

ORDINANCE NO. 2

AN ACT REGULATING THE SALE OF INTOXICATING LIQUORS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF CARLTON, CARLTON COUNTY, MINNESOTA AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

The Village Council of the Village of Carlton, do ordain as follows:

Sec. 1. No person or persons firm, Company or Corporation shall sell give, barter or dispose of in any manner or for any purpose any spirituous, malt vinous or fermented liquors or any intoxicating liquors of any kind or character in any quantity whatever, to any person or person, firm, company or corporation within the corporate limits of said Village of Carlton without having first procured a license therefore as herein provided.

Sec. 2 Any person or persons, firm, company or corporation desiring to obtain a license to sell intoxicating liquors within the corporate limits of said village, shall first pay to the Village Treasurer the full sum of Five Hundred Dollars, and shall take the said Treasurers receipt for the same, which receipt shall specify for what said money was paid, said applicatn shall then make an application to the Village Council of said Village, for said license, which application shall be in writing, signed by said applicant, and shall clearly and distinctly describe the premises and the room in which said liquor is to be sold and the time for which said license is to be desired, said applicant shall also make and execute a bond with two or more sureties who shall be free holders of the County of Carlton, Minnesota and shall justify in twice the amount of said bond, to be approved by the Village Council which bond shall be in the penal sum of Two Thousand dollars (\$2000) conditioned that said applicant, the principal named in said bond, will not sell, give barter, furnish or otherwise dispose of any spirituous, vinous malt, brewed or fermented liquors or any intoxicating liquor of any kind or character, at any other place other than the room named in said application and license, nor on the Sabbath Day nor any general or special election day, nor to any minor person, not to any student or pupil, in any public school, seminary, academy of other institution of public learning, within the corporate limits of the said Village, nor to any habitual drunkard or intemperate drinker of intoxicating liquor, nor to any intoxicated person, and that said applicatn and licensee will keep a quiet and orderly house and will not permit any gambling with cards or with any other means or device for money, or its representative or other thing of value, in the house or place of business of such person, Licensee.

Said applicant shall then file said application and Bond together with said receipt of said Village Treasurer, with the Village Recorder of said Village and shall also at the same time deposit with the said Recorder the sum of Ten dollars towards the expense of advertising and publishing the notice of hearing of said application and shall take the Recorders receipt for the same.

Sec. 3 Upon the presentation to said Council of said receipt of said Village Treasurer for \$500 together with said written application for said license accompanied by said bond made and executed as above conditioned, said Council shall at its next regular meeting or at any special meeting called for the purpose, consider the same, and if said bond is satisfactory, shall cause a notice of said application containing the name of the applicant and a description of the premises as stated in the application and the time when the same shall be heard, to be published in the official paper of said village two full weeks immediately preceeding the time of such hearing. In case there shall be no official newspaper in said village, then in any legal newspaper printed and published in said Carlton County.

- Sec. 4 On the day and hour fixed for said hearing of said application said Council shall meet and consider the same, at which meeting any person may appear and object to the granting of said application and license.
If for any reason the Council shall deem it for the best interest of said Village, that said application be denied and said license not issued or if it appear that said applicant has knowingly violated any law of the State of Minnesota relative to the sale of intoxicating liquors, or has knowingly violated any ordinance of said Village relative to the sale of intoxicating liquors, within the year immediately preceding the date of said application, said Council shall refuse to issue such license. But if after due consideration said Council is satisfied that said applicant is a proper person, and there is no legal reason why said license should not issue, it may issue said license for the full term of one year.
- Sec. 5 No person shall be accepted as a surety on any bond given pursuant to this ordinance who is already on any such bond.
- Sec. 6 The said license shall be signed by the President of said Village and attested by the Village Recorder under his hand and the corporate seal of said Village, and shall distinctly state the name of said Licensee and describe the premises and room where said liquors are to be sold, and the full time said license is to run. Such license shall be posted up on some conspicuous place in the said room where said liquors are sold.
- Sec. 7 If for any reason said Council shall refuse to issue such license said Village Recorder shall immediately deliver to said applicant the said Treasurers receipt and said bond, and after deducting from said ten dollars deposited with said recorder as provided in section 2 of this ordinance, the full amount of the cost of said publication, he shall deliver the balance if any to said applicant. The said written application shall be filed in the office of the said Recorder, and in no instance shall any other or further application to sell intoxicating liquors by said applicant, be received within three months thereafter.
- Sec. 8 If at any time said Village Council shall deem it for the best interest of the Village, it may revoke the said license so issued.
- Sec. 9 At any time that such liquor license is issued, the said Village Recorder shall return to such licensee the full amount of ten dollars, deposited as provided in section 2 of this ordinance, but if for any reason any applicant whose application has been acted upon and granted, shall fail to take out such license, then the amount of the cost of publication of said notice and application shall be deducted from the Ten Dollars deposited as in Section 2, and the balance if any shall be delivered to said applicant.
- Sec. 10 If at any time said Licensee shall be convicted of any violation of this ordinance, or shall be convicted of any violation of the laws of this State relative to the sale of intoxicating liquors, the said Council shall immediately revoke said license so issued, and if for either of the above specified causes such license shall be revoked, no further or other license to carry on said business shall be issued to said applicant for one full year from such revocation.
- Sec. 11. No license issued pursuant to this ordinance shall be transferred from the Licensee named therein to any other person or persons, nor shall any other person be allowed to sell intoxicating liquors under said license without the written consent of said Council.
- Sec. 12 All sales of intoxicating liquors pursuant to this ordinance shall be in the room mentioned and described in said license and no such sales shall be made in any other room or place without the written consent of said Village Council.

- Sec. 13 The provisions of this ordinance relative to sales without licenses shall apply to Clerks, Bartenders and all Employees and any such Clerk, Bartender or Employee who shall be engaged in selling any of the intoxicating liquors hereinbefore mentioned for an Employer who has no license, to sell pursuant to this ordinance, shall be deemed to have violated this ordinance.
- Sec. 14 The Village recorder of said Village shall keep a record of all licenses issued pursuant to this ordinance, in a book kept for that purpose and such record shall be prima facie evidence of the facts stated there in in all actions under this ordinance.
- Sec. 15 In all prosecutions or actions under this ordinance the rules of evidence as fixed and recognized by the laws of this State in actions for the violation of the law relative to the sale of intoxicating liquors shall apply.
- Sec. 16 Any person who shall violate any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof before any Justice of the Peace in and for said Village, shall be required to pay a fine of not less than One Dollar and not more than One Hundred Dollars, together with costs of suit and in default of the payment of such fine and costs said person so convicted, shall be committed to the Watch house or Jail of said Village or County Jail of said County until such fine and costs are fully paid, but not to exceed ninety days.
- Sec. 17 Each and every condition of said bond so given by Licensee as aforesaid is made a condition of this ordinance, and each and every condition of said license is a condition of this ordinance, and the violation of the condition of either said Bond or said License shall be deemed a misdemeanor and upon conviction thereof before any Justice of the Peace in and for said Village, the person so convicted shall be fined in a sum not less than One Dollar and not more than one Hundred dollar together with cost of suit and in default of payment of said fine and costs, said person so convicted shall be committed to the Watch House of said Village or Jail of said Village or the County Jail of said County until such fine and costs are fully paid, but not to exceed ninety days.
- Sec. 18 All license monies collected pursuant to this ordinance and all fines collected for the violation thereof, shall be credited to and become a part of the General fund of said Village.
- Sec. 19 Old ordinance number 1 entitled "An ordinance relating to spirituous liquors, billiard tables, pigeon hole tables and bowling alleys" is hereby repealed.
- Sec. 20 This act shall be in force from and after its passage and publication.

A.A. Paine
President of said Village

Attest

M. T. Milander
Village Recorder
Passed June 4, 1896