

ORDINANCE NO. 50

AN ORDINANCE TO LICENSE AND REGULATE THE SALE OF NON-INTOXICATING MALT LIQUORS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF CARLTON, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF

The Village of Carlton does ordain:

- Sec. I It shall be unlawful within the corporate limits of the Village of Carlton, for any person, firm, partnership, corporation or association either directly or indirectly, to sell non-intoxicating malt liquors, at retail or at wholesale, except when licensed as hereinafter provided by the provisions of this ordinance.
- Sec. II Definitions:
- (a) The term "Non-intoxicating malt liquor" or non-intoxicating liquor" shall mean and include any liquid potable as a beverage containing not more than 3.2 per cent of alcohol by weight nor less than one-half of one per cent of alcohol by volume.
- (b) The term "Bona Fide Club", within the meaning of this ordinance, shall mean an established incorporated club, authorized to do business in the State of Minnesota, that for one year prior to the granting of a license, shall have maintained table facilities for serving its membership; and is an organization for social or business purposes or for intellectual improvement, or for the promotion of sports where the serving of non-intoxicating malt liquors is incidental to and not the major purpose of the club.
- (c) The term "Restaurant" within the meaning of this ordinance, shall mean a place having facilities for serving meal to its customers.
- (d) The term "Hotel" within the meaning of this ordinance, shall mean a place that for one year prior to the granting of a license shall have maintained table facilities for serving meal to its customers.
- (e) The term "Person", within the meaning of this ordinance, shall mean an individual, corporation or partnership.
- (f) Amended by #67
- Sec. III License required. No person shall vend, deal in or dispose of, by gift, sale or otherwise, any non-intoxicating malt liquor without first having obtained a license so to do from the Village Council.
- Sec. IV License granted under this ordinance shall be of two kinds, viz:
- (a) "On Sale" licenses shall permit the licensee to sell non-intoxicating malt liquor for consumption on the premises of the licensee described in the license.
- (b) An "Off Sale" license shall permit the licensee to sell such non-intoxicating malt liquors in original packages not to be consumed upon the premises described in such license.
- Sec. V License Fees.
- (a) The annual license fee for an "On Sale" license shall be \$45.00 per annum.
- (b) The annual license fee for an "Off Sale" license shall be \$5.00 per annum, except for wholesalers of such non-intoxicating malt liquors other than the manufacturers thereof and the license fee for such wholesalers shall be \$50.00 per annum.
- (c) All licenses issued hereunder shall terminate on the first day of April of each year and when application is made during any portion of said year the license fee shall be pro-rated, and no license shall be issued except at a regular meeting of the Village Council.

Sec. VI "On Sale" licenses shall be granted only to drug stores, restaurants, hotels and bona fide clubs, and no manufacturer of non-intoxicating malt liquors shall have any ownership in whole or in part, directly or indirectly, in the business of any licensee holding an "On Sale" license.

see 407
sec. 2

Sec. VII Any person desiring to sell non-intoxicating malt liquors under licenses as herein defined shall make application in writing to the Village Council through the Village Clerk accompanied by the proper license fee and said written application shall contain:

- (a) The name and residence, including street number of the applicant.
- (b) The age of the applicant.
- (c) Whether the applicant is a citizen of the United States.
- (d) Name and address of owner and of any and all lessees or sub-lessees of real estate, building, fixtures and furniture where such non-intoxicating malt liquor is to be sold.
- (e) Names of three or more persons who may be referred to as to the applicant's character.
- (f) If applicant is a corporation, then in addition to the above information the applicant shall give the name and general purpose of the corporation and the state under whose laws incorporated, and also the names of the officers, together with their addresses, including street and number.
- (g) Such other information as the Village Council may from time to time require.
- (h) Such application shall be signed and sworn to by the applicant, if an individual, and if a corporation, then by an officer thereof, before a Notary Public or other officer authorized to administer oaths.

Sec. VIII The Village Council shall cause an investigation to be made of the facts stated in said application in regard to the premises where the business is to be conducted, and the character, reputation and fitness of the applicant or applicants, for the purpose of ascertaining whether the same are as represented in said application, and whether the license applied for should be granted. Opportunity shall be given to anyone who wishes to be heard in the matter of why a license should or should not be granted. After such investigation the Village Council may grant or refuse such license, provided that the granting thereof does not violate any other provisions of this ordinance.

Sec. IX Any license issued under this ordinance may be revoked at any time by the Village Council, upon cause shown and after a hearing thereon, notice of which hearing shall be mailed to the licensee at such licensee's place of business at least the ten (10) days before the date of such hearing. Without excluding othersufficient grounds for revocation, the filing of any application containing statements or information known to be a false statement, or conviction for a violation of this ordinance or any law or ordinance relating to the prohibition of intoxicating liquor, shall be sufficient cause of such revocation.

Sec. X No license shall be issued to any person who has been convicted of a felony, or who has been guilty of violating any of the provisions or parts of this ordinance or who shall hereafter be found guilty of the illegal sale, possession, manufacture or transportation of intoxicating liquors.

- Sec. XI The license of any person to whom a license cannot be granted under the provisions of this ordinance and the license of a place where a license cannot be granted under the provisions of this ordinance, shall be immediately revoked by the Village Council upon the discovery of such fact. A conviction in any court for the violation of any of the provisions of this ordinance, or of the prohibition law, shall be in and of itself render null and void the license of the licensee and his place of business, who, by or wherein such violation takes place, and the Village Council may in its discretion revoke any license at any time.
- Sec. XII Any person who shall make any false or untrue statement in the application for license herein provided for, or who shall deceive or attempt to deceive the Village Council or its agent by any statement or answer made in or in connection with such application, and any applicant for license as such, who shall not comply with all the requirements of this ordinance, shall be held to have violated the provisions of this ordinance.
- Sec. XIII The Village Council may grant or deny any such application, and if the same be granted may be revoked by the Village Council at any time after a hearing and with notice to the licensee.
- Sec. XIV The license of any person who shall be found guilty of any violation of the prohibition law, whether the offense be committed on the premises named in his license or elsewhere, and the license of any person, who shall have, keep, sell, manufacture or possess intoxicating liquor at or upon the premises named in his license, contrary to said prohibition law, shall be revoked by the Village Council.
- Sec. XV No license shall be granted:
- (a) To any applicant who already owns a license of the kind applied for.
 - (b) To any applicant under 21 years of age.
 - (c) To any applicant unless he be the actual owner or proprietor where he intends to sell such malt liquor.
- Sec. XVI Every hotel that is the holder of an "On Sale" license shall have in his place of business two rest-rooms; one rest-room for women and one rest-room for men and said rest-rooms shall each contain a water-closet and a wash bowl which shall always be kept in a clean and sanitary condition and in a good and proper state of repair. Said rest-rooms shall have separate entrances and such entrances shall not be opposite to each other and such entrances shall each have self-closing doors.
- Sec. XVII Every person, restaurant and club having an "On Sale" license shall have in its place of business two rest-rooms; one rest-room for women and one rest-room for men and said rest-rooms shall each contain a water-closet and a wash-bowl and said water-closet and wash-bowl shall always be kept in a clean and sanitary condition and in a good and proper state of repair. Said rest-room shall all be located on the main or ground floor of said place of business and each rest-room shall shall have a separate entrance and such separate entrances shall not be opposite to each other and such separate entrances shall each have self-closing doors.
- Sec. XVIII It shall be unlawful to sell, give, or serve such non-intoxicating malt liquors to anyone under the age of 21 or to allow any person under the age of 21 to consume such non-intoxicating liquors on said licensed premises.

~~WRONG XIX~~

Sec. ~~XVIII~~ XVIX

see #55

No "On Sale" or "Off Sale" licensee shall sell such malt between the hours of 12:30 o'clock A.M. and 9 o'clock A.M. on Sunday, nor between the hours of 12:30 o'clock A.M. and 6:00 A.M. on any day. Nor shall any licensee permit such malt liquors to be consumed on his or its premises between the hours of 1:00 o'clock A.M. and 9 o'clock A.M. on Sunday nor between the hours of 1:00 o'clock A.M. and 6:00 o'clock A.M. on any day.

Sec. XX

The Village Marshall or any police officer of the Village of Carlton may at all reasonable hours enter in and upon any licensed premises and inspect and examine said premises for the purpose of determining whether the provisions of Ordinance No. 50 are being complied with.

Sec. XXI

No "On Sale" license shall be issued to any person who does not have a place of business that complies with the health laws of the State of Minnesota in such cases made and provided.

Sec. XXII

Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not to exceed \$50.00 or by imprisonment not to exceed 30 days or both.

Sec. XXIII

No more than seven(7) "On Sale" licenses and no more than seven (7) "Off Sale" licenses shall be issued in any one license year.

see #56

Sec. XXIV

No licensee shall place in his or its windows or doors any curtains, or other obstruction, that will interfere with, or deny, a full view of the inside of the premises from the exterior of such place of business.

Sec. XXV

No licensee or employee of said licensee shall draw, give, serve, or sell non-intoxicating malt liquors while said licensee or employees are in an intoxicated condition nor shall said licensee or employees of said licensee draw, give, serve, or sell non-intoxicating malt liquors to a customer or patron while said customer or patron is in an intoxicated condition.

Sec. XXVI

It shall be unlawful for any "On Sale" establishment to permit music of any kind, nature or description upon said premises, with the exception of the radio, and no dancing shall be allowed on said premises and no loud speakers or amplifiers shall be used on either the interior or exterior of the premises.

see #57
see #58

Sec. XXVII

The provisions of this ordinance are hereby declared to be separable and a judicial determination as to the invalidity of any provision of this ordinance shall not affect any other provisions of such ordinance.

Sec. XXVIII

That all ordinances and parts of ordinances inconsistent with this ordinance are hereby in all things repealed.

Sec. XXIX

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

Louis Schiedermayer
President of the Village Council

Attest:

V. E. Harris
Village Clerk

Passed January 25, 1937

Published January 28, 1937