

ORDINANCE NO. 66

AN ORDINANCE TO AMEND ORDINANCE NO. 57 ENTITLED "AN ORDINANCE ESTABLISHING A MUNICIPAL LIQUOR DISPENSARY".

The Village Council of the Village of Carlton does ordain that Ordinance No. 57 be amended to read as follows:

Sec. I Dispensary Established. A Municipal Dispensary is hereby established to be operated within the municipality for the sale of intoxicating liquor and or non-intoxicating malt liquor at one and off sale. It shall be unlawful for any person or persons to mix or prepare liquor for consumption in any public place of business or to consume liquor in such place outside of the dispensary or places authorized to sell intoxicating liquor pursuant to a license duly issued therefor. No liquor shall be sold or consumed on the public highways or in an automobile.

Sec. II Location and Operation. The said dispensary shall be located at such place as the Council shall determine and may be either leased or owned by the municipality as the Council shall determine. It shall be in charge of a person known as the Operator who shall be selected by the Village Council and who shall be paid such compensation as the Council shall determine. Said Operator shall have full charge of the operation of such dispensary and shall have authority to purchase supplies as are necessary and, if temporary extra help is needed, he shall be authorized to employ the same at a rate of compensation established by the Council. All employees, including the Operator, shall hold their positions at the pleasure of the Council and no minor person shall be employed in the dispensary.

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Sec. III Said Operator and or employees of the dispensary shall give bond to the Village in such penal sum as may be determined by the Council and with corporate surety conditioned that he or they will faithfully perform their duties, that he or they will operate such dispensary strictly in accordance with the provisions of this Ordinance and with all Statutes regulating sale and distribution of intoxicating liquor and non-intoxicating malt liquor, and such bonds shall be subject to the approval of the Council.

Sec. IV Dispensary Fund Created. A liquor dispensary fund is hereby created in which all revenues received from the operation of the dispensary shall be paid, and from which all operating expenses shall be paid, provided that the intial costs of rent, fixtures and stock may be paid for out of the general fund of the municipality, but such amounts shall be reimbursed to the said general fund out of the first moneys coming into the liquor dispensary fund not needed for carrying on the said business. Any surplus accumulating in this fund may be transferred to the general fund by resolution of the Council and expended for any municipal purpose.

Sec. V Hours of Operation. The municipal dispensary shall at all times observe the requirements and restrictions of the State law as to hours of operation unless otherwise established by the Village Council in conformity with State Statutes.

Section VI Conditions of Operation and Restrictions on Consumption. No pool or billiard table shall be kept in the dispensary or any rooms connecting therewith; nor shall any one on such premises keep, possess or operate on such premises or in any rooms adjoining or connected therewith any slot machine, dice or any other gambling device or permit the same to be kept or used. No gambling shall be permitted on such premises, nor shall any person of a know immoral character or any disorderly person be permitted on such premises.

GAMBLING

No other business other than the sale of liquors shall be carried on by the dispensary or by any person employed therein during the time so employed and in conjunction therewith.

OTHER BUSINESS

No liquor shall be sold to an habitual drunkard, to a person who is in an intoxicated condition, nor to a person under the age of 21 years, nor shall any minor be permitted to consume intoxicating liquor and or non-intoxicating malt liquor in the dispensary, and it shall be unlawful for any person to procure any intoxicating liquor and or non-intoxicating malt liquor for any minor or to induce such minor to purchase or procure the same. It shall also be unlawful for any minor to misrepresent his age for the purpose of obtaining or purchasing intoxicating liquor and or non-intoxicating malt liquor.

PROHIBITIVE SERVICE

INSPECTION

The premises occupied by the dispensary shall periodically be duly inspected by the Health Officer of the ~~Village~~^{City} to see that said premises are in a sanitary condition.

Sec. 7

ESTABLISHED

The Council shall appoint a committee of not less than two (2) to be known as the Dispensary Committee, who shall supervise the management of the dispensary and the performance of the duties of the Operator upon any matter, subject or question which may arise and upon which the Council as a whole has not acted.

Said Operator shall receive and safely keep all moneys taken in at the dispensary, shall keep suitable books of account, he shall pay such expenses as are incidental to the maintenance of the dispensary.

The Operator shall properly submit all bills of the dispensary to the Council prior to its regular meetings, or to a special meeting if that be necessary in any instance, so that payments may be authorized and made out of the treasury in due form.

OPERATOR'S REPORTS

The Operator shall also submit to the Village Council such details and itemized reports of the business with an inventory of the stock at hand as they may direct. He shall also pay to the Village Treasurer the receipts of the dispensary as frequently as directed by the Council of the Dispensary Committee.

The Operator shall at all times see that all laws imposing state and federal taxes on any liquor dispensed shall be complied with.

Sec. 8

Repeal. All Ordinances of the ~~Village~~^{City} or any provisions thereof in conflict with this Ordinance or any of its provisions are hereby repealed. No provision hereof shall affect licensing and regulating the sale of non-intoxicating malt liquor or intoxicating liquor.

Sec. 9

ENFORCEMENT

Enforcement and Penalty. It shall be the duty of all police officers and constables of the ~~Village~~^{City} to enforce the provisions of this ordinance and to search premises and seize evidence of law violation and preserve the same as evidence against any person alleged to be violating this Ordinance, and to prepare the necessary processes and papers therefor.

PENALTY

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or in default of such payment shall be imprisoned in the County Jail for not to exceed Ninety (90) days, plus the costs of prosecution in any case. Provided, also, that any employee of the dispensary wilfully violating any provisions hereof or any provision of the laws of Minnesota relating to gambling or the sale of intoxicating liquor shall be discharged.

Sec. 10

Effect. This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Council this 7th day of April, 1949

Approved:

Vern Brower
President of Council

(Seal)

Attest:

Charles Bellingham
Clerk

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