

Ordinance

NO. 1962-1

AN ORDINANCE ESTABLISHING A MUNICIPAL LIQUOR DISPENSARY

The Village Council of the Village of Brownsdale, Minnesota, do ordain:

Section 1. Dispensary Established.
There is hereby established a municipal liquor dispensary for the on- and off-sale of intoxicating liquor. No liquor may be sold at retail elsewhere in the Village or by anyone not employed in the dispensary. No person shall consume liquor in a public park, on a public street or in any public place other than the dispensary.

Section 2. Location and Operation.
(a) The dispensary shall be located at such suitable place in the Village as the Council determines by motion. However, no premises upon which taxes or other public levies are delinquent shall be leased for dispensary purposes.

(b) The dispensary shall be in the immediate charge of a liquor store manager selected by the Council and paid such compensation as is fixed by the Council. He shall furnish a surety bond to the municipality, conditioned upon the faithful discharge of his duties, in such sum as the Council specifies. The bond premium may be paid by the Village or by the manager in the discretion of the Council.

The manager shall operate the dispensary under the Council's direction and shall perform such duties in connection with the dispensary as may be imposed upon him by the Council. He shall be responsible to the Council for the conduct of the dispensary in full compliance with this ordinance and with the laws relating to the sale of liquor or beer.

(c) The Council shall also appoint such additional employees as may be required for the dispensary and shall fix their compensation. All employees, including the manager, shall hold their positions at the pleasure of the Council. No minor shall be employed in the dispensary. In the discretion of the Council such employees may be required to furnish surety bonds conditioned for the faithful discharge of their duties, in such sums as the Council may specify.

Section 3. Dispensary Fund Created.

(a) A Municipal Liquor Dispensary Fund is hereby created, in which all revenues received from the operation of the dispensary shall be deposited and from which all operating expenses shall be paid. Surpluses accumulating in the Dispensary Fund may be transferred to the general fund or to any other appropriate fund of the Village by resolution of the Council and expended for any municipal purpose; provided, that the Village Council may by resolution authorize the issuance of liquor dispensary revenue bonds, payable from the net revenues of said dispensary, for the purpose of providing moneys for construction of buildings and other capital improvements, and provision of merchandise, equipment,

furnishings and working capital necessary for said dispensary, upon such terms as the Council may deem necessary and expedient, and may pledge net revenues of said dispensary, after payment of reasonable and current costs of operation and maintenance and a reasonable stock of merchandise for resale, to the payment of such bonds and interest thereon; and provided further, that the Village Council may make or continue any pledge of net revenues of said dispensary contained in a resolution or resolutions of the Council heretofore or hereafter adopted, to the payment of bonds of the Village issued for any purpose authorized by law, for the payment of which the Village is authorized to pledge such revenues; and provided further, that the Council may in and by such resolution or resolutions make on behalf of the Village all such covenants as may be reasonably required for the security of the holders of such bonds, and no moneys in the dispensary fund shall be transferred or expended except as provided in such resolutions, while any of said bonds shall be outstanding and unpaid.

(b) The procedure prescribed by law shall be followed in the handling of municipal liquor dispensary funds as for receipts and disbursements of Village funds generally.

(c) The Council shall provide as soon as possible following the close of each fiscal year for an audit of the accounts of the municipal liquor dispensary for that fiscal year by the Public Examiner or a qualified public accountant.

Section 4. Provisions of State Law Adopted. The provisions of Minnesota Statutes Chapter 340 with reference to the definition of terms, conditions of operation, restrictions on consumption, pro-relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor in or by a municipal liquor dispensary are hereby adopted and made a part of this ordinance as if full set forth herein.

Section 5. Repeal. All ordinances not consistent herewith are hereby repealed.

Section 6. 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 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.

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) or shall be imprisoned in the County jail for not to exceed ninety (90) days, plus the costs of prosecution in either case. Provided also, that any employee of the dispensary willfully violating any provision hereof or any provision of the laws of Minnesota relating to gambling or the sale of intoxicating liquor or beer shall be discharged.

Section 7. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication according to law.

Passed: August 6, 1962

GLEN H. STANTON

Mayor

Published: August 30, 1962

Attest: PHILIP E. HATTEN
Village Clerk