

Ordinance No. 57

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

The council of the City of Vernon Center ordains:

Sec. 1 Provisions of State Law Adopted. The provisions of Minnesota Statutes Chapter 340A, as amended by the 1989 legislative session, relating to the definition of terms, licensing, consumption, sales, financial responsibility of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor are adopted and made a part of this ordinance as if set out in full.

Sec. 2 License Required.

Subd. 1. General Requirement. No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale in the city any intoxicating liquor without a license to do so as provided in this ordinance. Liquor licenses shall be of four kinds: "on-sale", "temporary on-sale", "off-sale", and "non intoxicating malt liquor".

Subd. 2. On-sale licenses. "On-sale license shall be issued only to hotels, clubs, restaurants, and exclusive liquor stores, and shall permit "on-sale" of liquor only.

Subd. 3. Temporary on-sale licenses. Subject to the approval of the commission of public safety, temporary on-sale licenses shall be issued only to clubs or charitable, religious, or other non-profit organizations in existence for at least three years. A temporary license authorizes the on-sale of intoxicating liquor in connection with a social event within the city sponsored by the licensee and subject to restrictions imposed by the state liquor act.

Subd. 4. Off-sale licenses. "Off-sale licenses shall be issued only to drug stores and exclusive liquor stores and shall permit "off-sales" of liquor only.

Subd. 5. Non intoxicating malt liquor. Except as provided in Minnesota Statutes, Chapter 340A, no person may sell, barter, keep for sale, or otherwise dispose of non-intoxicating malt liquor as part of a commercial transaction within the City without first having obtained a license to do so from the City, in accordance with the provisions of Minnesota Statutes, Chapter 340A.

Sect. 3 Application for license.

Subd. 1. Form Each application for a license required by this Chapter shall be made upon a form provided by the City Clerk with additional information as the City Council may require, and shall be verified by the applicant.

Subd. 2. Payment required. Each application for a license required by this Chapter shall be accompanied by a receipt from the City Clerk-Treasurer for payment in full of the license fee. If an application for a license is refused, the amount paid as a license fee shall be refunded.

Subd. 3. Liability Insurance Required. In accordance with Minnesota Statutes, Section 340A.409, each applicant for, or holder of, a license as required by this Chapter, shall file with the City Clerk, and shall maintain for the effective period of such license, evidence of a liability insurance policy. Such policy shall provide that it may not be cancelled for any cause by either the insured

or the insurer unless written notice of such cancellation has been given to the City Clerk at least ten (10) days before such cancellation.

Sec. 4. License fees.

Subd. 1. Fees. All license fees shall be set annually by the City Council.

Subd. 2. Payment. Each application for a license shall be accompanied by a receipt from the City Treasurer for payment in full of the license fee and the fixed investigation fee.

Subd. 3. Term: reduced fee. Each license shall be issued for a period of one year except that if the application is made during the license year, a license may be issued for the remainder of the year for a reduced fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of March.

Subd. 4. Refunds. No refund of any fee shall be made except as authorized by statute.

Section 5. Granting of Licenses and Preliminary Investigation.

Subd. 1. Investigation of On-sale and off-sale licenses. A preliminary background and financial investigation of the applicant shall be conducted in compliance with Mn. Statutes, Sect. 340A.412.

Subd. 2. Person and premises licensed: transfer. Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without city council approval. Any transfer of stock of a corporate licensee is deemed a transfer of the license, and a transfer of stock without prior council approval is a ground for revocation of the license.

Sect. 6. Persons Ineligible for License. No license shall be granted to any person made ineligible for such a license by state law.

Sect. 7. Places Ineligible for License. Subd. 1. General Prohibition. No license shall be issued for any place or any business ineligible for such a license under state law.

Subd. 2. Delinquent taxes and charges. No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the city are delinquent and unpaid.

Sect. 8. Conditions of license.

Subd. 1. In general. Every license is subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance, state law or regulation.

Subd. 2. Insurance. Compliance with financial responsibility requirements of state law and of this ordinance is a continuing condition of any license granted pursuant to this ordinance.

Subd. 3. Licensee's responsibility. Every licensee is responsible for the conduct in the licensed establishment, and any sale of alcoholic beverages by any employee authorized to sell such beverages in the establishment is the act of the licensee.

Subd. 4. Inspections. Every licensee shall allow any peace officer, health off-

icer, or properly designated officer or employee of the city to enter, inspect, and search the premises of the licensee during business hours without a warrant.

Sect. 9. Restrictions on Purchase and consumption.

Subd. 1. Liquor in unlicensed places. No person shall mix or prepare liquor for consumption in any public place or place of business unless it has a license to sell liquor "on-sale" or permit from the Commissioner of Public Safety under Mn. Statutes Sect. 340A.414 and no person shall consume liquor in any such place.

Sect. 10. Suspension and Revocation. The council shall either suspend for up to 60 days or revoke any liquor license, or impose a civil fine not to exceed \$2,000 for each violation upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to alcoholic beverages. Except in cases of failure of financial responsibility no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Mn. Statutes 14.57 to 14.70 of the administrative procedure act. Lapse of required dram shop insurance shall effect an immediate suspension of any license issued pursuant to this ordinance without further action of the city council. Notice of cancellation, lapse of a current liquor liability policy shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse or required insurance or of suspension or revocation of a license, may request a hearing. If such a request is made in writing to the clerk, a hearing shall be granted within 20 days or such longer period as may be requested. Any suspension under this paragraph shall continue until the city council determines that the financial responsibility requirements of this ordinance have again been met.

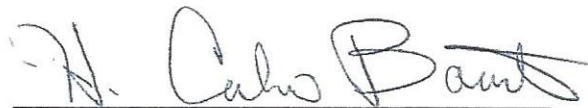
Sect. 11. Penalty. Any person violating any provision of this ordinance will be charged with a misdemeanor. Upon conviction shall be punished by a fine of not more than \$500 or imprisonment in the county jail for not more than 90 days, or both, plus the cost of prosecution in any case.

Sect. 12. Repeal. All ordinances, sections of ordinances, and/or amendments to ordinances inconsistent with this ordinance are hereby repealed.

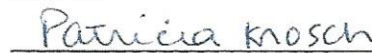
Sect. 13. Hours of Sale. Hours of sale shall be in accordance with Mn. Statues, Sect. 340A.504, and any other applicable section of Chapter 340A.

Sect. 14. Effective Date. This ordinance becomes effective upon its passage and the publication of its title and the official summary.

Passed by the council this 11th day of March, 1991.


H. Calvin Baarts, mayor

ATTEST:


Patricia Krosch, City Clerk-Treasurer

City of Vernon Center

AMENDMENT TO ORDINANCE NO. 57

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

Ordinance No. 57 shall be amended as follows:

Sec. 2. License Required

Subd. 1. General Requirement. No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale in the city any intoxicating liquor without a license to do so as provided in this ordinance. Liquor licenses shall be of five kinds: "on-sale", "temporary on-sale", "off-sale", "non intoxicating malt liquor", and "special license for Sunday sales".

Subd. 6. Special Sunday On-Sale License. Special on-sale licenses for the sale of intoxicating liquor on Sunday shall be issued only to bowling centers and to hotels, restaurants, and clubs as defined in Minnesota Statutes 340A.101. All sales at such establishments shall be in accordance with Minnesota Statutes 340A.504, subd. 3.

Adopted by the City Council of the City of Vernon Center this 5th day of August, 1991.


H. Calvin Baarts
Mayor

ATTEST: Patricia Krosch
Patricia Krosch
City Clerk-Treas.

Amendment to Ordinance #57

AN ORDINANCE LICENSING AND REGULATING THE SALE & CONSUMPTION
OF INTOXICATING LIQUOR, REPEALING INCONSISTENT ORDINANCES, &
PROVIDING FOR VIOLATION

Ordinance #57 shall be amended as follows:

Sect. 15. Adult Uses.

Subd. 1. Prohibition. It is unlawful for the holder of an on-sale liquor, temporary on-sale liquor, or non intoxicating malt liquor license issued under this ordinance or for any manager, officer, agent, servant, or employee of such license holder to exhibit, allow, or permit on the licensed premises any adult use defined in Section 102 of Ordinance #66 (an ordinance adopting zoning rules and regulations for the City of Vernon Center).


Subd. 2. Exceptions. This section does not apply to any license holder which, prior to July 8, 2002, lawfully allowed adult uses on the licensed premises.

Subd. 3. Effective Date. This amendment to Ordinance #57 shall become effective upon adoption and publication according to law.

Adopted this 8th day of July, 2002.



R. Brian Champlin, Mayor



Patricia Krosch, City Clerk-Treas.

Amendment to Ordinance #57

AN ORDINANCE AMENDING ORDINANCE #57, SEC. 1; AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF INTOXICATING LIQUOR, REPEALING INCONSISTENT ORDINANCES, AND PROVIDING A PENALTY FOR VIOLATION

The Council of the City of Vernon Center ordains:

Sec. 1 Ordinance #57 adopted on March 11, 1991 and titled "An ordinance Licensing and Regulating the Sale and Consumption of Intoxicating Liquor, Repealing Inconsistent Ordinances and Providing a Penalty for Violation" is amended to read:

Section 1. Provisions of State Law Adopted. The provisions of Minnesota Statutes Chapter 340A, as may be amended from time to time, relating to the definition of terms, licensing, consumption, sales, financial responsibility of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution and consumption of intoxicating liquor are adopted and made a part of this ordinance as if set out in full.


Section 1. This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of Vernon Center, Minnesota this 3rd day of April, 2018



Dana Ziegler, Mayor

Attested:



Diane Roelofs, City Clerk-Treasurer