

An Ordinance Licensing and Regulating the Sale and Consumption of Intoxicating Liquor, Repealing Inconsistent Ordinances, and Providing a Penalty for Violation.

THE COUNCIL OF THE CITY OF BROWNSDALE ORDAINS:

Section 1. Provisions of State Law Adopted. The provisions of Minnesota Statutes, Chapter 340, relating to the definition of terms, licensing, consumption, sales, conditions of bonds of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor are adopted and made a part of this ordinance as if set out in full.

Section 2. License Required.

Subdivision 1. General Requirement. No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale in the city any intoxicating liquor without a license to do so as provided in this ordinance. Licenses shall be of three kinds: "on-sale", "off-sale" and club licenses.

Subdivision 2. On-sale Licenses. "On-sale" licenses shall be issued only to hotels, clubs, restaurants, and exclusive liquor stores and shall permit "on-sale" of liquor only.

Subdivision 3. Off-sale Licenses. "Off-sale" licenses shall be issued only to drug stores and exclusive liquor stores and shall permit "off-sale" of liquor only.

Subdivision 4. Issuance of on-sale and off-sale Licenses to Same Person. Both an "on-sale" license and an "off-sale" license may be issued separately to the same licensee.

Subdivision 5. Special Club Licenses. Special club licenses shall be issued only to incorporated clubs which have been in existence for 15 years or more or to congressionally chartered veterans' organizations which have been in existence for 10 years.

Subdivision 6. Number of On-sale Licenses. There shall not be more than one on-sale liquor license issued and outstanding at any one time.

Subdivision 7. Number of Off-sale Licenses. There shall not be more than one off-sale liquor license issued and outstanding at any one time.

Section 3. Application for License.

Subdivision 1. Every application for a license to sell liquor shall state the name of the applicant, his age, representations as to his character, with such references as the council may require, his citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he has been in that business at that place, and such other information as the council may require from time to time. In addition to containing such information, the application shall be in the form prescribed by the Liquor Control Commissioner and shall be verified and filed with the City Clerk. No person shall make a false statement in an application.

Subdivision 2. Bond. Each application for a license shall be accompanied by a surety bond, or in lieu thereof, cash or United States Government bonds of equivalent market value as provided in

Minnesota Statutes, Section 340.12. Such surety bond or other security shall be in the sum of \$3,000.00 for an applicant for an "on-sale" license and \$3,000.00 for an applicant for an "off-sale" license.

Subdivision 3. Liability Insurance. Prior to the issuance of a liquor license, the applicant shall file with the City Clerk a liability insurance policy in the amount of \$100,000.00 coverage for one person and \$300,000.00 coverage for more than one person and shall comply with the provisions of Minnesota Statutes, Section 340.12 relating to liability insurance policies. If a liability insurance policy is made subject to all the conditions of a bond under that statute, the policy may be accepted by the council in lieu of the bond required under Subdivision 2.

Subdivision 4. Approval of Security. The security offered under Subdivisions 2 and 3 shall be approved by the city council and, in the case of applicants for off-sale licenses, by the state Liquor Control Commissioner. Surety bonds and liability insurance policies shall be approved as to form by the city attorney. Operation of a licensed business without having on file with the city at all times effective security as required in Subdivisions 2 and 3 is a cause for revocation of the license.

Section 4. License Fees.

Subdivision 1. Fees. The annual fee for a liquor license shall be \$2,500.00 for an "on-sale" license, \$100.00 for an "off-sale" license, and \$100.00 for a special club license.

Subdivision 2. Payment. Each application for a license shall be accompanied by a receipt from the city treasurer for payment in

full of the license fee. All fees shall be paid into the general fund. If an application for a license is rejected, the treasurer shall refund the amount paid.

Subdivision 3. Term pro rata fee. Each license shall be issued for a period of one year except that if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of June of each calendar year.

Subdivision 4. No refund of any fee shall be made except as authorized by statute.

Section 5. Granting of Licenses.

Subdivision 1. Investigation and Issuance. The city council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the council shall, in its discretion, grant or refuse the application. No "off-sale" license shall become effective until it, together with the security furnished by the applicant, has been approved by the Liquor Control Commissioner.

Subdivision 2. Person and Premises Licensed; Transfer. Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without city council approval. Any transfer of stock of a corporate licensee is deemed a transfer of

the license and a transfer of stock without prior council approval is a ground for revocation of the license.

Section 6. Persons Ineligible for License. No license shall be granted to any person made ineligible for such a license by state law.

Section 7. Places Ineligible for License.

Subdivision 1. General Prohibition. No license shall be issued for any place or any business ineligible for such a license under state law.

Subdivision 2. Delinquent taxes and charges. No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the city are delinquent and unpaid.

Section 8. Conditions of License.

Subdivision 1. In General. Every license is subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance, state law or regulation.

Subdivision 2. Licensee's Responsibility. Every licensee is responsible for the conduct of his place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this ordinance and the law equally with the employee.

Subdivision 3. Inspections. Every licensee and every holder of a permit under Minnesota Statutes, Section 340.49 shall allow any peace officer, health officer, or properly designated officer or employee of the city to enter, inspect, and search the premises of the licensee during business hours without a warrant.

Subdivision 4. Display During Prohibited Hours. No "on-sale" establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

Section 9. Suspension and Revocation. The council may revoke any liquor license for violation of any statute or ordinance relating to the sale of liquor or may suspend the license for a period not exceeding 60 days if revocation is not mandatory. The licensee shall be granted a hearing upon at least 10 days notice before revocation or suspension is ordered except where mandatory revocation is provided by law.

Section 10. Penalty. Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$300.00 or imprisonment in the city (county) jail for not more than 90 days, or both, plus the cost of prosecution in any case.

Section 11. Repeal. Ordinance No. 1963-1 passed January 7, 1963, is hereby repealed.

Section 12. Effective Date. This ordinance becomes effective on September 1, 1974.

Passed by the council this 6<sup>th</sup> day of August, 1974.

Marvin Foster  
Mayor

(Seal)

Attest:

Marlene Derhart  
City Clerk

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