of the Commissioner. All licensed premises shall have the license posted in a conspicuous place therein at all times. No license shall be transferable either as to license or premises without the approval of the Council and also the Commissioner in the case of Off-Sale licenses.

200.10 CONDITIONS OF LICENSE. All licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this Chapter, and subject to all other ordinances of the Municipality applicable thereto and to all regulations promulgated by the Commissioner applicable thereto.

- A. Every licensee shall be responsible for the conduct of his/her place of business and the conditions of sobriety and order therein. No license for Off-Sale only, shall permit the consumption of any liquor on such licensed premises. No On-Sale Intoxicating license shall sell liquor by the bottle or container for removal from the premises without appropriate off-sale license.
- B. No Off-Sale license shall be issued for any place where On-Sale Intoxicating, On-Sale 3.2 or On-Sale Wine beverages are sold for consumption on the premises, except for Microdistilleries and Small Brewers with appropriate Off-Sale license.
- C. No liquor shall be sold or furnished to any minor for any purpose whatsoever or to any habitual drunkard or to any person obviously intoxicated, or to any of the persons to whom sale is prohibited by statute, or by reason of sale to whom, a penalty is provided by statute.
- D. No licensee shall permit 18, 19 and 20 year olds to remain on the premises unless to consume meals, attend social functions that are held in a portion of the establishment where liquor is not sold, or to perform work for the establishment including the sale or serving of alcoholic beverages..
- E. No person under the age of 18 may enter the premise without being accompanied by a parent or legal guardian and can only do so until 10:00 p.m.
- F. No person under the age of 18 may serve or sell alcoholic beverages in a retail intoxicating liquor establishment. No person under the age of 18 shall be employed on the premises, except that persons under 18 years of age may be employed as musicians, bus boys and kitchen help.
- G. No licensee shall keep, possess, operate, or permit the keeping of, on the premise any slot machine, dice or other gambling devise or apparatus, nor permit any gambling therein. Nor permit the licensed premises to any room in the same, or in any adjoining building directly or indirectly under his control to be used as a resort for prostitutes or other disorderly persons. Nudity is prohibited.
- H. No license shall be issued to any person who is not a citizen of the United States and who is not of good moral character and repute. Nor to any person who shall hereafter be convicted of any willful violation of any law of the United States, State of Minnesota, or any local ordinance with regard to the manufacture, sale, distribution or possession for sale or distribution of any intoxicating liquor.

Any person whose license under this Chapter shall be revoked for any willful violation of any such laws or ordinances.

I. No license shall be granted for operation on any premises upon which taxes or assessment or other financial claims of the Municipality are delinquent and unpaid.

J. All premises where any license hereunder is granted shall be open to inspection by any police, health officer, or other properly designated officer or employee of the Municipality at any time.

200.11 HOURS OF OPERATION.

- A. No sale of any on-sale licensed premise shall be made between the hours of 1:00 a.m. on Sunday, and 8:00 a.m. on Monday unless the establishment has been issued a Sunday license under 200.12.
- B. No On-Sale shall be made between the hours of 1:00 a.m. and 8:00 a.m. on any weekday.
- C. No Off-Sale shall be made on:
 - 1) Sundays, except between the hours of 11:00 am and 6:00 pm effective July 1, 2017.
 - 2) Before 8:00 am or after 10:00 pm on Monday through Saturday.
 - 3) Thanksgiving Day;
 - 4) on Christmas Day, December 25; or
 - 5) after 8:00 p.m. on Christmas Eve, December 24th.
- D. No person other than an employee of an establishment licensed pursuant to this Chapter shall remain on the licensed premises longer than one-half hour after closing time as established by this Chapter. Nor shall any person consume or display intoxicating liquor on said premises after one half-hour after closing time set forth above.

200.12 SUNDAY SALES.

- A. **Sunday License and Fee.** A restaurant, club, bowling center, or hotel with a seating capacity for at least thirty (30) persons and which holds an on-sale intoxicating liquor license may obtain a Sunday license from the city to sell intoxicating liquor on Sundays in conjunction with the sale of food. Intoxicating liquor may be sold for consumption on the premises between the hours of 12:00 noon on Sundays and 1:00 a.m. on Mondays. The annual fee for the Sunday license shall be \$200.00.
- B. **Extended Sunday Hours.** The City may, after public hearing and by ordinance, permit a restaurant, club, bowling center, or hotel that has been issued a Sunday License under Subdivision 1 to sell intoxicating liquor in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and 1:00 a.m. on Mondays.
- C. **Hours.** On-Sale establishments licensed to sell intoxicating liquor on Sunday may serve between the hours of 12:00 pm and 12:00 am on Sunday. Effective July 1, 2017 Off-Sale Liquor License may sell intoxicating liquor between the hours of 11:00 am and 6:00 pm.
- D. **Growlers.** Malt liquor in growlers only, may be sold at off-sale on Sundays between the hours of 11:00 am and 6:00 pm.

- E. **Delivery.** No delivery of alcohol to an off-sale licensee may be made by a wholesaler or accepted by an off-sale licensee on a Sunday. No order solicitation or merchandising may be made by a wholesaler on a Sunday.

200.13 RESTRICTION OF CONSUMPTION. No On-Sale place of business shall be permitted to have swinging doors or opaque windows. All sales shall be made in full view of the public. It shall be unlawful for any person or persons to mix or prepare liquor for consumption, or to permit the consumption thereof in any public place or place of business where no On-Sale license is held, or consume liquor in such a place, except for the purpose of Sampling in accordance with MN Statute 340A.510 and Tasting in accordance with MN Statute 340A.419, and as amended.

200.14 FINES, SUSPENSION, AND REVOCATION.

- A. **General Fines, Suspension, and Revocation Provisions.** The Council has authority to either suspend for up to 60 days or revoke any liquor license or impose a civil fine not to exceed \$2,000 for each violation upon a finding that the licensee has failed to comply with any applicable statute, regulation or ordinance relating to alcoholic beverages. Except in cases of failure of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minn. Stat. 14.57 to 14.69 of the administrative procedure act.

Lapse of required liquor liability insurance, or withdrawal of a required deposit of cash or securities, shall effect an immediate suspension of any license issued pursuant to this Section without further action of the Council. Notice of cancellation, lapse of a current liquor liability policy or bond, or withdrawal of deposited cash or securities shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or bond, or withdrawal of a required deposit, or of suspension or revocation of a license, may request a hearing. If a request is made in writing to the clerk a hearing shall be granted within 10 days or such longer period as may be requested. Any suspension under this paragraph shall continue until the Council determines that the financial responsibility requirements of this Section have again been met.

- B. **Presumptive Penalties.**

1. **Purpose.** The purpose of this Subdivision is to establish a standard by which the Council determines the length of license suspensions and the propriety of revocations and shall apply to all on-sale and off-sale licensed premises for both non-intoxicating and intoxicating liquor under this Section. These penalties are presumed to be appropriate for every case. However, the Council may deviate from these penalties in an individual case where the Council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the Council shall provide written reasons that specify why the penalty selected was more appropriate.
2. **Presumptive Penalties for Violations.** Adverse penalties for violations shall be presumed as follows. It is not necessary for the prior offense to be the same offense as the current charge. The presumptive sentence depends on the total number of prior offenses within 3 years.

Type of Violation	1 st Violation	2 nd Violation	3 rd Violation	4 th Violation
Commission of a felony related to the licensed activity.	IMMEDIATE REVOCATION	N/A	N/A	N/A
Sale of alcoholic beverages while license is suspended.	IMMEDIATE REVOCATION	N/A	N/A	N/A
Adult entertainment	IMMEDIATE REVOCATION	N/A	N/A	N/A
Sale of alcoholic beverages to under-age person.	\$500	3-day suspension or \$1000 fine	10-day suspension	IMMEDIATE REVOCATION
Sale of alcoholic beverages to intoxicated person.	\$500	3-day suspension or \$1000 fine	\$2,000 and 7-day suspension	IMMEDIATE REVOCATION
After or before hours sale of alcoholic beverages.	\$500	3-day suspension	\$2,000 and 7-day suspension	IMMEDIATE REVOCATION
After-hours display or consumption of alcoholic beverages.	\$500	\$1000 and 3-day suspension	\$2,000 and 7-day suspension	IMMEDIATE REVOCATION
Refusal to allow city inspectors or police admission to inspect premises.	\$1,000 and 3-day suspension	\$2,000 AND 7-day suspension	IMMEDIATE REVOCATION	N/A
Illegal gambling or prostitution on premises.	\$500	\$1000 and 3-day suspension	\$2,000 and 7-day suspension	IMMEDIATE REVOCATION
Failure to take reasonable steps to stop person from leaving premises with alcoholic beverage.	\$500	\$1,000 and 3-day suspension	\$2,000 and 7-day suspension	IMMEDIATE REVOCATION
Failure to make application for license renewal prior to license expiration date.	\$500	\$1,000 and 3-day suspension	\$2,000 and 7-day suspension	IMMEDIATE REVOCATION
Sale of intoxicating liquor where only license is for wine or 3.2	\$500	3-day suspension	IMMEDIATE REVOCATION	N/A
Failure to comply with statutory and ordinance requirement for liability insurance	IMMEDIATE REVOCATION	N/A	N/A	N/A
No person under 18 years of age allowed in liquor establishment unless	\$500	\$1,000 and 3-day suspension	\$2,000 and 7-day suspension	IMMEDIATE REVOCATION

employed by establishment and working at the time, or with parent or legal guardian.				
Person under 18 serving liquor	\$500	\$1,000 and 3-day suspension	\$2,000 and 7-day suspension	IMMEDIATE REVOCATION
Failure to display liquor license	Warning letter	\$500 fine	\$1,000 fine	\$1,500 fine

3. Multiple Violations. At a licensee’s first appearance before the Council, the Council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee up to and including the formal notice of hearing. The occurrence of multiple violations shall be grounds for an upward departure from such penalties in the Council’s discretion. Violations occurring after the date of the notice of hearing that are brought to the attention of the city prior to the hearing date may be added to the notices by stipulation if the licensee admits to the facts and shall, in that case, be treated as through part of the “1 Appearance”. In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a “2 Appearance” before the Council.

4. Other Penalties. Nothing in this Section shall restrict or limit the authority of the Council to suspend up to sixty (60) days, revoke the license or impose a civil fine not to exceed two thousand dollars (\$2,000.00), to prosecute an offender in criminal court, or to impose conditions or take any other adverse action in accordance with the law, provided, that the license holder has been afforded an opportunity for a hearing in the manner provided for by law.

200.15 NUDITY PROHIBITED

- A. **Purpose.** The City of Chisago City does hereby ordain that it is in the best interest of the public health, safety and general welfare of the people of the City of Chisago City that certain types of activities, as set forth in this ordinance are prohibited upon the premises or on other property that is within one thousand (1,000) feet of the licensed premises and that is owned by the licensee or an entity controlled by the licensee, so as to best protect and assist the owners and operators and employees of these premises, as well as patrons and the public in general. Further, that the City does ordain that the standards in this ordinance reflect the prevailing community standards in the City of Chisago City. This ordinance is intended to prevent harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The City also desires to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct such as prostitution, sexual assault, and disorderly conduct.

- B. **Certain Acts Prohibited.** The following shall be unlawful for any licensee to permit on the licensed premises or on other property that is within one thousand (1,000) feet of the licensed premises, and that is owned by the licensee or an entity controlled by the licensee:
 1. The employing or use of any person in the sale or service of beverages in or upon the licensed premises where such person is unclothed or in transparent clothing or in such attire,

costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

2. The employing or use of the services of any host or hostess while such host or hostess is unclothed or in such attire, costume or clothing as described in subsection 1 above.
 3. The encouraging or permitting of any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.
 4. The permitting of any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.
 5. The permitting of any person to perform acts of or acts which simulate:
 - a. With or upon another person, sexual intercourse, sodomy, oral copulation, flagellation or any sexual acts, which are prohibited by law.
 - b. Masturbation or bestiality.
 - c. With or upon another person the touching, caressing or fondling of the buttocks, anus, genitals or female breast.
 - d. The displaying of the pubic hair, anus, vulva, genitals or female breasts below the top of the areola.
 6. The permitting of any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in subsections 5a through 5d above.
 7. The permitting of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.
 8. The permitting or showing of adult - film, still pictures, electronic reproductions or other reproductions depicting:
 - a. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts, which are prohibited by law.
 - b. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
 - c. Scenes wherein a person displays the vulva, or the anus or the genitals.
 - d. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the activities described in subsections B1 through B7 above.
- C. Exemptions. Breast-feeding by mothers in a parental relationship with a minor shall not be a violation of this ordinance.
- D. Violation. A violation of this section of the ordinance is a misdemeanor, and is justification for revocation or suspension of any liquor, wine, or beer license.

200.16 REPEAL. All ordinances of this City or any provisions thereof in conflict with the Chapter or any of its provisions are hereby repealed.

200.17 EVERY SECTION, provision or part of this chapter is declared separable from every other section, provision or part; and if any section, provision or part hereof shall be declared invalid, it shall not affect any other section, provision or part.

200.18 PENALTY. Any person violating any provision of this Chapter shall be guilty of a misdemeanor.

Adopted 12/96; Amended 8/03 ORD 273; Amended 06/01/06 ORD 276(11/07); Amended ORD 299 (2/13); Amended 03/28/17 ORD 306;