

ORDINANCE NUMBER 140

An Ordinance regulating the sale, consumption and possession of alcoholic beverages, liquor and non-intoxicating liquor in the City of Carlton, Minnesota

The Council of the City of Carlton, Minnesota, does hereby ordain as follows:

Section 1. Definitions

(A) "Public Land" shall mean any land owned by any governmental unit or over which any governmental unit has an easement, including but not limited to, streets, alleys, sidewalks, parks, school grounds and parking areas.

(B) "Intoxicating liquor" and "alcohol" and "alcoholic beverage" shall mean ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2% if alcohol by weight.

(C) "Non-intoxicating liquor" shall mean any malt liquor containing less than 3.2% alcohol by weight.

(D) "Motorized vehicles" shall mean any passenger carrying appurtenance including but not limited to cars, pickups, campers, trailers, motorcycles, four-wheelers, three-wheelers and scooters.

Section 2. It shall be unlawful for any person to have or display any opened can, bottle, glass or other container containing any alcoholic beverage, intoxicating liquor or non-intoxicating liquor upon any public land in the City.

Section 3. It shall be unlawful for any person to consume any alcoholic beverage, liquor or nonintoxicating liquor upon any public land in the City.

Section 4. It shall be unlawful for any person to have in his or her possession or within the driving compartment of any motorized vehicle while on any public land in the City, any bottle or receptacle containing intoxicating liquor or nonintoxicating liquor which has been opened or the seal broken except when said person is removing the bottle or receptacle from a legal transporting place in a vehicle to carry the bottle or receptacle to a place where it may be legally consumed.

(A) "Driving compartment" shall mean any area from which any motorized vehicle could be operated for transportation including but not limited to the frontdash, rear deck, floor, back seat and front seat.

(B) "Legal transporting place" shall mean a place where the driver of any motorized vehicle cannot have immediate access to any bottle or receptacle containing intoxicating liquor or nonintoxicating liquor including but not limited to the trunks, the rearbed of a pickup trailer or camper.

Section 5. No owner, operator or employee of any premises licensed to sell any alcoholic beverages, wines, non-intoxicating malt liquor, liquor or intoxicating liquor shall allow or permit any person to remove from such premises any opened can, bottle, glass or other container in which any amount of such beverages, wines or liquor remains for consumption. "Premises shall mean the permanent structure which the said license is issued for and shall exclude the parking lot, the ground surrounding such structure any any temporary structure thereon.

Section 6. "Penalty" Every person who violates this ordinance when he or she performs an act which is hereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor.

Section 7. The City Council of the City of Carlton may issue a special permit not to exceed 30 consecutive days waiving any provisions of Section 2 of this ordinance when it deems such waivers to be in the interest of public welfare and safety. Such permit shall describe with specificity the conditions under which the permit is issued and shall include the following information:

(A) The public place to which the permit pertains.

(B) The person or persons to whom the permit is issued.

(C) Any other conditions or restrictions that the City Council shall deem necessary to adequately provide for the public welfare and safety including restrictions relative to the type of beverage that may be consumed and the hours during which such beverage may be consumed.

Section 8. To the extent that the provisions of this ordinance are inconsistent with any prior ordinances enacted by the City of Carlton, such prior ordinances are repealed but to the extent that this ordinance is not in conflict with such prior ordinances, such ordinances shall remain in full force and effect.

Section 9. This Ordinance shall take effect upon its passage and publication according to law.

Passed this 5th day of May, 1987. Published in the Pine Knot 5/28/87

ATTEST:

Louise Beckstrom, It's Clerk

THE CITY OF CARLTON

By: Jim Gianesi, It's Mayor