

ORDINANCE NUMBER 131

AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF INTOXICATING LIQUOR, REPEALING INCONSISTENT ORDINANCES, AND PROVIDING A PENALTY FOR VIOLATION

The Council of the City of Carlton 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 intoxicating liquor are adopted and made a part of this ordinance as if set out in full.

Section 2. License Required.

Subdivision 1. General Requirement. No person, except a wholesaler 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", "On-Sale" Wine and "Off-Sale". The City shall make available for issuance 2 "On-sale" licenses, 2 "On-Sale" Wine Licenses and 2 "Off-Sale" Licenses. An eligible exclusive liquor store may be issued both an "on-Sale" and an "Off-Sale" License. "On-Sale" licenses shall be issued only to hotels, clubs, restaurants, and exclusive liquor stores and shall permit "on-sale" of liquor only. "On-Sale" Wine shall be issued only to restaurants meeting the qualifications of Minnesota Statutes, Section 340.11, Subdivision 20 and shall permit only the sale of wine not exceeding 14 percent alcohol by volume, for consumption on the license premises only, in conjunction with the sale of food. "Off-Sale" licenses shall be issued only to drug stores and exclusive liquor stores and shall permit "off-sales" of liquor only.

Section 3. Application For License.

Subdivision 1. Form. Every application 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 Commissioner of Public Safety 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 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 \$5,000.00 for an applicant for an "on-sale" license and an "on-sale" wine license and \$3,000.00 for an applicant for an "off-sale" license.

No License
Applied

Subdivision 3. Approval Of Security. The security offered under Subdivision 2 shall be approved by the city council and in the case of applicants for "on-sale" wine licenses and "off-sale" licenses, by the state commissioner of public safety. Surety bonds 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, is cause for revocation of the license.

Section 4. License Fees.

Subdivision 1. Fees. The annual fee for a liquor license shall be \$1,500.00 for an "on-sale" license, \$100.00 for an "on-sale" wine license and \$100.00 for an "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 and the fixed investigation fee required under Section 5, subdivision 1, if any. All fees shall be paid into the general fund. If an applicant for a license is rejected, the treasurer shall refund the amount paid as the license fee.

Subdivision 3. Term; 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 each year.

Subdivision 4. Refunds. No refund of any fee shall be made except as authorized by statute.

Section 5. Granting Of Licenses.

Subdivision 1. Preliminary Investigation , On an initial application for an "on-sale" license and on application for transfer on an existing "on-sale" license, the applicant shall pay with his application an investigation fee of \$250.00 and the City shall conduct a preliminary background and financial investigation of the applicant. The application in such case shall be made on a form prescribed by the state bureau of criminal apprehension and with such additional information as the Council may require. If the Council deems it in the public interest to have an investigation made on a particular application for renewal of an "on-sale" license, it shall so determine. In any case, if the council determines that a comprehensive background and financial investigation on the applicant is necessary, it may conduct the investigation itself or contract with the bureau of criminal investigation for the investigation. No license shall be issued, transferred, or renewed if the results show to the satisfaction of the council that issuance would not be in the public interest. If an investigation outside of the state is required, the applicant shall be charged the cost, not to exceed \$10,000.00 and shall be paid by the applicant after deducting any initial investigation fee already paid. The fee shall be payable by the applicant whether or not the license is granted.

Subdivision 2. Hearing and Issuance. The City Council shall investigate all facts set out in the application and not investigated in the preliminary background and financial investigation conducted pursuant to Subdivision 1. 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" wine license or "off-sale" license shall become effective until it, together with the security furnished by the applicant, has been approved by the commissioner of public safety.

Subdivision 3. 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 license 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 made ineligible for such license by state law.

Section 7. Places Ineligible for License

No license shall be issued for any place or any business ineligible for license under state law.

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 authorized 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. Closing of Premises. All exclusive Liquor Stores for "on-sale" shall close its premises thirty (30) minutes after the closing hours for sales and shall have removed all customers, guests, patrons and non-required employees from the premises. Closing hours for sales shall be as defined by Minnesota State Statute.

Subdivision 4. Federal Stamps. No licensee shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.

Section 9. Suspension and Revocation.

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

Section 10. Penalty. Any person violating any provisions of this ordinance is guilty of a misdemeanor and upon conviction shall be punishable by a fine of not more than \$500.00 or imprisonment in the County jail for not more than 90 days or both, plus the cost of prosecution in any case.

Section 11. Repeal. Ordinance Numbers 57, 66, 68 and 69 along with all other ordinances or any provisions thereof which are in conflict with this ordinance, are hereby repealed.

Section 12. Effective Date. This ordinance becomes effective upon its passage and publication, according to law.

Passed by the Council this 2nd day of February , 1982

CITY OF CARLTON

By John Beames
Its Mayor

Attest :

James Beckstrom
Clerk/Treas.

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