

ORDINANCE NO. 25

3.2 MALT LIQUOR WINE AND BEER

SALE, CONSUMPTION AND DISPLAY OF LIQUOR, WINE AND BEER.

THE CITY COUNCIL OF THE CITY OF ROYALTON HEREBY ORDAINS:

SECTION 1. DEFINITIONS.

- (a) In general the terms defined in this section have the meanings given them in this section.
- (b) 3.2 means any beer, malt liquor, or any other beverage with an alcoholic content of more than one-half of one percent by volume and not more than three and two-tenths by weight.
- (c) "Beer store" means an establishment which sells, among other items, beer.

SECTION 2. LICENSE REQUIRED.

- (a) Licenses.
No person, except wholesalers and manufactures to the extent authorized by law, shall deal in or dispose of by gift, sale or offer for sale, any 3.2 within the City without first having received a license as hereinafter provided. Licenses shall be of three kinds: (1) Regular on-sale; (2) Temporary on-sale; (3) Off-sale.
- (1) Regular on-sale.
Regular on-sale licenses shall be granted only to bona fide clubs, beer stores, exclusive on-sale liquor stores, drug stores, restaurants, and hotels where food is prepared and served for consumption on the premises. On-sale licensees shall permit the sale of beer for consumption on the premises only.
- (2) Temporary on-sale.
Temporary on-sale licenses shall be granted only to religious or non-profit organizations or associations, for the sale of 3.2 for consumption on the premises only.
- (3) Off-sale.
Off sale licenses shall permit the sale of 3.2 at retail, in the original package, for consumption off the premises only.

SECTION 3. LICENSE APPLICATIONS.

Every application for a license to sell 3.2 shall be made to the Clerk on a form supplied by the City and containing such information as the Clerk or Council may require. It is unlawful to make any false statement in an application.

SECTION 4. LICENSES FEES.

- (a) Payment required.
Each application for a license shall be accompanied by a receipt from the treasurer for payment in full of the required fee for the license. All fees shall be paid into the general fund of the City. Upon rejection of any application for a license the treasurer shall refund the amount paid.

(b) Terms of license.

Every license except a temporary license shall expire on the last day of August each year. The license fee shall not be pro rated for a portion of a year. A temporary license shall be issued for a specific period in which a special event to which the sale is incident is being held and such period shall be stated on the license.

(c) License fees.

The annual license fee for 3.2 shall be set according to the fee schedule of the City Of Royalton. Fees may be changed from time to time by resolution by the Royalton City Council.

(d) Refunds.

No part of the fee paid for any license issued under this code shall be refunded except in the following instances upon application to the Council within 20 days from the happening of the event. There shall be refunded a pro rated portion of the fee for the unexpired period of the license, computed on a monthly basis, when operation of the licensed business ceases not less than one month before expiration of the license because of:

- (1) Destruction or damage of the licensed premises by fire or other catastrophe.
- (2) The licensee's illness.
- (3) The licensee's death.
- (4) A change in the legal status of the City making it unlawful for the licensed business to continue.

SECTION 5. GRANTING OF LICENSE.

(a) Investigation and hearing.

The 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 such investigation and hearing, the Council shall grant or refuse the application in its discretion.

(b) Transfers.

Each license shall be issued to the applicant only and not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another place without the approval of the Council.

SECTION 6. PERSONS INELIGIBLE FOR A LICENSE.

A license shall only be issued to person who meets the requirements of Minnesota Statutes Section 340A.301 (sub. 2.)

SECTION 7. PLACES INELIGIBLE FOR A LICENSE.

(a) Conviction or revocation.

No license shall be granted for sale on any premises where a licensee has been convicted of the violation of this ordinance, or of the state beer or liquor law, or where any license hereunder has been revoked for cause or where two or more violations of this ordinance have occurred, until one year has elapsed after such conviction, revocation or violation.

(b) Payment of taxes.

No license shall be granted for operation on any premises upon which taxes or assessments or other financial claims of the City or any other governmental body are delinquent or unpaid.

SECTION 8. CONDITIONS OF LICENSE.

(a) General conditions.

Every license shall be granted subject to the following conditions and all other provisions of this section and of any other applicable ordinance of the City or state law.

(b) Sales to intoxicated persons.

No 3.2 shall be sold or served to any intoxicated person.

(c) Interest of manufacturers or wholesalers.

No manufacture or wholesaler of 3.2 shall have any ownership of or interest in an establishment licensed to sell at retail contrary to the provisions of Minnesota Statutes Section 340A.308. No retail licensee and manufacture or wholesaler of 3.2 shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from manufacture or wholesaler of 3.2 and no such manufacture or wholesaler shall confer any benefits contrary to law upon a retail licensee.

(d) Liquor dealer's stamp.

No licensee shall sell 3.2 while holding or exhibiting in the licensed premises a federal retail liquor dealer's special tax stamp unless he is licensed under the laws of Minnesota to sell intoxicating liquors.

(e) Sales of intoxicating liquor.

No licensee who is not also licensed to sell intoxicating liquor shall not sell intoxicating liquor on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquor. The presence of intoxicating liquors on the premises of such a licensee shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this section.

(f) Searches and seizures.

Any peace officer may enter, inspect and search the premise of a licensee during business hours without a search and seizure warrant and may seize all intoxicating liquors found on the licensed premises in violation of this ordinance or State law.

(g) Licensee responsibility.

Every licensee shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order.

SECTION 9. HOURS OF SALE.

No sale of 3.2 may be made between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday. The sale of 3.2 may be made between the hours of 10:00 A.M. and 12 Midnight on Sunday.

SECTION 10. RESTRICTIONS ON PURCHASES AND CONSUMPTION.

It is unlawful to serve or sell 3.2 to any individual under the age specified in Minnesota Statute Section 340A.503. No person other than a parent or legal guardian shall procure 3.2 for an individual under the age specified in Minnesota Statute Section 340A.503. No person under the age specified in Minnesota Statute Section

12/4/12

340A.503 shall have 3.2 in his or her possession with the intent to consume it at a place other than the household of his or her parent or guardian. No person shall consume or display intoxicating liquor on the premises of a licensee who is not also licensed to sell intoxicating liquor.

SECTION 11. REVOCACTION.

The violation of any provisions or conditions of this ordinance by a 3.2 licensee or his agent is grounds for revocation or suspension of the license. The license of any person who holds a federal retail liquor dealer's special tax stamp without a license to sell intoxicating liquors at such a place shall be revoked without notice and without hearing. In all other cases, a license granted under this ordinance may be revoked or suspended by the City Council after written notice to the licensee and a public hearing in accordance with the law and this code. The Council may suspend any license pending a hearing on revocation or suspension. No suspension shall exceed 60 days.

SECTION 12. PENALTY.

Any violation of the provisions of this Ordinance shall be a misdemeanor.

THIS ORDINANCE SHALL SUPERSEDE AND REPEAL ALL PRIOR AND CONSISTENT ORDINANCES. THIS ORDINANCE SHALL BE EFFECTIVE UPON PASSAGE AND PUBLICATION REQUIRED BY LAW.

DATED: _____

CLERK

MAYOR