

ORDINANCE NO. 57

AN ORDINANCE ESTABLISHING A MUNICIPAL LIQUOR DISPENSARY

The Village Council of the Village of Carlton does ordain as follows:

- Sec. I DISPENSARY ESTABLISHED - A municipal liquor dispensary is hereby established to be operated within this municipality for the sale of liquor potable as a beverage and containing more than 3.2% of alcohol by weight in a sealed or closed receptacle or container for removal from the premises. No person shall sell, barter or otherwise dispose of intoxicating liquor, nor shall a sale be made by any one outside of said dispensary or by anyone not employed in and by said dispensary. 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 places outside of the dispensary. No liquor shall be sold or consumed on a public highway or in an automobile.
- Sec. II LOCATION AND OPERATION - The said dispensary shall be located at such place as the council shall determine by motion 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 also 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 employ such additional help as he may need at a rate of compensation to be approved by the council and under rules to be determined by the council and in conformity with the law. All employes including the operator shall hold their positions at the pleasure of the council. No minor person shall be employed in the municipal dispensary.
- Sec. III Said operator shall give bond to the village in the penal sum of \$1,000.00, with corporate surety conditioned that he will faithfully perform his duties, that he will operate such dispensary strictly in accordance with the provisions of this ordinance and with all statutes regulating the sale and distribution of intoxicating liquor.
- Each assistant who in any way handles funds of said dispensary shall also give bond to the village in such amount as the council may determine. All bonds, and the sureties thereon, 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 initial 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 following restrictions upon the hours of operation: No sale of intoxicating liquor shall be made on Sunday nor before three o'clock P.M. on any Memorial Day nor before eight o'clock P.M. on any election day in the village. And no sale shall be made before eight o'clock A.M. or after eight o'clock P.M. of any day except Saturday, on which day sales may be made until ten o'clock P.M.
- Sec. 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 known immoral character or any disorderly person be permitted on such premises.

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.

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.

The premises occupied by the dispensary shall be duly inspected by the health officer of the village at least once a month and as many other times as he deems necessary to see that said premises are in a sanitary condition.

No person shall be permitted to loaf or loiter about the dispensary habitually.

No premises shall be leased for a dispensary upon which taxes, assessments or other legal public levies are delinquent and unpaid.

Sec. VII The council shall appoint at least two of its members to be known as the dispensary committee, such committee shall supervise the management of the dispensary and the performance of the duties of the operator.

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.

The operator shall also submit to the village council at each monthly meeting a detailed and itemized report of the daily business for the preceding month, with an inventory of stock on hand. He shall also, once each week, pay over to the village treasurer the net receipts of the dispensary; and at such other times as the net receipts in his hands shall exceed \$50.00, he shall immediately pay over the excess to the village treasurer.

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

Sec. VIII REPEAL - All ordinances of the village or any provisions thereof in conflict with this ordinance or any of its provisions are hereby repealed. No provision hereof shall affect Ordinance No. 50, licensing regulating the sale of non-intoxicating malt liquor adopted pursuant to Chapter 116, Laws of Minnesota 1933, and acts amendatory thereof, nor any license granted thereunder.

Sec. IX ENFORCEMENT AND PENALTY - It shall be the duty of all police officers and constables of the village to enforce the provisions of this ordinance and to search premises and seize evidence of law violations and preserve the same as evidence against any person alleged to be violating this ordinance, and to prepare the necessary processes and papers therefor.

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 provision hereof or any provision of the laws of Minnesota relating to gambling or the sale of intoxicating liquor shall be discharged.

Sec. X EFFECT - This ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Council this 6th day of May, 1940.

Approved,

Attest: Charles Bellingham
Clerk

J. H. Johnson
President of Council

(SEAL)

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