

Sec. 4.04     ON-SALE INTOXICATING LIQUOR, GENERALLY - Adopted 1/23/95

- Subd. 1     INSPECTIONS  
Any police officer, building inspector, or any properly designated officer or employee of the city shall have the unqualified right to enter, inspect and search the public portion of the premises of a licensee under this article during business hours without a search warrant. The business records of each intoxicating liquor licensee, including federal and state tax returns, shall be available for inspection by duly authorized representatives of the city of the council at all reasonable times. Any such licensed premises may be inspected by the health officer at such time or times as necessary or advisable to maintain clean and sanitary conditions.
- Subd. 2     ENLARGEMENT, ALTERATIONS, OR EXTENSION OF PREMISES  
Proposed enlargement, alteration, or extension of premises licensed under this article shall be reported to the council at or before the time application is made for a building permit for any such change and the licensee shall also give such information as is required by ordinances.
- Subd. 3     MIXING IN UNLICENSED PUBLIC PLACES  
No person shall mix or prepare intoxicating liquor for consumption in any place not licensed by the City.
- Subd. 4     EMPLOYMENT OF PERSONS WITH CRIMINAL RECORDS ON LICENSED PREMISES  
No person shall be employed on premises licensed under this article who has been convicted of a felony or of any law relating to the manufacture, sale, or transportation of intoxicating liquor.
- Subd. 5     SALE FOR OFF-PREMISES CONSUMPTION  
No licensee under this article shall sell intoxicating liquor off-sale.
- Subd. 6     PRESENCE OF MINORS IN LICENSED ESTABLISHMENTS  
No person under 18 years of age may serve or sell intoxicating liquor.
- Subd. 7     ETHYL ALCOHOL OR NEUTRAL SPIRITS  
No intoxicating liquor licensee shall keep ethyl alcohol or neutral spirits on any licensed premises or permit their use on the premises as a beverage or mixed with a beverage.
- Subd. 8     POSSESSION OF FEDERAL WHOLESALE LIQUOR DEALER'S STAMP OR GAMBLING STAMP  
No intoxicating liquor licensee shall apply for or possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.

Subd. 9            SALES BY CLUBS  
All sales of intoxicating liquor by organizations holding club licenses under this article shall be made to bona fide members and guests only.

Subd. 10          HOURS AND DAYS OF SALE  
No sale of intoxicating liquor shall be made between 1:00 a.m. and 8:00 a.m. on any weekday and on Saturday. No sale of intoxicating liquor shall be made on Sunday.

Sec. 4.05        RETAIL LICENSE - Adopted 1/23/95

Subd. 1           REQUIRED  
It is unlawful for any person, organization, corporation, or club, except wholesalers or manufacturers, to the extent authorized under state law, to directly or indirectly sell, or keep for sale, any intoxicating liquor without first having received a license to do so approved by the council.

Subd. 2           CLASSIFICATION  
Intoxicating liquor licenses issued by the city shall be of the following kinds:  
(1)    On-sale liquor license.  
(2)    Special club license.  
(3)    On-sale wine license.

Subd. 3           APPLICATION; INVESTIGATION; INVESTIGATION FEE, ETC.  
(a) Application for intoxicating liquor licenses shall be in the form prescribed by the council and may contain any information that the council may require.  
  
(b)    At the time a licensee submits his application for renewal of a license, he shall state the nature or amount of any contribution he has made for campaign or political purposes, the person to whom the contribution was made and the persons or organization for whom intended.  
  
(c)    AR initial intoxicating liquor, wine and special club licenses shall be accompanied by payment of a fee as determined by resolution of the council to cover costs of investigation.  
  
(d)    Changes in the corporate or association officers of a licensee, corporate charter of a licensee, articles of incorporation of a licensee, bylaws of a licensee, or partnership agreement of a licensee shall be submitted to the city clerk within thirty (30) days after such changes are made. Notwithstanding the definition of interest in the case of a corporation, the licensee shall notify the

city clerk when a person not in the application acquires an interest which, together with that of his spouse, parent, brother, sister, or child exceeds five (5) percent, and shall give all information about such person as required of a person pursuant to the provisions of this article.

- (e) At any time an additional investigation is required because of a change in the ownership or control of a corporation or because of an enlargement, alteration, or extension of premises previously license, the intoxicating liquor licensee shall pay an additional investigating fee in an amount determined by resolution of the council.

Subd. 4 LICENSE FEES

- (a) Intoxicating liquor license fees shall be as determined by resolution of the council. When the license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee for the initial license, shall be the date the building is ready for occupancy.
- (b) Where a new application is filed as a result of incorporation by an existing intoxicating liquor licensee and the ownership, control and interest in the license are unchanged, no additional license fee will be required.
- (c) No part of the fee paid for any license shall be refunded except as authorized by state law or by the council.

Subd. 5 GENERAL ELIGIBILITY REQUIREMENTS

(a) In addition to all other restrictions imposed by law or ordinance, no intoxicating liquor license shall be granted to, renewed, or held by any person.

(1) Who is directly or indirectly interested in more than two (2) establishments in the city to which an intoxicating liquor license has been issued. No person shall own an interest in more than two (2) establishments or businesses for which an intoxicating liquor license has been granted.

(2) Who, if a corporation, does not have a manager who is eligible pursuant to the provisions of this chapter.

(3) Who is the spouse of a person ineligible for a license pursuant to the provisions of this title or who, in the judgment of the

council, is not the real party in interest or beneficial owner of the business operated, or to be operated under the license.

- (b) Special club licenses shall be issued only to duly incorporated clubs.

Subd. 6 NUMBER OF LICENSES

The Council shall issue no more intoxicating liquor licenses than permitted by Minnesota Statutes Section 340A.413.

Subd. 7 PLACES INELIGIBLE FOR LICENSE

No intoxicating liquor license shall be granted, or renewed for:

- (1) A premises on which taxes, assessments or other financial claims of the city are delinquent and unpaid.
- (2) Premises that are prohibited from holding a license by state law.
- (3) A motel, hotel, or restaurant that does not have a dining area open to the general public.

Subd. 8 GENERAL LICENSE CONDITIONS

Every intoxicating liquor license shall be granted subject to all the provisions of the City ordinances, resolutions and state and federal laws.

Subd. 9 TERM; PRORATING FEE

Intoxicating liquor licenses shall expire on June 30 of each year. The fee for a license granted after the commencement of the license year shall be prorated on a monthly basis and each part of the month shall constitute a full month.

Subd. 10 TRANSFER

An intoxicating liquor shall be issued to the applicant only. The license shall be issued only for the premises described in the application. No license may be transferred to another person or to another place without the approval of the council.