Deputy City Clerk's Office
333 S. Washington Street, PO Box 526
Redwood Falls, MN 56283
507-637-5755
Email: akerkhoff@ci.redwood-falls.mn.us

Procedure to Apply for an On-Sale Liquor License

☐ 1. Complete City Form *"Application for Liquor License"*.

☐ 2. Complete State Form 9011 *"Certificate of an On Sale Liquor License, 3.2% On Sale Liquor License, or Sunday Liquor License"* included with this pack.

☐ 3. Have a Certificate of Liability Insurance prepared and included with your application for proof of liquor liability coverage. Certificate should show coverage on a calendar basis. Name appearing on the Certificate must be exactly as shown on your application (Form 9011) or the State will reject your application.

☐ 4. Complete *"On-Sale Liquor License Qualifying Form"*. Return a copy of the restaurant license issued by Department of Health showing status of having a restaurant. This is a requirement to be issued this On-Sale license.

☐ 5. Complete "*Certificate of Compliance – Minnesota Workers' Compensation Law"* form with this pack.

☐ 6. Complete "*Background Check Form"*. One form must be completed for each person or officer on your application. This form may be copied as needed.

☐ 7. Remit $2,750.00 payable to the City of Redwood Falls for the license application. This is an annual fee (calendar year). Should you be applying during the middle of the year, your fee will be prorated on the basis of 1/12 for each calendar month for the current licensed year.

☐ 8. Remit $200.00 for annual application fee for Sunday Liquor License if this is desired. This is an annual fee (calendar year). Should you be applying during middle of the year, your fee will be prorated on the basis of 1/12 for each calendar month for the current licensed year.

☐ 9. Remit $109.75 payable to the City of Redwood Falls for each background check.

10. The materials with a box in the left margin (#1-9) should be returned to:

Amy Kerkhoff
City of Redwood Falls
333 South Washington Street
PO Box 526
Redwood Falls, MN 56283

11. Upon receiving all the completed and required materials and fees and completion of successful background check(s), the application will be on the City Council agenda to consider approval of issuance of the license. When the City Council has approved the issuance of the license, we will then forward your approved application to the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division. The City of Redwood Falls will send you the license that must be posted at your licensed premise.

12. The City of Redwood Falls will send you a renewal notice each fall for the next year for any licenses that have been in place.

13. A Buyers Card (Form PS9135) has been included with this pack for your convenience. This will be required from the State of Minnesota before any product can be delivered to you wholesale. Please complete and sign. The application and fee should be sent directly to the state. (Check made out to: Alcohol and Gambling Enforcement)

14. Should you have any questions regarding this application process, please contact Amy Kerkhoff at 507-637-5755 or akerkhoff@ci.redwood-fall.mn.us or you may call State of Minnesota Liquor Control at 651-201-7507.

Enclosures: City Form "Application for Liquor License"
State Form 9011 – "*Certificate of an On Sale Liquor License, 3.2% On Sale Liquor License, or Sunday Liquor License"*
"On-Sale Liquor License Qualifying Form"
"Certificate of Compliance – Minnesota Workers' Compensation Law"
"Background Check Form"
Form 9135 (*"Buyers Card"*)
State Statute 340A.409 *"Liability Insurance"*
City Code – Chapter 5 "*Alcoholic Beverages Licensing and Regulation"*

Deputy City Clerk's Office
333 South Washington Street, PO Box 526
Redwood Falls, MN 56283
507-637-5755
Email: akerkhoff@ci.redwood-falls.mn.us

Application for Liquor License

LICENSE REQUESTED: (if applying during the middle of the year, the fees will be prorated, provided that, for licenses where the fee is $100 or less, a minimum license fee is not less than one-half of the annual license.)

- ☐ On-Sale Liquor = $2,750/yr. + $109.75 Background Fee
- ☐ 3.2% On-Sale Malt Liquor = $250/yr. + $109.75 Background Fee
- ☐ Wine = $275/yr. + $109.75 Background Fee
- ☐ Temporary On-Sale Liquor = $125
- ☐ On-Sale Sunday Liquor = $200/yr. (add on to On-Sale Liquor)
- ☐ 3.2% Off-Sale Malt Liquor = $175/yr. + $109.75 Background Fee
- ☐ Temporary 3.2% On-Sale Malt Liquor = $30

APPLICANT INFORMATION:		
Name: *First*	*Full Middle Name*	*Last Name*
Applicant Current Address:		
City, State, Zip:		
Telephone: Home:	Work:	Cell:
E-Mail Address:	Date of Birth:	Social Security #:

BUSINESS INFORMATION:	
Business Name:	
Type of Ownership: ☐ Sole Proprietorship ☐ Partnership ☐ Limited Liability Company (LLC) ☐ Corporation ☐ Other	
Trade Name or DBA:	
Address of Business:	
City State, Zip:	
Mailing Address *(if different from above)*:	
Federal Employer Identification No.:	Minnesota Business ID No.:
Business Phone:	Alternate Number:
Manager of Business:	
Address of Manager:	
If the above named licensee is a Corporation, Partnership, or LLC, complete the following for each partner/officer:	
Owner #1: *First*	*Full Middle Name* / *Last Name*
Current Address:	
City, State, Zip:	

Telephone: Home:	Work:	Cell:
E-Mail Address:	Date of Birth:	Social Security #:
Owner #2: *First*	*Full Middle Name*	*Last Name*
Current Address:		
City, State, Zip:		
Telephone: Home:	Work:	Cell:
E-Mail Address:	Date of Birth:	Social Security #:

PREMISES DESCRIPTION	
Premise Location:	
Does business have inside access to another business establishment? ☐ Yes ☐ No	
If yes, please describe:	
Will licensed area include any outdoor attachment such as a patio or deck? ☐ Yes ☐ No	
If yes, is area fenced in? ☐ Yes ☐ No *(Please describe in detail and attach drawing)*	
Days of Operation/Event:	Hours of Operation:

Please answer all questions truthfully and to the best of your knowledge. Providing false information may be cause for denial of your license. If answering yes to any of these questions, please attach additional information to this application.	
☐ Yes ☐ No	Has the applicant, partner, officer, director or manager been convicted of any misdemeanor, gross misdemeanor or felony violation of federal, state or local laws, rules or ordinances related to the sale of alcoholic beverages?
☐ Yes ☐ No	Has the applicant, partner, officer, director or manager been convicted of any misdemeanor, gross misdemeanor or felony violation of federal, state or local laws, rules or ordinances related to the control, manufacture or storage of alcoholic beverages?
☐ Yes ☐ No	Have you previously operated in another city or state under a license or permit which was denied, suspended. revoked or disciplined in any manner by federal, state or local entities?
☐ Yes ☐ No	Does the applicant, or any partner, officer, director or manager own, control or manage any portion of any other establishment maintaining or applying for an alcohol license?

The City of Redwood Falls reserves the right to request additional information to assist in the evaluation of this application. The City Council shall have at least 30 days from and after receipt of the complete application for review prior to granting or denying issuance of a license.

I do hereby swear that the answers in this application are true and correct to the best of my knowledge. I do authorize the City of Redwood Falls, its agents and employees, to obtain information and to conduct an investigation, if necessary, into the truth of the statements set forth in this application and my qualifications for this license.

Signature of Applicant: _____ Date: _____

Print Name: _____
First Middle Last

Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division (AGED)
444 Cedar Street, Suite 222, St. Paul, MN 55101-5133
Telephone 651-201-7507 Fax 651-297-5259 TTY 651-282-6555

Certification of an On Sale Liquor License, 3.2% Liquor license, or Sunday Liquor License

Cities and Counties: You are required by law to complete and sign this form to certify the issuance of the following liquor license types:
1) City issued on sale intoxicating and Sunday liquor licenses
2) City and County issued 3.2% on and off sale malt liquor licenses

Name of City or County Issuing Liquor License_____ License Period From:_____ To:_____

Circle One: New License License Transfer_____ Suspension Revocation Cancel _____
(former licensee name) (Give dates)

License type: (circle all that apply) On Sale Intoxicating Sunday Liquor 3.2% On sale 3.2% Off Sale

Fee(s): On Sale License fee:$_____ Sunday License fee: $_____ 3.2% On Sale fee: $_____3.2% Off Sale fee: $_____

Licensee Name:_____ DOB_____ Social Security #_____
(corporation, partnership, LLC, or Individual)

Business Trade Name_____ Business Address_____ City_____

Zip Code_____ County_____ Business Phone_____ Home Phone_____

Home Address_____ City_____ Licensee's MN Tax ID #_____
(To Apply call 651-296-6181)

Licensee's Federal Tax ID #_____
(To apply call IRS 800-829-4933)

If above named licensee is a corporation, partnership, or LLC, complete the following for each partner/officer:

Partner/Officer Name (First Middle Last)	DOB	Social Security #	Home Address
(Partner/Officer Name (First Middle Last)	DOB	Social Security #	Home Address
Partner/Officer Name (First Middle Last)	DOB	Social Security #	Home Address

Intoxicating liquor licensees must attach a certificate of Liquor Liability Insurance to this form. The insurance certificate must contain all of the following:
1) Show the exact licensee name (corporation, partnership, LLC, etc) and business address as shown on the license.
2) Cover completely the license period set by the local city or county licensing authority as shown on the license.

Circle One: (Yes No) During the past year has a summons been issued to the licensee under the Civil Liquor Liability Law?

Workers Compensation Insurance is also required by all licensees: Please complete the following:

Workers Compensation Insurance Company Name:_____ Policy #_____

I Certify that this license(s) has been approved in an official meeting by the governing body of the city or county.
City Clerk or County Auditor Signature_____ Date_____
(title)

On Sale Intoxicating liquor licensees must also purchase a $20 Retailer Buyers Card. To obtain the application for the Buyers Card, please call 651-201-7504, or visit our website at www.dps.state.mn.us.

(Form 9011-12/09)

City of Redwood Falls

333 South Washington Street, PO Box 526
Redwood Falls, MN 56283-0526
Phone: 507-637-5755
info@ci.redwood-falls.mn.us

On-Sale Liquor License Qualifying Form

I, _____, am applying for an annual On-Sale Malt Liquor License. Per City Code, I qualify and am applying for this license as indicated by an "X" below:

☐ Restaurant (meals are regularly prepared – Department of Health Restaurant License on file)

☐ Hotel (where food and lodging are regularly furnished to guests)

☐ Club or congressionally chartered veterans organization

X_____
Signature of License Applicant

Doing Business As:
_____

(This form must be returned with your new application or renewal application.)

§ 5.50 LIQUOR LICENSE REQUIRED.

Subd. 1. 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:

A. To such potable liquors as are intended for therapeutic purposes and not as a beverage;
B. To industrial alcohol and its compounds not prepared or used for beverage purposes;
C. To wine in the possession of a person duly licensed under this chapter as an on-sale wine licensee;
D. To sales by manufacturers to wholesalers duly licensed as such by the Commissioner;
E. To sales by wholesalers to persons holding liquor licenses from the city; or
F. To the municipal liquor store.

Subd. 2. The voters of the city having authorized such issuance at a special election called for that purpose, the city may issue on-sale liquor licenses to hotels, restaurants and clubs (with the permission of the Commissioner), provided that liquor sales will be made only to members and bona fide guests. Any person licensed to sell liquor on-sale shall not be required to obtain an on-sale beer 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 beer license and may sell beer off-sale without an additional license.

Certificate of Compliance
Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

Print in ink or type

Minnesota Statutes § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. If the required information is not provided or is falsely stated, it shall result in a $2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

License or certificate number (if applicable)	Business telephone number	Alternate telephone number

Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.)

DBA ("doing business as" or "also known as" an assumed name), if applicable

Business address (must be physical street address, no P.O. boxes)	City	State	ZIP code

County	Email address

You must complete number 1 or 2 below.

Note: You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

1. ☐ I have a workers' compensation insurance policy.

Insurance company name (not the insurance agent)

Policy number	Effective date	Expiration date

☐ **I am self-insured for workers' compensation.** (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce; see www.mn.gov/commerce/industries/insurance/licensing/self-insurance.)

2. I am not required to have workers' compensation insurance because:

☐ I only use independent contractors and do not have employees. (See Minn. Stat. § 176.043 for trucking and messenger courier industries; Minn. Stat. § 181.723, subd. 4, for building construction; and Minnesota Rules chapter 5224 for other industries.)

☐ I do not use independent contractors and have no employees. (See Minn. Stat. § 176.011, subd. 9, for the definition of an employee.)

☐ I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)

☐ I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See Minn. Stat. § 176.041 for a list of excluded employees.)

Explain why your employees are not required to be covered

I certify the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify I am authorized to sign on behalf of the business.

Print name

Applicant signature (required)	**Title**	**Date**

If you have questions about completing this form or to request this form in Braille, large print or audio, call (651) 284-5032 or 1-800-342-5354.

City of Redwood Falls

333 South Washington Street, PO Box 526
Redwood Falls MN 56283
507-637-5755

Background Check Form for License Applicants

Date: _____

The following named individual has made application with this agency for a

_____ license.

Last Name of Applicant (please print):_____

First Name (please print): _____

Middle (full) (please print):_____

Maiden, Alias or Former (please print):

_____

Date of Birth: _____ **Sex** ☐ M ☐ F
Month/Day/Year

Social Security Number: _____

Driver's License Number: _____ **State of Issuance:** _____

I authorize the Minnesota Bureau of Criminal Apprehension to disclose all criminal history record information to the Redwood Falls Police Department for the purpose of conducting the statutorily required background check for the issuance of a liquor license pursuant to Minn. Stat. §340A.402.

I authorize the Redwood Falls Police Department to disclose all criminal history record information to the City of Redwood Falls City Administrator or his/her designee for the purpose of conducting the statutorily required background check for the issuance of a liquor license pursuant to Minn. Stat. §340A.402.

The expiration of this authorization shall be for a period no longer than one year from the date of my signature.

_____ _____
Signature of Applicant **Date**

FOR BACKGROUND USE ONLY: Form to RFPD: _____

☐ No Disqualifying History ☐ Disqualifying History Exists Completed by _____ Date Processed _____

Revised 4-29-2016

Print Form

DEPARTMENT OF PUBLIC SAFETY
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
445 Minnesota Street Suite 222
St. Paul, MN 55101
Phone (651) 201-7507 TDD (651) 282-6555
Fax (651) 297-5259

CARD NUMBER

(Office Use Only)

APPLICATION FOR RETAILER'S (BUYER'S) CARD FOR LIQUOR AND WINE

PLEASE RETURN THIS APPLICATION WITH FEE $20.00

ISSUING AUTHORITY	TYPE CODE	BUYER'S CARD EXPIRES	IDENTIFICATION #
PRINT NAME OF LICENSEE (AS SHOWN ON LICENSE		BUSINESS NAME (DBA)	
BUSINESS ADDRESS		COUNTY	BUSINESS PHONE
CITY, STATE, ZIP CODE		AUTHORIZED SIGNATURE	

PS 9135 (12/09)

City of Redwood Falls

Exhibit 7-1

DATA PRACTICES ADVISORY
(Tennessen Warning)

Some or all of the information you are asked to provide on the attached form is classified by State law as either private or confidential. Private data is information which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is: _____

_____

You ☐ are ☐ are not legally required to provide this information.

If you refuse to supply the information, the following may happen: _____

_____

Other persons or entities authorized by law to receive this information are: _____

_____

_____

340A.409 LIABILITY INSURANCE.

Subdivision 1. **Insurance required.** (a) No retail license may be issued, maintained or renewed unless the applicant demonstrates proof of financial responsibility with regard to liability imposed by section 340A.801. The issuing authority must submit to the commissioner the applicant's proof of financial responsibility. This subdivision does not prohibit a local unit of government from requiring higher insurance or bond coverages, or a larger deposit of cash or securities. The minimum requirement for proof of financial responsibility may be given by filing:

(1) a certificate that there is in effect for the license period an insurance policy issued by an insurer required to be licensed under section 60A.07, subdivision 4, or by an insurer recognized as an eligible surplus lines carrier pursuant to section 60A.206 or pool providing at least $50,000 of coverage because of bodily injury to any one person in any one occurrence, $100,000 because of bodily injury to two or more persons in any one occurrence, $10,000 because of injury to or destruction of property of others in any one occurrence, $50,000 for loss of means of support of any one person in any one occurrence, $100,000 for loss of means of support of two or more persons in any one occurrence, $50,000 for other pecuniary loss of any one person in any one occurrence, and $100,000 for other pecuniary loss of two or more persons in any one occurrence;

(2) a bond of a surety company with minimum coverages as provided in clause (1); or

(3) a certificate of the commissioner of management and budget that the licensee has deposited with the commissioner of management and budget $100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of $100,000.

(b) This subdivision does not prohibit an insurer from providing the coverage required by this subdivision in combination with other insurance coverage.

(c) An annual aggregate policy limit for dram shop insurance of not less than $310,000 per policy year may be included in the policy provisions.

(d) A liability insurance policy required by this section must provide that it may not be canceled for:

(1) any cause, except for nonpayment of premium, by either the insured or the insurer unless the canceling party has first given 60 days' notice in writing to the insured of intent to cancel the policy; and

(2) nonpayment of premium unless the canceling party has first given ten days' notice in writing to the insured of intent to cancel the policy.

(e) In the event of a policy cancellation, the insurer will send notice to the issuing authority at the same time that a cancellation request is received from or a notice is sent to the insured.

(f) All insurance policies which provide coverage with regard to any liability imposed by section 340A.801 must contain at least the minimum coverage required by this section.

Subd. 2. **Market assistance.** The market assistance plan of the Minnesota Joint Underwriting Association shall assist licensees in obtaining insurance coverage.

Subd. 3. **Minnesota Joint Underwriting Association.** (a) The Minnesota Joint Underwriting Association shall provide coverage required by subdivision 1 to persons rejected under this subdivision.

(b) A liquor vendor shall be denied or terminated from coverage through the Minnesota Joint Underwriting Association if the liquor vendor disregards safety standards, laws, rules, or ordinances pertaining to the offer, sale, or other distribution of liquor.

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Subd. 3a. **Notification by insurer of status of claim.** Upon the request of the insured, an insurer who is providing coverage required by subdivision 1 shall inform the insured of the status of any claims made under the policy. The information must include:

(1) the employees of the insured that may be involved and the nature of their involvement;

(2) any amount the insurer is holding in reserve for payment of a claim or has paid in the disposition of the claim; and

(3) any amount paid in the defense of the claim.

This subdivision does not require disclosure of otherwise nondiscoverable information to an adverse party in litigation.

Subd. 4. **Insurance not required.** Subdivision 1 does not apply to licensees who by affidavit establish that:

(1) they are on-sale 3.2 percent malt liquor licensees with sales of less than $25,000 of 3.2 percent malt liquor for the preceding year;

(2) they are off-sale 3.2 percent malt liquor licensees with sales of less than $50,000 of 3.2 percent malt liquor for the preceding year;

(3) they are holders of on-sale wine licenses with sales of less than $25,000 for wine for the preceding year;

(4) they are holders of temporary wine licenses issued under law; or

(5) they are wholesalers who donate wine to an organization for a wine tasting conducted under section 340A.418 or 340A.419.

History: *1985 c 200 s 2; 1985 c 305 art 6 s 9; 1985 c 309 s 7-9; 1Sp1985 c 16 art 2 s 3 subd 1; 1Sp1986 c 3 art 1 s 38; 1987 c 107 s 1; 1987 c 152 art 1 s 1; 1988 c 534 s 1; 1991 c 249 s 31; 1994 c 485 s 61,62; 1997 c 129 art 1 s 5,6; 2003 c 112 art 2 s 50; 2009 c 101 art 2 s 109; 2010 c 255 s 4,5; 2010 c 384 s 96; 2017 c 40 art 1 s 110*

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City of Redwood Falls

333 South Washington Street, PO Box 526
Redwood Falls, MN 56283-0526
Phone: 507-637-5755
info@ci.redwood-falls.mn.us

ALCOHOLIC BEVERAGES LICENSING AND REGULATION

Section

General Provisions

5.01 Definitions

5.02 Applications and licenses under this chapter - procedure and administration

5.03 Renewal license applications

5.04 Delinquent taxes and charges

5.05 Conditional licenses

5.06 Limitation on ownership

5.07 Premises licensed

5.08 Unlawful acts

5.09 Conduct on licensed premises

5.10 Sale by employee

5.11 License condition and unlawful act

5.12 License fees and refunds

5.13 Financial responsibility of licensees

5.14 Insurance certificate requirements

5.15 Minors, as defined in § 5.01 - unlawful acts

5.16 Gambling prohibited

5.17 Consumption and possession of alcoholic beverages on city parks, city streets, public property and private parking lots to which the public has access

5.18 Alcoholic beverages in certain buildings and grounds

5.19 Alcoholic beverages - certain unlawful acts

5.20 Worker's compensation

5.21 Liqueur-filled candy

3.2% Malt Liquor

5.30 3.2% malt liquor license required
5.31 Temporary 3.2% malt liquor license
5.32 Hours and days of 3.2% malt liquor sales

Sales

5.50 Liquor license required
5.51 Sports, convention or cultural facilities license
5.52 Temporary liquor license
5.53 Sunday liquor license
5.54 Hours and days of liquor sales

On-Sale Wine

5.70 On-sale wine license required
5.71 Hours and days of sales by on-sale wine licensees
5.72 Liquor and on-sale wine license restrictions, regulations and unlawful acts

Conditions and Restrictions

5.80 Club license restrictions and regulations and unlawful acts
5.81 Municipal Dispensary
5.82 Off-sale liquor licenses
5.83 Consumption and display
5.84 Consumption and display - one-day license
5.85 Brewer licenses
5.86 Nudity or obscenity prohibited
5.87 Adoption of state law by reference
5.88 City may be more restrictive than state law

5.99 Violation a misdemeanor

Editor's note:
The effective date of this chapter is 2-1-1996.

§ 5.01 DEFINITIONS.

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

Subd. 1. The term "alcoholic beverage" means any beverage containing more than 0.5% alcohol by volume, including, but not limited to, beer, wine and liquor as defined in this section.

Subd. 2. The term "applicant" means any person making an application for a license under this chapter.

Subd. 3. The term "application" means a form with blanks or spaces thereon, to be filled in and completed by the applicant at his or her 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.

Subd. 4. The term "beer" means malt liquor containing not less than 0.5% alcohol by volume nor more than 3.2% alcohol by weight. (This definition includes so-called "malt coolers" with the alcoholic content limits stated herein.)

Subd. 5. The term "brewer" means a person who manufactures beer for sale.

Subd. 6. The term "club" means 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:

A. 1. Has more than 50 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; or

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.

B. 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.

Subd. 7. The term "Commissioner" means the Minnesota Commissioner of Public Safety.

Subd. 8. The term "exclusive liquor store" means an establishment used exclusively for the sale of liquor except for the incidental sale of ice, tobacco, beer, beverages for mixing with liquor, soft drinks, cork extraction devices and books and videos on the use of alcoholic beverages in the preparation of food and the establishment may offer recorded or live entertainment. "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.

Subd. 9. The term "hotel" means an establishment where food and lodging are regularly furnished to transients and which has:

A. A dining room serving the general public at tables and having facilities for seating at least 30 guests at one time; and

B. At least ten guest rooms.

Subd. 10. The term "license" means a document, issued by the city, to an applicant permitting him or her to carry on and transact the business stated therein.

Subd. 11. The term "licensee" means an applicant who, pursuant to his or her 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.

Subd. 12. The term "license fee" means 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.

Subd. 13. The term "licensed premises" means the space or structure described in the issued license. In the case of a restaurant or a club licensed for on-sales of alcoholic beverages and located on a golf course, "licensed premises" means the entire golf course except for areas where motor vehicles are regularly parked or operated.

Subd. 14. The term "liquor" means ethyl alcohol and distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2% of alcohol by weight. (This definition includes so-called "wine coolers" and "malt coolers" with the alcoholic content limits stated herein.)

Subd. 15. The term "malt liquor" means any beer, ale or other beverage made from malt by fermentation and containing not less than 0.5% alcohol by volume.

Subd. 16. The term "manufacturer" means 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.

Subd. 17. The term "minor" means any natural person who has not attained the age of 21 years.

Subd. 18. The term "off-sale" means the sale of alcoholic beverages in original packages for consumption off the licensed premises only.

Subd. 19. The term "on-sale" means the sale of alcoholic beverages for consumption on the licensed premises only.

Subd. 20. The term "package" and "original package" mean any container or receptacle holding alcoholic beverages, which container or receptacle is corked, capped or sealed by a manufacturer or wholesaler.

Subd. 21. The term "restaurant" means an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, and having seating capacity for at least 30 guests.

Subd. 22. The terms "sale", "sell" and "sold" mean all barters and all manners or means of furnishing alcoholic beverages to persons, including such furnishing in violation or evasion of law.

Subd. 23. The term "wholesaler" means any person engaged in the business of selling alcoholic beverages to a licensee from a stock maintained in a warehouse.

Subd. 24. The term "wine" means the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake. (This definition includes "wine coolers" with the alcoholic content limits stated herein.) For purposes of on-sale wine licenses, "wine" may contain up to 14% alcohol by volume for consumption with the sale of food. For all other purposes, "wine" is a product containing not less than 0.5%, nor more than 24%, alcohol by volume for nonindustrial use.

§ 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 Administrator 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. The applicant will also authorize the completion of a criminal history background investigation as provided for in § 6.32 of this Code. Before any investigation is undertaken by the City Attorney, the applicant must authorize the City Attorney in writing to undertake the investigation and to release any information gathered during the investigation as provided in § 6.32 of this Code. The written consent must fully comply with the provisions of M.S. Chapter 13, as it may be amended from time to time, regarding the collection, maintenance and use of the information.

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 the 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 the application with payment of a fee to be considered an application and investigation fee, non-refundable to the applicant, to cover the cost of the city in processing the application and the investigation of the applicant. No investigation 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. Failure to pay any portion of a fee when due shall be cause for revocation.

B. *Issuing.* If an application is approved, the City Administrator shall forthwith issue a license pursuant thereto in the form prescribed by the city or the Commissioner, as the case may be, and upon payment of the license fee. All licenses shall be on a calendar year basis beginning January 1 and ending December 31. Unless otherwise herein specified, license fees shall be prorated on the basis of one-twelfth for each calendar month or part thereof remaining in the then-current license year. Provided that, for licenses where the fee is $100 or less, a minimum license fee equal to one-half of the annual license fee shall be charged. Licenses shall be valid only at one location and on the premises therein described.

C. *Transfer.* No license shall be transferable between persons. Any change in individual ownership, incorporation or substitution of partners is a transfer. No license shall be transferable to a different location without prior consent of the Council and payment of the fee for a duplicate license. 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 the issuance, transfer or renewal would not be in the public interest.

F. *Revocation or Suspension.* For any license granted under the provisions of this chapter, the Council may revoke, suspend for a period not to exceed 60 days, impose a civil fine not to exceed $2,000, or any combination of these sanctions, for each violation on a finding that the licensee has failed to comply with a statute, regulation or provision of the City Code relating to alcoholic beverages, including any provision found in Chapter 11 relating to outdoor patio areas. 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 the revocation is mandatory by statute. If it shall be made to appear at the hearing thereon that the violation was not willful, the Council may order suspension; provided that, revocation shall be ordered upon the third 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 under the Administrative Procedures Act, as may be determined by the Council in action calling the hearing. The hearing shall be called by the Council upon written notice to the licensee served in person or by certified mail not less than 15, nor more than 30, 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 the action:

1. The licensee suffered or permitted illegal acts upon licensed premises unrelated to the sale of beer, wine or liquor;
2. The licensee had knowledge of the illegal acts upon licensed premises, but failed to report the same to police;
3. The licensee failed or refused to cooperate fully with police in investigating the alleged illegal acts upon licensed premises; or
4. The activities of the licensee created a serious danger to public health, safety or welfare.

G. *Corporate Applicants and Licensees.* A corporate applicant, at the time of application, shall furnish the city with a list of all persons that have an interest in the corporation and the extent of the interest. The list shall name all shareholders and show the number of shares held by each, either individually or beneficially for others. It is the duty of each corporate licensee to notify the City Administrator in writing of any change in legal ownership, or beneficial interest in such corporation or in such shares. Any change in the ownership or beneficial interest in the shares entitled to be voted at a meeting of the shareholders of a corporate licensee, which results in the change of voting control of the corporation by the persons owning the shares therein, shall be deemed equivalent to a transfer of the license issued to the corporation, and any license shall be revoked 30 days after any such change in ownership or beneficial interest of shares unless the Council has been notified of the change in writing and has approved it by appropriate action. The Council, or any officer of the city designated by it, may at any reasonable time examine the stock transfer records and minute books of any corporate licensee in order to verify and identify the shareholders, and the Council or its designated officer may examine the business records of any other licensee to the extent necessary to disclose the interest which persons other than the licensee have in the licensed business. The Council may revoke any license issued upon its determination that a change of ownership of shares in a corporate licensee or any change of ownership of any interest in the business of any other licensee has actually resulted in the change of control of the licensed business so as materially to affect the integrity and character of its management and its operation, but no such action shall be taken until after a hearing by the Council on notice to the licensee.

Subd. 5. *Duplicate Licenses.* Duplicates of all original licenses under this chapter may be issued by the City Administrator without action by the Council, upon licensee's affidavit that the original has been lost. 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 or renewed, to:

1. A person who within five years of the license application has been convicted of any felony or 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;

2. 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 5% 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;

3. A person under the age of 21 years; or

4. 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 a direct or indirect interest, in whole or in part, in a business holding an alcoholic beverage license from the city.

(Ord. 114, Third Series, passed 12-4-2007; Ord. 125, Third Series, passed 5-19-2009; Am. Ord. 27, Fourth Series, passed 10-2-2012; Am. Ord. 31, Fourth Series, passed 6-4-2013; Am. Ord. 38, Fourth Series, passed 7-1-2014)

§ 5.03 RENEWAL LICENSE APPLICATIONS.

Applications for renewal of all licenses under this chapter shall be made at least 60 days prior to the date of expiration of the license, and shall contain such information as is required by the city. The time requirement may be waived by the Council for good and sufficient cause.

§ 5.04 DELINQUENT TAXES AND CHARGES.

Subd. 1. 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 by the applicant and are delinquent and unpaid.

Subd. 2. For the purpose of this section, "applicant" includes persons and related persons:

A. Owning at least a 50% beneficial interest in the proposed license or in the entity making the application; and

B. At least an undivided one-half interest in the premises proposed to be licensed or at least a 50% beneficial interest in the entity owning the premises.

§ 5.05 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.

§ 5.06 LIMITATION ON OWNERSHIP.

No person shall be granted beer or liquor licenses at more than one location. For the purpose of this section, any person owning an interest of 5% or more of the entity to which the license is issued, or such ownership by a member of his or her immediate family, shall be deemed to be a licensee.

§ 5.07 PREMISES LICENSED.

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

§ 5.08 UNLAWFUL ACTS.

Subd. 1. *Consumption.* It is unlawful for any person to consume, or any licensee to permit consumption of, alcoholic beverages on licensed premises more than 20 minutes after the hour when a sale thereof can legally be made.

Subd. 2. *Removal of Containers.* It is unlawful for any on-sale licensee to permit any glass, bottle or other container, containing alcoholic beverages in any quantity, to remain upon any table, bar, stool or other place where customers are served, more than 20 minutes after the hour when a sale thereof can legally be made.

Subd. 3. *Closing.* It is unlawful for any person, other than an on-sale licensee or his or her bona fide employee actually engaged in the performance of his or her duties, to be on premises licensed under this chapter more than 30 minutes after the legal time for making licensed sales.

Subd. 4. *Exception.* Subd. 3. of this section 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, or engaging in bowling, or serving bowlers on the premises.

§ 5.09 CONDUCT ON LICENSED PREMISES.

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

§ 5.10 SALE BY EMPLOYEE.

Any sale of an alcoholic beverage in or from any premises licensed under this chapter by any employee authorized to make the 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, except criminal penalties, provided by law for the sale, equally with the person actually making the sale.

§ 5.11 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 the license, consent to the inspection by the officers and without a warrant for searches or 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 the inspection.

§ 5.12 LICENSE FEES AND REFUNDS.

Subd. 1. *Fixing Fees.* Except as otherwise specifically provided, all fees for licenses provided for in this chapter, including, but not limited to, license fees, investigation and administration fees, shall be fixed and determined by the Council, adopted by resolution, subject to limitation set forth in state statute and uniformly enforced. The fees may, from time to time, be amended by resolution of the Council.

Subd. 2. *Refunds.* A pro-rata share of an annual license fee paid pursuant to this chapter shall be refunded to the licensee or to his or her estate minus an administrative fee, if:

A. The business ceases to operate because of destruction or damage;

B. The licensee dies; or
C. The business becomes unlawful for a reason other than a license revocation or suspension.

§ 5.13 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. A certificate that there is in effect an insurance policy or pool providing minimum coverages in accordance with M.S. § 340A.409(1), as amended from time to time;

B. A bond of a surety company with minimum coverages as provided in Subd. 1.A. above; or

C. A certificate of the State Treasurer that the licensee has deposited with him or her $100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of $100,000.

Subd. 2. *Exception.* This section does not apply to on-sale beer licensees with sales of beer or less than $25,000 for the preceding year, nor to off-sale beer licensees with sales of beer of less than $50,000 for the preceding year, nor does it apply to holders of on-sale wine licenses with sale of wine or less than $25,000 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.

(Ord. 97, Third Series, passed 4-6-2004)

§ 5.14 INSURANCE CERTIFICATE REQUIREMENTS.

Subd. 1. Whenever an insurance certificate is required by this chapter, the applicant shall file with the City Administrator a certificate of insurance showing:

A. The limits are at least as high as required;

B. Coverage is effective for at least the license term approved; and

C. The insurance will not be cancelled or terminated without 30-days' written notice served upon the City Administrator.

Subd. 2. Cancellation or termination of the coverage shall be grounds for license revocation.

§ 5.15 MINORS AS DEFINED IN § 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; and/or

B. Minor to consume alcoholic beverages except in the household of the minor's parent or guardian, and then only with the consent of the parent or guardian.

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

A. Person to sell, barter, furnish or give alcoholic beverages to a minor unless the person is the parent or guardian of the minor and then only for consumption in the household of the parent or guardian;

B. Minor to purchase or attempt to purchase any alcoholic beverage; and/or

C. Person 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 or her parent or guardian.

Subd. 4. *Entering Licensed Premises.* It is unlawful for any minor, as defined in this chapter, to enter licensed premises or the Municipal Dispensary for the purpose of purchasing or consuming any alcoholic

beverage. It is not unlawful for any person who has attained the age of 18 years to enter licensed premises for the following purposes:

A. To perform work for the establishment, including the serving of alcoholic beverages, unless otherwise prohibited by statute;

B. To consume meals; and

C. To attend social functions that are held in a portion of the establishment where liquor is not sold. It is unlawful for a licensee to permit a person under the age of 18 years to enter licensed premises unless attending a social event at which alcoholic beverages are not served, or in the company of a parent or guardian.

Subd. 5. *Misrepresentation of Age.* It is unlawful for a minor to misrepresent his or her 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 or identification card issued by Minnesota, another state or a province of Canada, and including the photograph and date of birth of the licensed person; or by a valid military identification card issued by the United States Department of Defense; or, in the case of a foreign national, from a nation other than Canada, by a valid passport.

§ 5.16 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 such as are authorized by statute or the City Code.

§ 5.17 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON CITY PARKS, CITY STREETS, PUBLIC PROPERTY AND PRIVATE PARKING LOTS TO WHICH THE PUBLIC HAS ACCESS.

Subd. 1. It is unlawful for any person to consume, or possess in an unsealed container, any alcoholic beverage, including malt liquor, except as provided herein, on any:

A. City Street;

B. Public property; or

C. Private parking lot to which the public has access, except on the premises when and where permission has been specifically granted or licensed by the Council.

Subd. 2. Alcoholic beverages, including malt liquor, are allowed in city parks or recreational areas. However, it is unlawful for any person in any city park or recreational area to:

A. Bring or possess alcoholic beverages, including malt liquor, in glass containers;

B. Consume alcoholic beverages, including malt liquor, in keg and/or barrel quantity;

C. Consume alcoholic beverages, including malt liquor, when the city park sites and recreational areas are closed;

D. Sell any alcoholic beverages, including malt liquor, without a license issued by the city;

E. Sell or provide alcoholic beverages, including malt liquor, to minors.

Subd. 3. 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. Provided, further, that this section shall not apply to a bus operated under a charter, or to a limousine, or both as defined by statute.

(Am. Ord. 47, Fourth Series, passed 9-1-2015)

§ 5.18 ALCOHOLIC BEVERAGES IN CERTAIN BUILDINGS AND GROUNDS.

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

§ 5.19 ALCOHOLIC BEVERAGES - CERTAIN UNLAWFUL ACTS.

It is unlawful for any:
Subd. 1. Person to knowingly induce another to make an illegal sale or purchase of an alcoholic beverage;
Subd. 2. Licensee to sell or serve an alcoholic beverage to any person who is obviously intoxicated;
Subd. 3. Licensee to fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises;
Subd. 4. Licensee to sell an alcoholic beverage on any day, or during any hour, when such sales are not permitted by law;
Subd. 5. Licensee to allow consumption of an alcoholic beverage on licensed premises on any day, or during any hour, when the consumption is not permitted by law; and/or
Subd. 6. Person to purchase an alcoholic beverage on any day, or during any hour, when the sales are not permitted by law.

§ 5.20 WORKER’S COMPENSATION.

No license to operate a business shall be issued by the city until the applicant presents his or her employer's tax identification number and acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes by providing the name of the insurance company, the policy number and dates of coverage or the permit to self-insure.

§ 5.21 LIQUEUR-FILLED CANDY.

It is unlawful for any person to sell liqueur-filled candy to any person under the age of 21 years. For purposes of this section, "liqueur-filled candy" means any confectionery containing more than 0.5% alcohol by volume in liquid form that is intended for or capable of beverage use, and may be sold only by the Municipal Dispensary.

§ 5.30 3.2% MALT 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 malt liquor, as part of a commercial transaction, without a license therefor from the city. This section shall not apply to sales of manufactures to wholesalers or to sales by wholesalers to persons holding malt liquor licenses from the city. Annual 3.2% on-sale malt liquor licenses may be issued only to drug stores, restaurants, hotels, bowling centers, clubs and establishments used exclusively for the sale of 3.2% malt liquor with the incidental sale of tobacco and soft drinks. Any person licensed to sell liquor on-sale shall not be required to obtain a 3.2% on-sale malt liquor license and may sell 3.2% malt liquor on-sale without an additional license.

(Ord. 97, Third Series, passed 4-6-2004)

§ 5.31 TEMPORARY 3.2% MALT LIQUOR LICENSE.

Subd. 1. *Applicant.* A club or charitable, religious or non-profit organization shall qualify for a temporary on-sale 3.2% malt liquor license. The organizations shall be duly incorporated as a non-profit or religious corporation under the laws of the state and having its registered office and principal place of activity within the city. The license may not authorize the sale of 3.2% malt liquor in any school or school buildings.

Subd. 2. *Conditions.*

A. An application for a temporary license shall state the exact dates or the time period and place of proposed temporary sale.

B. No applicant shall qualify for a temporary license for more than a total of 12 days in any calendar year.

C. The Council may, but at no time shall it be under any obligation whatsoever to, grant a temporary 3.2% malt liquor license on premises owned or controlled by the city. Any such license may be conditioned, qualified or restricted as the Council sees fit. The license shall be issued only on the condition that the applicant will not sell in excess of $10,000 (retail value) worth of 3.2% malt liquor in any calendar year, and will not be exempt from proof of financial responsibility as provided herein.

(Ord. 35, Third Series, passed 6-1-1999; Ord. 51, Third Series, passed 5-16-2000; Ord. 97, Third Series, passed 4-6-2004)

§ 5.32 HOURS AND DAYS OF 3.2% MALT LIQUOR SALES.

No sale of 3.2% malt liquor shall be made between the hours of 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between the hours of 1:00 a.m. and 12:00 noon on Sunday.

(Ord. 97, Third Series, passed 4-6-2004)

§ 5.50 LIQUOR LICENSE REQUIRED.

Subd. 1. 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:

A. To such potable liquors as are intended for therapeutic purposes and not as a beverage;

B. To industrial alcohol and its compounds not prepared or used for beverage purposes;

C. To wine in the possession of a person duly licensed under this chapter as an on-sale wine licensee;

D. To sales by manufacturers to wholesalers duly licensed as such by the Commissioner;

E. To sales by wholesalers to persons holding liquor licenses from the city; or

F. To the municipal liquor store.

Subd. 2. The voters of the city having authorized such issuance at a special election called for that purpose, the city may issue on-sale liquor licenses to hotels, restaurants and clubs (with the permission of the Commissioner), provided that liquor sales will be made only to members and bona fide guests. Any person licensed to sell liquor on-sale shall not be required to obtain an on-sale beer 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 beer license and may sell beer off-sale without an additional license.

§ 5.51 SPORTS, CONVENTION OR CULTURAL FACILITIES LICENSE.

The Council may authorize any holder of an on-sale liquor license issued by the city or by an 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 only to persons attending the event. The licensee shall not sell liquor to any person attending or participating in any amateur athletic event. The sales may be limited to designated areas of the facility. All such sales shall be subject to all laws relating thereto. The licensee shall provide proof of the extension of financial responsibility coverage to the premises on which the sales are to be made.

§ 5.52 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. The 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 Conditions of License.*

A. No license is valid until approved by the Commissioner.

B. No license shall be issued for more than four consecutive days.

C. No (temporary) license shall issue until the city is furnished with written proof that the licensee has dram shop coverage in the amount provided for in this chapter and that the coverage is in force on the premises where liquor is to be served.

D. 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.

E. Licenses may authorize sales on premises other than those owned or permanently occupied by the licensee.

(Am. Ord. 28, Fourth Series, passed 10-16-2012)

§ 5.53 SUNDAY LIQUOR LICENSE.

Hotels, restaurants and clubs, holding an on-sale intoxicating liquor license may apply for a Sunday liquor license authorizing the establishment to sell intoxicating liquor for consumption on the licensed premises in conjunction with the sale of food between the hours of 11:00 a.m. on Sundays and 1:00 a.m. on Mondays.

(Ord. 101, Third Series, passed 12-7-2004)

§ 5.54 HOURS AND DAYS OF LIQUOR SALES.

Except as hereinafter provided, no sale of liquor to be consumed on the premise shall be made between the hours of 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 1:00 a.m. Sunday to 8:00 a.m. Monday unless a Sunday liquor license has been issued. A restaurant, club, or hotel with a seating capacity for at least 30 persons and which holds a Sunday liquor license may sell intoxicating liquor or wine, as their alcoholic beverage license otherwise permits, for consumption on the premises in conjunction with the sale of food between the hours of 11:00 a.m. on Sundays and 1:00 a.m. on Mondays. No off-sale shall be made on Sunday, nor on Thanksgiving Day or Christmas Day, December 25, nor before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday.

(Ord. 101, Third Series, passed 12-7-2004)

§ 5.70 ON-SALE WINE LICENSE REQUIRED.

Subd. 1. 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 wine on-sale, as part of a commercial transaction, without a license therefor from the city.

Subd. 2. This section shall not apply:

A. To sales by manufacturers to wholesalers duly licensed as such by the Commissioner;

B. To sales by wholesalers to persons holding on-sale or off-sale liquor licenses from the city;

C. To sales by wholesalers to persons holding on-sale wine licenses from the city; or

D. To sales by on-sale liquor licensees on days and during hours when on-sale liquor sales are permitted.

§ 5.71 HOURS AND DAYS OF SALES BY ON-SALE WINE LICENSEES.

No on-sale of wine shall be made between the hours of 1:00 a.m. and 8:00 a.m. on the days of Tuesday through Saturday, nor between the hours of 1:00 a.m. and 12:00 p.m. on Sunday, nor between the hours of 12:00 midnight on Sunday and 8:00 a.m. on Monday.

(Ord. 13, Third Series, passed 1-2-1997)

§ 5.72 LIQUOR AND ON-SALE WINE LICENSE RESTRICTIONS, REGULATIONS AND UNLAWFUL ACTS.

Subd. 1. *Licenses in Connection With Premises of Another.* A 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. 2. *Employment of Minors.* No person under 18 years of age may sell or serve liquor or wine on licensed premises.

Subd. 3. *Premises Eligible.*

A. On-sale wine licenses shall be granted only to restaurants as defined in this chapter.

B. Provided, however, for purposes of this subdivision, the restaurant shall have appropriate facilities for seating not less than 25 guests at one time.

Subd. 4. *Display of Liquor or Wine.* No licensee shall display liquor or wine to the public on days or during hours when the sale of wine is prohibited.

Subd. 5. *Number of Licenses.* The number of on-sale liquor licenses issued under this section is governed by M.S. § 340A.413, as it may be amended from time to time, as limited by the provisions of the ordinance codified herein.

Subd. 6. *Intoxicating Malt Liquor Sale Without License.* The holder of an on-sale wine license issued pursuant to this chapter who is also licensed to sell beer at on-sale, and whose gross receipts are at least 60% attributable to the sale of food, is authorized to sell intoxicating malt liquor at on-sale without an additional license.

(Ord. 50, Third Series, passed 5-2-2000; Ord. 9, Fourth Series, passed 7-26-2010)

§ 5.80 CLUB LICENSE RESTRICTIONS AND REGULATIONS AND UNLAWFUL ACTS.

Subd. 1. *Definitions.* The following terms, as used in this section, shall have the meanings stated.

A. The term "guest" means a person not a member of the club, but present on the club licensed premises in the company of a host member.

B. The term "host member" means a member who is entertaining a guest who is in the member's company at all times the guest is on the licensed premises.

C. The term "member" means any person in good standing according to rules and regulations of the licensed club, wherever located, having evidence of current membership upon his or her person.

Subd. 2. *Daily Register.* In addition to all other general provisions, restrictions and regulations set forth in this chapter, relating to beer or liquor licensees, as the case may be, all club licensees shall keep a daily register showing the names of guests present and the name of the host member. The register shall be open to inspection by police officers at all times.

Subd. 3. *Unlawful Acts.* The following are in addition to all other unlawful acts set forth in this chapter relating to sales and purchases of beer or liquor, as the case may be.

A. It is unlawful for a club licensee to sell liquor or beer to any person not a member, or a bona fide guest of a member, of the licensed club.

B. It is unlawful for any club licensee to serve beer or liquor to any non-member of the licensed club unless the non-member is a guest.

C. It is unlawful for any person who is not a member, or a bona fide guest of a member, of the licensed club to purchase liquor or beer from the club.

D. It is unlawful for any club licensee to hinder or prevent a police officer from determining compliance with this section and chapter, and all other laws.

E. It is unlawful for any person to refuse, upon request of a licensee or police officer, to provide information as to whether he or she is a member, guest or host member, or to give false, fraudulent or misleading information in response to the request.

§ 5.81 MUNICIPAL DISPENSARY.

Subd. 1. *Establishment.* A Municipal Dispensary is hereby established to be operated within the city for the sale of alcoholic beverages. The Dispensary shall be at such place or places as the Council shall determine and may be either leased or owned by the city. It shall be in the charge of a person known as the Manager who shall have such assistants as may be necessary. All employees, including the Manager, shall hold their positions at the pleasure of the Council.

Subd. 2. *Dispensary Fund.* A Liquor Dispensary Fund is hereby created into which all revenues received from the operation of the Dispensary shall be paid, and from which all operating expenses shall be paid. Any surplus accumulating in this Fund may, from time to time, be transferred to the General Fund by resolution of the Council, and expended for any municipal purpose.

§ 5.82 OFF-SALE LIQUOR LICENSES.

The city shall not authorize any off-sale liquor license within its municipality.

(Am. Ord. 38, Fourth Series, passed 7-1-2014)

Editor's note:

State law prohibits municipal and private off-sale license establishments in the same municipality. M.S. § 340A.405, subd. 1(a).

§ 5.83 CONSUMPTION AND DISPLAY.

Subd. 1. *Consumption and Display License Required.* It is unlawful for any business establishment or club, not holding an on-sale liquor license to directly or indirectly, or on any pretense or by any device, sell, barter, keep for sale or otherwise dispose of any liquid for the purpose of mixing the same with liquor, or permit its members to bring and keep a personal supply of liquor in lockers assigned to such members, without a license therefor from the city.

Subd. 2. *Consumption and Display Restrictions and Regulations.*

A. *Eligible Licensees.* If the applicant is otherwise eligible, licenses may be issued only to:

1. Persons who have not, within five years prior to application, been convicted of a felony or of violating provisions of this chapter or other law relating to the sale or furnishing of alcoholic beverages;
2. A restaurant;
3. A hotel;
4. A beer licensee;
5. A resort as defined by statute;
6. A club or an unincorporated club otherwise meeting the definition of a club; provided that, no license may be issued to a club holding an on-sale liquor license;
7. A licensed bed and breakfast establishment as defined by statute; or
8. Any other establishment permitted by M.S. § 340A.414, as may be amended from time to time.

B. *Unlawful Act.* It is unlawful to sell liquor on licensed premises.

C. *License Expiration.* All consumption and display licenses shall expire on March 31 of each year.

D. *State Permit Required.* Licenses shall be issued only to holders of a consumption and display permit from the Commissioner.

E. *Lockers.* A club to which a license is issued under this section may allow members to bring and keep a personal supply of liquor in lockers on the club's premises. All bottles kept on the premises must have attached labels signed by the member. No minor may keep a supply of liquor on club premises.

F. *Hours and Days.* No licensee may permit a person to consume or display liquor, and no person may consume or display liquor, between 1:00 a.m. and 12:00 noon on Sundays, and between 1:00 a.m. and 8:00 a.m. on Monday through Saturday.

(Ord. 9, Fourth Series, passed 7-26-2010; Am. Ord. 32, Fourth Series, passed 6-18-2013)

§ 5.84 CONSUMPTION AND DISPLAY - ONE-DAY LICENSE.

Subd. 1. *License Required.* Any non-profit organization desiring to serve liquids for the purpose of mixing with liquor and permitting the consumption and display of liquor in conjunction with a social activity sponsored by it, shall first obtain a license therefor from the city. It is unlawful for any such organization to fail to obtain the license.

Subd. 2. *Term.* The term of the license shall be one day only.

Subd. 3. *Limitation on Number.* The city shall issue no more than ten licenses in any calendar year.

Subd. 4. *License Fee.* The fee for the one-day license is as per M.S. § 340A.414 (9), as amended from time to time.

Subd. 5. *Approval.* In addition to Council approval, the license must be approved by the Commissioner of Public Safety.

§ 5.85 BREWER LICENSES.

Subd. 1. Brew pub on-sale intoxicating liquor or on-sale 3.2% malt liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to brewers who operate a restaurant in their place of manufacture and who meet the criteria established at M.S. § 340A.301, subd. 6(d) and 7(b), as it may be amended from time to time. Sales under this license at on-sale may not exceed 3,500 barrels per year. If a brew pub licensed under this section possesses a license for off-sale under subdivision 2 of this section, the brew pub’s total combined retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels.

Subd. 2. Brewer off-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to a brewer that is a licensee under subdivision 1 of this section or that produces fewer than 3,500 barrels of malt liquor in a year and otherwise meets the criteria established at M.S. § 340A.301, subd. 6(d) and 7(b), as it may be amended from time to time. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the city. Malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. All malt liquor sold under this license shall be packaged in the manner required by M.S. § 340A.301, subd. 7, as it may be amended from time

to time. Sales under this license may not exceed 500 barrels per year. If a brewer licensed under this section possesses a license under subdivision 1 of this section, the brewer's total retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels.

Subd. 3. Brewer temporary on-sale intoxicating liquor licenses may be issued, with the approval of the Commissioner of Public Safety, to brewers who manufacture fewer than 3,500 barrels of malt liquor in a year for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the brewer.

(Ord. 9, Fourth Series, passed 7-26-2010)

§ 5.86 NUDITY OR OBSCENITY PROHIBITED.

Subd. 1. *Definitions.* As used in this section, the following words and terms shall have the meanings stated.

A. The term "nudity" means uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola or the covered human male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.

B. The term "obscene performance" means a play, motion picture, dance, show or other presentation, whether pictured, animated or live, performed before an audience and which in whole or in part depicts or reveals nudity, sexual conduct, sexual excitement or sado-masochistic abuse, or which includes obscenities or explicit verbal descriptions or narrative accounts of sexual conduct.

C. The term "obscenities" means those slang words currently generally rejected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct or excretory functions or products, either that have no other meaning or that in context are clearly used for their bodily, sexual or excretory meaning.

D. The term "sado-masochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

E. The term "sexual conduct" means human masturbation, sexual intercourse or any touching of the genitals, pubic areas or buttocks of the human male or female or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

F. The term "sexual excitement" means the condition of human male or female genitals or the breasts of the female when in a state of sexual stimulation or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

Subd. 2. *Unlawful Act.* It is unlawful for any person issued a license provided for in this chapter to permit upon licensed premises any nudity, obscene performance or continued use of obscenities by any agent, employee, patron or other person.

(Ord. 9, Fourth Series, passed 7-26-2010)

§ 5.87 ADOPTION OF STATE LAW BY REFERENCE.

The provisions of M.S. Ch. § 340A, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2% malt liquor are hereby adopted by reference and are made a part of the ordinance codified herein as if set out in full. It is the intention of the City Council that all future amendments to M.S. Ch. § 340A are hereby adopted by reference or referenced as if they had been in existence at the time the ordinance codified herein is adopted.

(Ord. 9, Fourth Series, passed 7-26-2010)

§ 5.88 CITY MAY BE MORE RESTRICTIVE THAN STATE LAW.

The Council is authorized by the provisions of M.S. § 340A.509, as it may be amended from time to time, to impose, and has imposed in the ordinance codified herein, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in M.S. Ch. § 340A, as it may be amended from time to time.

(Ord. 9, Fourth Series, passed 7-26-2010)

§ 5.99 VIOLATION A MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the 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.