

# Proposed Ordinance Change

Posted on June 14, 2017Posted in News, Ordinance, Proposals

## ORDINANCE NO 2

ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF INTOXICATING LIQUOR, AND PROVIDING A PENALTY FOR VIOLATION.

The Council of the City of Bellechester do ordain:

SECTION 1. Provisions of State Law Adopted. The provisions of Minnesota Statutes, Chapter 340, with reference to the definition of terms, applications for license, granting of license, restrictions on consumption, provision on sales, conditions of bonds of licensee, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor are hereby adopted and made a part of this ordinance as if fully set out herein.

SECTION 2. License Required.

Subdivision 1. No person except the wholesalers and manufacturers to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for for sale, any intoxicating liquor without first having received a license to do so as provided in this Ordinance. Licenses shall be of three (3) kinds: "On Sale", "Off Sale", "Club" licenses.

Subdivision 2. "On sale" licenses shall be issued only to two individuals and shall permit "on sales" of liquor only. Not more than two "on sale" licenses shall be granted at any one time.

Subdivision 3. "Off Sale" licenses shall be issued only to two individuals and shall permit "off sales" of liquor only.

Subdivision 4. "Club" licenses shall be issued only to duly incorporated clubs.

Subdivision 5. Special on sale licenses for the sale of intoxicating liquor on Sunday may be issued only to places as defined in Minnesota Statutes 340.07

### SECTION 3. Application for License.

Subdivision 1. Every application for a license to sell liquor shall be verified and filed with the city clerk. It shall state the name of the applicant, their age, representations as to their character, with such references as may be required, citizenship, whether the application is for "on sales" or "off sales", the business in connection with which the proposed license will operate and its location, whether applicant is owner and operator of the business, how long he has been in that business at that place, and such other information as the council may require from time to time. In addition to containing such information, each application for a license shall be in the form prescribed by the liquor control commissioner. No person shall make a false statement in an application.

Subdivision 2. Each applicant for a license shall be accompanied by a surety bond, liability insurance policy, or in lieu thereof, cash or United States Government bonds of equivalent market value as provided in Minnesota Statutes 1945, Sec. 340.12. Such surety bond or other security shall be in the sum of \$300,000.00 for an applicant for an

on-sale license and \$300,000.00 for an applicant for an off-sale license.

Subdivision 3. The security offered under Subdivision 2 shall be approved by the City council and in the case of applicants for off-sale licenses by the state liquor control commissioner. Surety bonds and liability insurance policies shall be approved as to form by the city attorney. The operation of such off-sale or on-sale liquor business without having on file at all times with the municipality an effective bond, insurance policy or other security required in Subdivision 2 shall be grounds for immediate revocation of the license.

#### SECTION 4. License Fees.

Subdivision 1. Each application for a license shall be accompanied by a receipt from the city treasurer for payment in full of the required fee for the license. All fees shall be paid into the general fund of the municipality. Upon rejection of any application for a license, the treasurer shall refund the amount paid.

Subdivision 2. All licenses shall expire on the last day of June of each year. Each license shall be issued for a period of one year except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one month.

Subdivision 3. The annual fee for an "on sale" license shall be \$1500.00. The annual fee for an "off sale" license shall be \$100.00.

Subdivision 4. No refund of any fee shall be permitted except as authorized under Minnesota Statutes, Section 340.112.

#### SECTION 5. Granting of Licenses.

Subdivision 1. The city council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing the City Council shall grant or refuse the application in its discretion. No “off-sale” license shall become effective until it, together with the bond furnished by the applicant, has been approved by the liquor control commissioner.

Subdivision 2. Each license shall be issued to the applicant only. Each license shall be issued only for the premises described in the application. No license may be transferred to another place without the approval of the city council.

#### SECTION 6. Persons Ineligible of License

No license shall be granted to or held by any person made ineligible for such license by state law.

#### SECTION 7. Places Ineligible for License.

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

Subdivision 2. No license shall be granted to an operation on any premises on which taxes, assessments or other financial claims of the village are delinquent and unpaid.

Subdivision 3. No license shall be granted within 1,000 feet of any church.

#### SECTION 8. Conditions of License.

Subdivision 1. Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this ordinance and any other applicable ordinance of the village or state law.

Subdivision 2. Every licensee shall be responsible for the conduct of his place of business and the conditions of sobriety and order in it.

Subdivision 3. Any peace officer, health officer, or any properly designated officer or employee of the village shall have the unqualified right to enter, inspect, and search the premises of the licensee during business hours without a warrant.

#### SECTION 9. Restrictions on Purchase and Consumption.

Subdivision 1. Hours of Sale. Hours of sale. "On sale" licensees may open their establishments at 8:00 AM and remain open until 1:00 AM Monday through Sunday. No such sales, however, shall be made on any election day until 8:00 PM. "Off sale" liquor licenses in the City of Bellechester may open for business at 8:00 AM and remain open and sell alcoholic beverages until 10:00 PM Monday through Sunday. No such sales, however, shall be made on Thanksgiving Day, and Christmas Day. No such sale shall be made on Christmas Eve, December 24th after 8:00 PM.

#### SECTION 10. Revocation.

The council may suspend or revoke any liquor license for violation of any provisions or conditions of the ordinance or any state law regulating the sale of intoxicating liquor and shall revoke such license if the licensee willfully violates any provision of Minnesota Statutes, Sections 340.07 to 340.40. Except in the case of a suspension pending a hearing on revocation, revocation or suspension by the council shall be preceded by written notice to the grantee and a public hearing. The notice shall give at least eight days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The council may, without any advance notice,

suspend any license pending a hearing on for a period not exceeding 30 days.

#### SECTION 11. Penalty.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1000.00 or imprisonment in the village, county jail for not more than ninety days plus costs of prosecution in either case.

#### SECTION 12. Effective Date.

This ordinance shall be in full force and effect from and after July 1, 2017, and its passage and publication according to law.

Passed by the council this 14th day of June, 2017

Attest: Greg Ruehl~City Clerk ayor