

Ordinance No. 3

[Non-Intoxicating Malt Liquors]

Medicine Lake Ordinance licensing and regulating the sale of non-intoxicating malt liquors, and providing a penalty for the violation hereof.

The common council of the village of Medicine Lake do ordain:

Section .01: Definition of Terms

- (a) As used in this ordinance, the term "person" shall mean and include a natural person of either sex, persons, co-partnerships, corporations and associations of persons; and shall include the agent or manager of any of the aforesaid. The singular number shall include the plural, and the masculine pronoun shall include the feminine and neuter.
- (b) "Non-intoxicating malt liquor" shall mean any potable malt beverage with an alcoholic content of more than one-half of one per cent by volume and not more than three and two-tenths by weight.
- (c) "Original package" as used herein shall mean the bottle or sealed container in which the liquor is placed at the place of manufacture.
- (d) "Cafe" or "restaurant" as used in this ordinance shall mean any place where preparing and serving lunches or meals to the public to be consumed on the premises constitutes the major business thereof.

Section .02: License Required—Kinds

- (a) No person shall sell, vend, deal in or dispose of, by gift, sale or otherwise, or keep or offer for sale, any non-intoxicating malt liquor within this village without first having received a license therefor as hereinafter provided. Licenses shall be of two kinds: "On Sale" and "Off Sale."
- (b) "On Sale" licenses shall be granted only to drug stores, cafes, restaurants and hotels where food is prepared and served for consumption on the premises and in bona fide clubs, and shall permit the sale of such liquor for consumption on the premises only.
- (c) "Off Sale" licenses shall be granted to permit the sale at retail and wholesale of such liquor in the original packages for removal from and consumption off the premises only.

Section .03: Applications for License

Every applicant for a license to sell non-intoxicating malt liquor shall be made on a form to be supplied by the village setting forth the name of the person asking for such license, his age, representations as to his character with such references as may be required, his citizenship, the location where such business is to be carried on, whether such application is for "on sales" or "off sales," the business in connection with which the proposed license will operate, whether

applicant is owner and operator of such business, the business at that place, and such other information as the governing body may require from time to time. It shall be unlawful to make any false statement in an application.

Section .04: License Fees

All applications for licenses 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.

The annual fee for an "On Sale" license shall be One Hundred Dollars, with dancing, One Hundred Fifty Dollars.

The annual fee for an "Off Sale" license shall be Twenty-Five Dollars.

All licenses shall expire on the last day of May in each year; provided that if eight months of any licensing year have elapsed when the application is made, the fee shall be reduced to one-half of the regular amount thereof.

Section .05: Granting of Licenses

The village council shall cause an investigation to be made of all facts set forth in the application. Opportunity shall be given to any person to be heard for or against the granting of any license. After such investigation the village council shall grant or refuse any such application in its discretion. All licensed premises shall have the license therefor posted in a conspicuous place at all times. All licenses granted under this ordinance shall be issued to the applicant only and shall be issued for the premises described in the application. Such license shall not be transferred to another place without the approval of the village council.

Section .06: Person Ineligible for License

No license shall be granted to any person:

- (a) Under twenty-one years of age;
- (b) Who has been convicted of a felony or of violating the National Prohibition Act or any law of this state or local ordinance relating to manufacture or transportation of intoxicating liquors;
- (c) Who is a manufacturer of wholesale of non-intoxicating malt liquors or who is interested in the control of any place where such liquor is manufactured or sold;
- (d) Who is an alien or a non-resident of the village of Medicine Lake;
- (e) Who is not of good moral character; or
- (f) Who is or during the period of his license becomes the holder of a Federal retail liquor dealer's special tax stamp for the sale of intoxicating liquor at any place unless there has also been issued to such person a license to sell intoxicating liquor pursuant to the laws of this state at such place.

Section .07: **Places Ineligible for License**

- (a) No license shall be granted for sale on any premises where a licensee has been convicted of the violation of this ordinance or where any license hereunder has been revoked for cause until one year has elapsed after such conviction or revocation.

Section .08: **Condition of Licenses**

- (a) All licenses granted hereunder shall be granted subject to the conditions in the following subsections and all other conditions of this ordinance and subject to all other ordinances of the village applicable thereto.
- (b) No license shall give permission to sell non-intoxicating malt liquor at any public gathering for the purpose of entertainment, amusement, or playing of games and no such liquor shall be consumed there.
- (c) No sale of any non-intoxicating malt liquor shall be made to any person under guardianship nor to any person under twenty-one years of age.
- (d) No gambling or any gambling device prohibited by law shall be permitted in any licensed premises.
- (e) No licensee shall receive any benefits from a manufacturer or wholesaler of non-intoxicating malt liquor or be a party to any exclusive purchase contract with a manufacturer or wholesaler of non-intoxicating malt liquor contrary to the provisions of Mason's Supplement 1940, Sec. 3200-6 as amended by Laws of 1943, Ch. 459.
- (f) No licensee shall sell non-intoxicating malt liquor while holding or exhibiting in the licensed premises a Federal liquor dealer's special tax stamp unless he is licensed under the Laws of Minnesota to sell intoxicating liquors.
- (g) Any peace officer shall have the unqualified right to enter, inspect, and search the premises of the licensee hereunder during business hours without a search and seizure warrant and unless such licensee has an intoxicating liquor license such peace officer may seize all intoxicating liquors found on the licensed premises.

Section .09: **Closing Hours**

No "on sales" of any non-intoxicating malt liquor shall be made between the hours of 1:00 a.m. and 7:00 a.m. on weekdays not between the hours of 2:00 a.m. and 12:00 noon on Sundays.

Section .10: **Revocation**

Any license granted hereunder may be revoked by the council without notice to the grantee or a hearing may first be held by the council and the revocation then made for cause. Any violation of any provision or condition of this ordinance or any falsification of any statement in the application shall be ground for revocation. No portion of the licensee fee paid into the village treasury shall be returned upon revocation.

Section .11: **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.

Passed by the council this 19th day of June, 1944.

L. B. Johantgen, Mayor, President of Council

Attest: J. R. Solberg, Clerk