

## Chapter 5

# ALCOHOLIC BEVERAGES LICENSING AND REGULATION

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## Section 5.01. DEFINITIONS.

As used in this Chapter, unless otherwise stated in specific sections, the following words and terms shall have the meanings stated:

1. "Alcoholic Beverage" – Any beverage containing more than one-half of one percent alcohol by volume, including, but not limited to, beer, wine, and liquor as defined in this Section.
2. "Applicant" – Any person making an application for a license under this Chapter.
3. "Application" – A form with blanks or spaces thereon, to be filled in and completed by the applicant as his request for a license, furnished by the City and uniformly required as a prerequisite to the consideration of the issuance of a license for a business.
4. "Beer" – Malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight. (This definition includes so-called "malt coolers" with the alcoholic content limits stated herein.)
5. "Brewer" – A person who manufactures beer for sale.
6. "Club" – An incorporated organization organized under the laws of the State for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which: (1) has more than fifty members; (2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members; (3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body. Such club or congressionally chartered veterans' organization must have been in existence for at least three years.
7. "Commissioner" – The Minnesota Commissioner of Public Safety.
8. "Exclusive Liquor Store" – An establishment used exclusively for the sale of liquor except for the incidental sale of ice, tobacco, beer, beverages for mixing with liquor, and soft drinks may also be sold, and the establishment may offer recorded or live entertainment and make available coin-operated amusement devices. "Exclusive liquor store" also includes an on-sale or combination on-sale and off-sale liquor establishment which sells food for on-premise consumption when authorized by the City issuing the license.
9. "Hotel" – An establishment where food and lodging are regularly furnished to transients and which has: (1) a resident proprietor or manager; (2) a dining room serving the general public at tables and having facilities for seating at least thirty guests at one time; and (3) at least ten guest rooms.
10. "License" – A document, issued by the City, to an applicant permitting him to carry on and transact the business stated therein.
11. "Licensee" – An applicant, who, pursuant to his approved application, holds a valid, current, unexpired license, which has neither been revoked nor is then under suspension, from the City for carrying on the business stated therein.
12. "License Fee" – The money paid to the City pursuant to an application and prior to issuance of a license to transact and carry on the business stated therein.
13. "Licensed Premises" – The premises described in the issued license.

14. "Liquor" – Ethyl alcohol and distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 percent of alcohol by weight. (This definition includes so-called "wine coolers" and "malt coolers" with the alcoholic content limits stated herein.)
15. "Malt Liquor" – Any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.
16. "Manufacturer" – Every person who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces alcoholic beverages for sale.
17. "Minor" – Any natural person who has not attained the age of 19 years; provided, that after September 1, 1986, the term means any natural person who either (1) has not attained the age of 21 years, or (2) was born after September 1, 1967.
18. "Off-Sale" – The sale of alcoholic beverages in original packages for consumption off the licensed premises only.
19. "On-Sale" – The sale of alcoholic beverages for consumption on the licensed premises only.
20. "Package" and "Original Package" – Any container or receptacle holding alcoholic beverages, which container or receptacle is corked, capped or sealed by a manufacturer or wholesaler.
21. "Restaurant" – An establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly served at tables to the general public, and having seating capacity for at least thirty guests.
22. "Sale", "Sell" and "Sold" – All barter and all manners or means of furnishing alcoholic beverages to persons, including such furnishings in violation or evasion of law.
23. "Wholesaler" – Any person engaged in the business of selling alcoholic beverages to a licensee from a stock maintained in a warehouse.

## **Section 5.02. APPLICATIONS AND LICENSES UNDER THIS CHAPTER – PROCEDURE AND ADMINISTRATION.**

Subd. 1. Application. All applications shall be made at the office of the City Clerk-Treasurer upon forms prescribed by the City, or if by the Commissioner, then together with such additional information as the Council may desire. Information required may vary with the type of business organization making application. All questions asked or information required by the application forms shall be answered fully and completely by the applicant.

Subd. 2. False Statements. It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in such application, or any willful omission to state any information called for on such application form shall, upon discovery of such falsehood, work an automatic refusal of license, or if already issued, shall render any license issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this Chapter, or any part thereof.

Subd. 3. Application and Investigation Fees. At the time the initial application is made, an applicant for a license under this Chapter shall accompany such application with payment of a fee to be considered an application and investigation fee, not refundable to the applicant, to cover the cost of the City in processing the application and the investigation of the applicant. No such fee shall be required of an applicant for a temporary beer license.

#### Subd. 4. Action.

- A. Granting. The Council may approve any application for the period of the remainder of the then current license year or for the entire ensuing license year. All applications including proposed license periods must be consistent with this Chapter. Prior to consideration of any application for a license, the applicant shall pay the license fee, and if applicable, pay the investigation fee. Upon rejection of any application for a license, or upon withdrawal of an application before consideration by the Council, the license fee shall be refunded to the applicant. Failure to pay any portion of a fee when due shall be cause for revocation.
- B. Issuing. If an application is approved, the City Clerk-Treasurer shall forthwith issue a license pursuant thereto in the form prescribed by the City or the Commissioner, as the case may be. Except as otherwise specifically provided, all licenses shall be on a fiscal year basis, September 1 to August 31. For licenses issued and which are to become effective other than on the first day of the licensed year, the fee to be paid with the application shall be a pro-rata share of the annual license fee. Licenses shall be valid only at one location and on the premises therein described.
- C. Transfer. A license shall be transferrable between persons upon consent of the Council and payment of the investigation fee. No license shall be transferrable to a different location without prior consent of the Council and payment of the fee for a duplicate license. Any change in individual ownership, incorporation, or substitution of partners is a transfer. It is unlawful to make any transfer in violation of this Subparagraph.
- D. Refusal and Termination. The Council may, in its sole discretion and for any reasonable cause, refuse to grant any application. No license shall be granted to a person of questionable moral character or business reputation. Licenses shall terminate only by expiration or revocation.
- E. Public Interest. No license under this Chapter may be issued, transferred, or renewed if the results of any investigation show, to the satisfaction of the Council, that such issuance, transfer, or renewal would not be in the public interest.
- F. Revocation or Suspension. The Council may, in its sole discretion and for any reasonable cause, revoke, or suspend for a period not to exceed sixty days, any license granted under the provisions of this Chapter. The Council shall revoke the license upon conviction of any licensee or agent or employee of a licensee for violating any law relating to the sale or possession of beer, wine or liquor upon premises of the licensee, or if such revocation is mandatory by the Statute. If it shall be made to appear at the hearing thereon that such violation was not willful, the Council may order suspension; provided that revocation shall be ordered upon the third such violation or offense. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing before the Council, a committee of the Council, or a hearing examiner, as may be determined by the Council in action calling the hearing. Such hearing shall be called by the Council upon written notice to the licensee served in person or by certified mail not less than fifteen nor more than thirty days prior to the hearing date, stating the time, place and purpose thereof. As additional restrictions or regulations on licensees under this Chapter, and in addition to grounds for revocation or suspension stated in the City Code or Statute, the following shall also be grounds for such action: (1) that the licensee suffered or permitted illegal acts upon licensed premises unrelated to the sale of beer, wine or liquor; (2) that the licensee had knowledge of such illegal acts upon licensed premises, but failed to report the same to police; (3) that the licensee failed or refused to cooperate fully with police in investigating such alleged illegal acts upon licensed premises; or, (4) that the activities of the licensee created a serious danger to public health, safety, or welfare.

Subd. 5. Duplicate Licenses. Duplicates of all original licenses under this Chapter may be issued by the City Clerk-Treasurer without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of a fee of \$2.00 for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.

Subd. 6. Posting. All licensees shall conspicuously post their licenses in their places of business.

Subd. 7. Persons Disqualified.

- A. No license under this Chapter may be issued to: (1) a person not a citizen of the United States or a resident alien; (2) a person under twenty-one years of age; (3) a person who within five years of the license application has been convicted of a willful violation of a Federal or State law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution, of alcoholic beverages; (4) a person who has had an alcoholic beverage license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporate licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; or, (5) a person not of good moral character and repute.
- B. No person holding a license from the Commissioner as a manufacturer, brewer or wholesaler may have any ownership, in whole or in part, in a business holding an alcoholic beverage license from the City.

### **Section 5.03. DELINQUENT TAXES AND CHARGES.**

No license under this Chapter shall be granted for operation on any premises upon which taxes, assessments, or installments thereof, or other financial claims of the City, are owed and are delinquent and unpaid.

### **Section 5.04. CONDITIONAL LICENSES.**

Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefor, place such special conditions and restrictions, in addition to those stated in this Chapter, upon any license as it, in its discretion, may deem reasonable and justified.

### **Section 5.05. PREMISES LICENSED.**

Unless expressly stated therein, a license issued under the provisions of this Chapter shall be valid only in the compact and contiguous building or structure situated on the premises described in the license, and all transactions relating to a sale under such license must take place within such building or structure.

### **Section 5.06. UNLAWFUL ACTS.**

Subd. 1. Closing. It is unlawful for any person, other than an on-sale licensee or his bona fide employee actually engaged in the performance of his duties, to be on premises licensed under this Chapter after 2:00 o'clock A.M. Tuesdays through Sunday, or after 1:00 o'clock A.M. on Monday. Provided, however, that this Subdivision shall not apply to licensees, employees of licensees and patrons on licensed premises for the sole purpose of preparing, serving or consuming food or beverages other than alcoholic beverages.

Subd. 3. Advertising Signs. It is unlawful for any licensee under this Chapter to permit a sign owned, leased or under his control advertising sale of an alcoholic beverage and energized by means of a gas or electricity, or combination thereof, to be so energized during hours when the particular sale advertised is unlawful.

### **Section 5.07. CONDUCT ON LICENSED PREMISES.**

Except as herein provided, every licensee under this Chapter shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order therein.

## **Section 5.08. SALE BY EMPLOYEE.**

Any sale of an alcoholic beverage in or from any premises licensed under this Chapter by any employee authorized to make such sale in or from such place is the act of the employer as well as of the person actually making the sale; and every such employer is liable to all of the penalties provided by law for such sale, equally with the person actually making the sale.

## **Section 5.09. LICENSE CONDITION AND UNLAWFUL ACT.**

Subd. 1. All premises licensed under this Chapter shall at all times be open to inspection by any police officer to determine whether or not this Chapter and all other laws are being observed. All persons, as a condition to being issued such license, consent to such inspection by such officers and without a warrant for searches and seizures.

Subd. 2. It is unlawful for any licensee, or agent or employee of a licensee, to hinder or prevent a police officer from making such inspection.

## **Section 5.10. LICENSES FEES – FIXING AND REFUNDMENT.**

Subd. 1. Fixing Fees. Except as otherwise specifically provided, all fees provided for in this Chapter, including, but not by way of limitation, license fees, investigation and administration fees, shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may, from time-to-time, be amended by the Council by resolution. A copy of the resolution shall be kept on file in the office of the City Clerk-Treasurer and open to inspection during regular business hours. For the purpose of fixing such fees, the Council may categorize and classify, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

Subd. 2. Refundment. A pro-rata share of an annual license fee for a license to sell liquor or beer, either on-sale or off-sale, shall be refunded to the licensee, or to his estate, if: (1) the business ceases to operate because of destruction or damage; (2) the licensee dies; or (3) the business ceases to be lawful for a reason other than a license revocation or suspension.

## **Section 5.11. FINANCIAL RESPONSIBILITY OF LICENSEES.**

Subd. 1. Proof. No alcoholic beverage license shall be issued or renewed unless and until the applicant has provided proof of financial responsibility, imposed by Statute, by filing with the City a certificate that there is in effect an insurance policy or pool providing minimum coverages of (1) \$50,000.00 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000.00 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000.00 because of injury to or destruction of property of others in any one occurrence, and (2) \$50,000.00 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000.00 for loss of means of support of two or more persons in any one occurrence.

Subd. 2. Exception. This Section does not apply to on-sale beer licenses with sales of beer less than \$10,000.00 for the preceding year, nor to off-sale beer licensees with sales of beer of less than \$20,000.00 for the preceding year. An affidavit of the licensee shall be required to establish the exemption under this Subdivision.

Subd. 3. Documents Submitted to Commissioner. All proofs of financial responsibility and exemption affidavits filed with the City under this Section shall be submitted by the City to the Commissioner.

## **Section 5.12. INSURANCE CERTIFICATION REQUIREMENTS.**

Whenever an insurance certificate is required by this Chapter the applicant shall file with the City Clerk-Treasurer a certificate of insurance showing (1) that the limits are at least as high as required, (2) that coverage is effective for at least the license term approved, and (3) that such insurance will not be

cancelled or terminated without thirty days' written notice served upon the City Clerk-Treasurer. Cancellation or termination of such coverage shall be grounds for license revocation.

### **Section 5.13. MINORS AS DEFINED IN SECTION 5.01. – UNLAWFUL ACTS.**

Subd. 1. Consumption. It is unlawful for any:

- A. Licensee to permit any minor to consume alcoholic beverages on licensed premises.
- B. Minor to consume alcoholic beverages except in the household of the minor's parent or guardian, and then only with the consent of such parent or guardian.

Subd. 2. Purchasing. It is unlawful for any person:

- A. To sell, barter, furnish, or give alcoholic beverages to a minor unless such person is the parent or guardian of the minor, and then only for consumption in the household of such parent or guardian.
- B. Minor to purchase or attempt to purchase any alcoholic beverage.
- C. To induce a minor to purchase or procure any alcoholic beverage.

Subd. 3. Possession. It is unlawful for a minor to possess any alcoholic beverage with the intent to consume it at a place other than the household of the minor's parent or guardian. Possession of an alcoholic beverage by a minor at a place other than the household of the parent or guardian is prima facie evidence of intent to consume it at a place other than the household of his parent or guardian.

Subd. 4. Entering Licensed Premises. It is unlawful for a minor to enter licensed premises for the purpose of purchasing or having served or delivered to him any alcoholic beverage.

Subd. 5. Misrepresentation of Age. It is unlawful for a minor to misrepresent his age for the purpose of purchasing an alcoholic beverage.

Subd. 6. Proof of Age. Proof of age for purchasing or consuming alcoholic beverages may be established only by a valid driver's license, a Minnesota identification card, or, in the case of a foreign national, a valid passport.

### **Section 5.14. GAMBLING PROHIBITED.**

It is unlawful for any licensee to keep, possess, or operate, or permit the keeping, possession, or operation on licensed premises of dice or any other gambling device, or permit raffles to be conducted, except as are licensed by the Charitable Gambling Control Board and then only except as it complies with the established policy of the City.

### **Section 5.15. CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON STREETS, PUBLIC PROPERTY, AND PRIVATE PARKING LOTS TO WHICH THE PUBLIC HAS ACCESS.**

It is unlawful for any person to consume, or possess in an unsealed container, any alcoholic beverage on any (1) City park, (2) street, (3) public property, or (4) private parking lot to which the public has access, except on such premises when and where permission has been specifically granted or licensed by the Council. Provided, that this Section shall not apply to the possession of an unsealed container in a motor vehicle when the container is kept in the trunk of such vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purpose of this Section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

## **Section 5.16 ALCOHOLIC BEVERAGES IN CERTAIN BUILDINGS AND GROUNDS.**

It is unlawful for any person to introduce upon, or have in his possession upon, or in, any school ground, or any schoolhouse or school building, any alcoholic beverage, except for experiments in laboratories and except for those organizations who have been issued temporary licenses to sell beer, and for any person to possess beer as a result of a purchase from those organizations holding temporary licenses.

Source: City Code  
Effective Date: 6-1-86

**(Section 5.17 through 5.29, inclusive, reserved for future expansion.)**

## **Section 5.30. BEER LICENSE REQUIRED.**

It is unlawful for any person, directly or indirectly, on any pretense or by any device, to sell, barter, keep for sale, or otherwise dispose of beer, as part of a commercial transaction, without a license therefor from the City. This Section shall not apply to sales by manufacturers to wholesalers or to sales by wholesalers to persons holding beer licenses from the City. Annual on-sale beer licenses may be issued only to drug stores, restaurants, hotels, clubs, and establishments used exclusively for the sale of beer with the incidental sale of tobacco and soft drinks. Any person licensed to sell liquor at on-sale shall not be required to obtain an on-sale license, and may sell beer on-sale without an additional license. Any person licensed to sell liquor off-sale shall not be required to obtain an off-sale license, and may sell beer off-sale without an additional license.

## **Section 5.31. TEMPORARY BEER LICENSE.**

Subd. 1. Applicant. A club or charitable, religious, or non-profit organization shall qualify for a temporary on-sale beer license.

Subd. 2. Conditions

- A. An application for a temporary license shall state the exact dates and place of proposed temporary sale.
- B. No applicant shall qualify for a temporary license for more than a total of seven (7) days in any calendar year.
- C. The Council may, but at no time shall it be under any obligation whatsoever to, grant a temporary beer license on premises owned or controlled by the City. Any such license may be conditioned, qualified or restricted as the Council sees fit. Such license shall be issued only on the condition that the applicant will not sell in excess of \$10,000.00 (retail value) worth of beer in any fiscal year, and thereupon shall be exempt from proof of financial responsibility as provided for herein.

## **Section 5.32. HOURS AND DAYS OF BEER SALES.**

No sale of beer shall be made between the hours of 1:00 o'clock A.M. and 8:00 o'clock A.M. on any weekday, Monday through Saturday, inclusive. Neither shall any beer sale be made on any Sunday between the hours of 1:00 o'clock A.M. and 12:00 o'clock noon.

Source: City Code  
Effective Date: 6-1-86

**(Section 5.33 through 5.39, inclusive, reserved for future expansion.)**

### **Section 5.40. LIQUOR LICENSE REQUIRED.**

It is unlawful for any person, directly or indirectly, on any pretense or by any device, to sell, barter, keep for sale, or otherwise dispose of liquor, as part of a commercial transaction, without a license therefor from the City. This Section shall not apply (1) to such potable liquors as are intended for therapeutic purposes and not as a beverage, (2) to industrial alcohol and its compounds not prepared or used for beverage purposes, (3) to sales by manufacturers to wholesalers duly licensed as such by the Commissioner, or (4) to sales by wholesalers to persons holding liquor licenses from the City. The City may issue annual on-sale liquor licenses only to the following: (1) hotels; (2) restaurants; (3) clubs or congressionally chartered veterans' organizations, provided that the organization has been in existence for at least three years and liquor sales will be made only to members and bona fide guests; and, (4) exclusive liquor stores. The City may issue annual off-sale liquor licenses to exclusive liquor stores and drug stores.

### **Section 5.41. SUNDAY SALES.**

The electorate of the City having heretofore authorized the same at a general or special election, a Sunday on-sale liquor license may be issued to hotels, restaurants, or clubs, as defined in this Chapter, which have on-sale licenses and which also have facilities serving not less than thirty guests at one time. The hours of such sales shall be from 10:00 o'clock A.M. to 12:00 o'clock midnight in conjunction with the serving of food, provided that the licensee establishment is in conformance with the Minnesota Clean Indoor Air Act.

### **Section 5.42. SPORTS, CONVENTION OR CULTURAL FACILITIES LICENSE.**

The Council may authorize any holder of an on-sale liquor license issued by the City or by any adjacent municipality to sell liquor at any convention, banquet, conference, meeting or social affair conducted on the premises of a sports, convention or cultural facility owned by the City, or instrumentality thereof having independent policy-making and appropriating authority and located within the City. The licensee must be engaged to sell liquor at such an event by the person or organization permitted to use the premises, and may sell liquor to any person attending or participating in any amateur athletic event. Such sales may be limited to designated areas of the facility. All such sales shall be subject to all laws relating thereto.

### **Section 5.43. TEMPORARY LIQUOR LICENSE.**

Subd. 1. License Authorized. Notwithstanding any provision of the City Code to the contrary, the Council may issue a license for the temporary on-sale of liquor in connection with a social event sponsored by the licensee. Such license may provide that the licensee may contract with the holder of a full-year on-sale license, issued by the City, for liquor catering services.

Subd. 2. Applicant. The applicant for a license under this Section must be a club or charitable, religious, or other non-profit organization in existence for at least three years.

Subd. 3. Terms and Condition of License.

- A. No license is valid until approved by the Commissioner.
- B. No license shall be issued for more than three consecutive days.

- C. All licenses and licensees are subject to all provisions of statutes and the City Code relating to liquor sale and licensing except those relating to financial responsibility and insurance, and except those which by their nature are not applicable.
- D. Licenses may authorize sales on premises other than those owned or permanently occupied by the licensee.

Subd. 4. Insurance Required. The Council may, but at no time shall it be under any obligation whatsoever to, grant a temporary liquor license on premises owned or controlled by the City. Any such license may be conditioned, qualified or restricted as the Council sees fit. If the premises to be licensed are owned or under the control of the City, the applicant should file with the City, prior to issuance of the license, a certificate of liability insurance coverage in at least the sum of \$50,000.00 for injury to any person, \$100,000.00 for injury to more than one person, and \$10,000.00 for property damage, naming the City as an insured during the license period.

#### **Section 5.44. HOURS AND DAYS OF LIQUOR SALES.**

No sale of liquor shall be made after 1:00 o'clock A.M. on Sunday, nor until 8:00 o'clock A.M. on Monday, nor after 8:00 o'clock P.M. on December 24. No on-sale shall be made between the hours of 1:00 o'clock A.M. and 8:00 o'clock A.M. on any weekday. No off-sale shall be made before 8:00 o'clock A.M. or after 10:00 o'clock P.M. on any weekday. No off-sale shall be made on New Year's Day, January 1; Independence Day, July 4; Thanksgiving Day; or Christmas Day, December 25. (NOTE: This Section does not prohibit sales during hours when on-sale is permitted on Sunday as stated in the Section of this Chapter entitled "Sunday Sales".)

#### **Section 5.45. LIQUOR LICENSE RESTRICTIONS AND REGULATIONS.**

Subd. 1. Prior to issuance of any license the applicant shall file with the City Clerk-Treasurer a bond with a corporate surety, cash, or United States government bonds in the sum of \$3,000.00 for an on-sale liquor license and \$1,000.00 for an off-sale liquor license. A bond filed under this Subdivision must be conditional on the licensee obeying all laws governing the business and paying all taxes, fees, penalties, and other charges, and must provide that the bond is forfeited to the City issuing the license on a violation of law. The Commissioner must approve all bonds filed by applicants for an off-sale license.

Subd. 2. Limitations on Issuance of Licenses to One Person or Place.

- A. No off-sale liquor license may be issued to any one person for more than one place in the City. Any person holding an interest in two or more such licenses in the City shall be deemed to hold more than one license.
- B. For the purpose of this Subdivision, the term "interest": (1) includes any pecuniary interest in the ownership, operation, management, or profits of a retail liquor establishment, and a person who receives money from time to time directly or indirectly from a licensee, in the absence of any consideration and excluding gifts or donations, has a pecuniary interest in the retail business; and, (2) does not include loans; rental agreements; open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures, supplies to the establishment; an interest in a corporation owning or operating a hotel but having at least 150 or more rental units holding a liquor license in conjunction therewith; or ten percent or less interest in any other corporation holding a license.
- C. In determining whether an "interest" exists, the transaction must have been bona fide and the reasonable value of the goods and things received as consideration for a payment by the licensee and all other facts reasonably tending to prove or disprove the existence of a purposeful scheme or arrangement to evade the restrictions of this Subdivision must be considered.

Subd. 3. Licenses in Connection With Premises of Another. A liquor license may not be issued to a person in connection with the premises of another to whom a license could not be issued under the provisions of this Chapter. This Subdivision does not prevent the granting of a license to a proper lessee because the person has leased the premises of a minor, a non-citizen who is not a resident alien, or a person who has been convicted of a crime other than a violation of this Chapter.

Subd. 4. Off-Sale Licenses Where Beer is Sold. An off-sale liquor license may not be issued to a place where beer is sold for consumption on the premises. This Subdivision does not apply to those places where both an on-sale and off-sale license, or a combination license, have been issued.

Subd. 5. Drug Stores. No liquor license may be issued to a person operating a drug store unless the person has operated it for at least two years or has purchased a drug store that has been in continuous operation for two or more years.

Subd. 6. Employment of Minors. No person under eighteen (18) years of age may be employed in a place where liquor is sold for consumption on the premises, except persons under eighteen years of age may be employed as musicians or in bussing or washing dishes in a restaurant or hotel that is licensed to sell liquor.

Subd. 7. No license shall be granted for any building within 500 feet of any public elementary or secondary school structure or within 500 feet of any church structure.

Source: City Code  
Effective Date: 6-1-86

**(Section 5.46 through 5.59, inclusive, reserved for future expansion.)**

**Section 5.60. [REPEALED]**

**(Section 5.61 through 5.98, inclusive, reserved for future expansion.)**

**Section 5.99. VIOLATION A MISDEMEANOR.**

Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code  
Effective Date: 6-1-86