

Ordinance No. 10

[Intoxicating Liquor]

An Ordinance licensing and regulating the sale of intoxicating liquor, repealing inconsistent ordinances, and providing a penalty for the violation thereof.

The Council of the Village of Medicine Lake does ordain:

Section .01: **Definition of Terms**

As used in this ordinance.

- (a) The terms "intoxicating liquor" and "liquor" whenever used in this ordinance shall mean and include ethyl alcohol and include, distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 percent of alcohol by weight.
- (b) The terms "sale" and "sell" shall mean and include all barters, and all manners of means of furnishing "intoxicating liquor or liquors" as above described in violation or evasion of law.
- (c) "On Sale" shall mean the sale of liquor by the glass for consumption on the premises only.
- (d) "Off sale" shall mean the sale of liquor in original packages in retail stores for consumption off or away from the premises where sold.
- (e) The term "person" shall include persons, corporations, partnerships, and other unincorporated associations.
- (f) The term "package" or "original package" shall mean and include any container or receptacle holding liquor, which container or receptacle is corked or sealed.

Section .02: **License Required**

No person shall, directly or indirectly, upon any pretense or by any device, manufacture, import, sell, exchange, barter, dispose of or keep for sale, any intoxicating liquor, without first having obtained a license therefor as hereinafter provided. Licenses shall be of two kinds: "on sale" and "off sale".

- (a) "On sale" licenses shall be granted only to Hotels, Drugstores, and other authorized by Minnesota Laws, and shall permit the consumption of liquor on the premises only. Not more than one such license shall be granted at any one time.
- (b) "Off sale" licenses shall be granted to permit the sale of liquor at retail or wholesale in the original package or consumption off the premises only. Such licenses may be issued only to exclusive liquor stores.

Section .03: Application for Licenses

Every person desiring a license for "off sale" shall file a verified application transfer in writing with the clerk of the municipality in the form to be prescribed by the state liquor commissioner and with such additional information as the Council of the municipality may require. Applications for an "on sale" license shall be in such form and shall require such information as the Council shall determine. A surety bond shall accompany each application for a license. In the case of an application for an "on sale" license, the application shall be accompanied by a corporate surety bond in the sum of \$4,000 to be approved as to legal form by the attorney for the village and as to sufficiency by the Council; or in lieu of such bond, cash or bonds of the United States of a market value of \$4,000 may be posted. In the case of an application for an "off sale" license a similar surety bond or cash or United States bond equivalent shall be required, but the amount of such bond shall be \$2,000. and shall also be approved by the commissioner. All such bonds shall be conditioned as follows:

- (a) That the licensee will obey the law relating to such licensed business.
- (b) That the licensee will pay to the municipality when due all taxes, license fees, penalties and other charges provided by law.
- (c) That in the event of any violation of the provisions of any law relating to the retail "off sale" and retail "on sale" of intoxicating liquor, such bond shall be forfeited to the municipality in which such license was issued.
- (d) That the licensee will pay to the extent of the principal amount of such bond any damages for death or injury caused by or resulting from the violation of any provisions of law relating thereto, and in such cases recovery under this subdivision (d) may be had from the surety on his bond. The amount specified in such bond is declared to be a penalty, the amount recoverable to be measured by the actual damages; provided, however, that in no case shall such surety be liable for any amount in excess of the penal amount of the bond. The cancellation of a bond shall automatically revoke a license if a satisfactory bond is not substituted before the effective date of such cancellation.

It shall be unlawful to make any false statement in an application.

Section .04: Fees

All applications for license shall be accompanied by a receipt from the Village Treasurer for the required annual fee for the respective license. All such fees shall be paid into the general fund of the municipality. Upon rejection of any application for a license, the Treasurer shall refund the amount paid and the bond of said applicant shall be returned to him.

The annual fee for an "on sale" license shall be \$1000.

The annual fee for an "off sale" license shall be \$100.

All licenses shall expire on the last day of May in each year.

Section .05: Granting of Licenses

The Village Council shall cause an investigation to be made of all the representations set forth in the application. Opportunity shall be given at a regular special meeting of the Council to any person to be heard for or against the granting of any license. After such investigation and approval of the required bond, the City Council shall grant or refuse such license in its discretion; provided that no "off sale" license shall become effective until it, together with the bond, has the approval of the Liquor Control Commissioner. All licensed premises shall have the license posted in a conspicuous place therein at all times. No license shall be transferable either as to licensee or premises without the approval of the Council and also of the Liquor Control Commissioner in the case of "off sale" licenses.

Section .06: Hours of Operation

Will be governed by the prevailing Minnesota Liquor Commission laws.

Section .07: Revocation

Any license granted hereunder may be revoked by the Council with notice to the grantee, and a hearing shall first be held by the Council and the revocation then made for cause. Any violation of any provision or condition of this ordinance or the state licensing law or any falsification of any statement in the application shall be ground for revocation. Any such license shall be revoked automatically upon the conviction of the licensee of a felony. No portion of the license fee paid into the City Treasury shall be returned upon revocation.

Section .08: Penalty

Any person violating any provisions 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.

Section .09: 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 September, 1946.

L. B. Johantgen, President of the Council

Attest: Chas. Pauly, Clerk