

ORDINANCE LICENSING AND REGULATING

OFF-SALE INTOXICATING LIQUOR

The Board of Supervisors of the Town of Northern ordains:

Section 1. Provisions of State Law adopted. The provisions of Minnesota Statutes, Chapter 340, relating to the definition of terms, licensing, consumption, sales, conditions of bonds of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of off-sale intoxicating liquor are adopted and made a part of this ordinance as if set out in full.

Section 2. License Required.

a. 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 town any intoxicating liquor without a license to do so provided in his ordinance.

b. Off-sale Licenses. Liquor licenses issued pursuant to this ordinance shall be "off-sale" licenses and shall be issued only to exclusive liquor stores. The town shall be permitted to issue unlimited off-sale licenses.

c. Other License Classifications. Regulation and licensing of "on-sale" (including Sunday on-sales), "on-sale wine" and "club" sales shall be pursuant to state law and county ordinance.

Section 3. Application for License.

a. Information Required. Every application for a license shall be in writing to the Board upon such forms as the Board may from time to time require and as from time to time may be required under the laws of the State of Minnesota and Regulations of the Commissioner of Public Safety. The application shall be filed with the Town Clerk and shall set forth, in addition to other information as may from time to time be required by the Board, the following information:

(1) If the applicant is an individual, the name, age, date and place of birth, and place of residence of the applicant.

(2) If the applicant is a corporation, the name, state of incorporation and date of incorporation of the corporation. The name, age, date and place of birth, and place of residence of all members of the Board of Directors, the stockholders and officers of the corporation.

(3) If the applicant is a partnership, the name of such partnership, the address of its principal office and the name, age, date and place of birth, and place of residence of all partners, whether they are general partners or limited partners.

(4) The name, age, date and place of birth, and place of residence of the manager, principal operator or other person who will be conducting and/or managing the premises for which the application for the license is sought.

(5) The name, age, date and place of birth, and place of residence of any person having any financial interest in the business other than as an owner, stockholder, director, partner or resident manager.

(6) A plat map showing the exact location of the property upon which the building structure shall be located and a complete and detailed site plan including the dimensions of the lot, location of the building on the lot, the location and dimensions of all parking facilities, proposed lighting for the parking area, details of the entrance and exits to the site from existing roadways, entrances and exits

from the building to the parking lot areas, the size and location of all signs, and a complete and detailed floor plan of the building.

(7) Whether the applicant has ever engaged in a similar business, and, if so, the location thereof and the date when so engaged.

(8) A complete and detailed description of the nature of the business operation to be conducted on the premises, if a license is granted.

(9) A complete listing of any and all convictions relating to any violations of state law or ordinances of any jurisdiction for the use or consumption of intoxicating liquor or nonintoxicating malt liquor and a complete listing of any and all gross misdemeanor and/or felony convictions.

(10) The applicant, the resident manager, and any other person required by the Board during the course of the Board's investigation of the applicant shall furnish as a part of the application fingerprints for the aid and assistance of the Board in conducting its investigation.

b. Initial License Fee. Each applicant shall also be accompanied by a certified check, money order, or cashier's check in an amount equal to the license fee for the initial period of issue.

c. Bond. Each application for a license shall be accompanied by a surety bond or, in lieu thereof, the United States Government bond of equivalent market value as provided in Minnesota Statutes, Section 340.12. Such surety bond or other security shall be in the sum of Three Thousand and 00/100 (\$3,000.00) dollars.

d. Liability Insurance. Prior to the issuance of a license, the applicant shall file with the Town Clerk a liability insurance policy which shall comply with the provisions of Minnesota Statutes, Section 304.12 relating to liability insurance policies. If a liability insurance policy is made subject to all the conditions of a bond under that statute, the policy may be accepted by the Board in lieu of the bond required under subsection c of this Section 3.

e. Approval of Security. The security offered under subsections 'c' and 'd' of the Section 3 shall be approved by the Board and by the State Commissioner of Public Safety. Surety bonds and liability insurance policies shall be approved as to form by the Town Attorney. Operation of a licensed off-sale business without having on file with the town at all times effective security as required in subsections 'c' and 'd' of this Section 3 is a cause for revocation of the license.

f. Applicant Bound. The applicant shall be bound by all answers and information furnished on the application presented to the Board. Any falsification of information requested on said application or any other information requested by the Board in the course of its investigation of the applicant or the applicant's general manager, shall be grounds for denial of the license. Likewise, such falsification of information shall be grounds for revocation of the license if the license is approved and issued prior to discovery of such falsification.

Section 4. License Fees.

a. Fees. The annual fee for a license shall be Five Hundred and 00/100 (\$500.00) Dollars.

b. Payment. Each application for a license shall be accompanied by a receipt from the Town Treasurer for payment in full of the license fee. All fees shall be paid into the general fund. If an application for a license is rejected, the Town Treasurer shall refund the amount paid as the license fee.

c. Term: Annual Fee. Each license shall be issued for a period of one (1) year, or such smaller period of time as may exist between the date of issuance of the license and the last day of December of the year of issue. There will be no pro rata fee in the case of licenser for a period of time less than one

(1) year. Every license shall expire on the last day of December of the year for which it has been issued.

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

e. Renewals. All renewal applications for previously issued licenses shall be received no later than October 1st of the year in which the license was issued. Failure to make a timely application may, in the discretion of the Town Board, be sufficient cause for denial of renewal of license and/or the imposition of a One Hundred (\$100.00) Dollar fine for late filing.

Section 5. Granting of Licenses.

a. Hearing and Issuance. The Board shall investigate, to the extent it deems necessary, all facts set out in the application. Licenses shall be issued at a regular meeting of the Board, and shall be designated on the agenda for that regular meeting in the same manner as is other official business of the Board and shall be published in the same fashion as are all other agenda items not requiring special notice, and at the time of said meeting opportunity shall be given to any person to be heard for or against the granting of a license. After the investigation and hearing, the Board shall, in its discretion, grant or refuse any application. The Board shall not be required to provide any reasons for the denial of any application. No license shall become effective until it, together with the security furnished by the applicant, has been approved by the Commissioner of Public Safety.

b. Investigation Expense. The applicant for license shall be responsible for the cost of investigation conducted in connection with the processing of the application for a license. The Board shall be empowered, and the applicant shall be obligated to pay for, employment by the Board of any private investigative firm to accomplish the required investigation. Upon completion of said investigation, a written statement of time and expenses shall be prepared. The cost of an in-state investigation of an applicant shall not exceed Five Thousand (\$5,000.00) Dollars and the cost of an out-state investigation of an applicant shall not exceed Ten Thousand (\$10,000.00) Dollars. In connection with an application for a license, a minimum investigation for of One Hundred (\$100.00) Dollars shall be charged to the applicant. All investigation fees shall be paid by the applicant prior to the issuance of a license if the applicant is approved by the Board. If the license is denied, all investigation fees shall be deducted from the amount deposited with the Town Clerk upon filing of the application. The balance of said amount shall then be returned to the unsuccessful applicant.

c. 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 the approval of the Board. Any transfer of stock or a corporate license holder is deemed a transfer of the license and a transfer of stock without prior Board approval is a ground for revocation of the license.

Section 6. Persons Ineligible for License.

No license shall be granted to any person made ineligible for such a license by state law. No more than one (1) license shall be directly or indirectly issued within the town to any one (1) person.

Section 7. Places Ineligible for License.

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

b. Exclusive Liquor Stores Only. No license shall be issued to any business except an exclusive liquor store.

c. Delinquent Taxes and Charges. No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the town are delinquent and unpaid.

Section 8. Resident Manager.

a. When Required. If a license holder is a person other than an individual engaged in the active day-to-day management of the business or if the license holder is a corporation, such license holder shall designate in writing to the Board the name of a resident manager.

b. Qualifications. If a resident manager is required under the terms of this ordinance, the resident manager shall be an individual actively engaged in the day-to-day management of the business and shall have the usual and customary duties and responsibilities consistent with the direction of the operation of the business, including, but not limited to, the authority to hire and fire employees, set operation policy, purchase inventory to be used in the operation of the business, and such other usual and customary responsibilities.

c. Change in Resident Manager. If a license holder is required by the terms of this ordinance to have a resident manager, the license holder shall report the change of said resident manager to the Board and shall submit an application to the Board for approval of said resident manager. The Board shall then review and investigate the application for the substitute resident manager in the same manner as the investigation for a new applicant for a license.

Section 9. Conditions of License.

a. In General. Every license is subject to the conditions in the following subsections and all other provisions of this ordinance and of any other applicable ordinance, state law or regulation.

b. License Holders Responsibility. Every license holder is responsible for the conduct of his place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the license holder as well. The license holder shall be liable to all penalties provided by the ordinance and the law equally with the employee. In the case of a corporate license holder, the liability for the license holder's responsibilities shall apply equally to the license holder and to the officers, directors and shareholders of the license holder.

c. Inspections. Every license holder shall allow any peace officer, health officer, or properly designated officer or employee of the town, to enter, inspect, and search the premises of the license holder during business hours without a warrant.

d. Federal Stamps. No license holder shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.

Section 10. Suspension and Revocation. The Board may either suspend for not to exceed sixty (60) days or revoke any license upon a finding that the license holder has failed to comply with any applicable statute, regulations, or ordinance relating to intoxicating liquor. No suspension or revocation shall take effect until the license holder has been afforded an opportunity for a hearing, pursuant to Minnesota Statutes, Sections 15.0418 to 15.0426.

Section 11. Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Three Hundred and 00/100 (\$300.00) Dollars or imprisonment in the county jail for not more than ninety (90) days, or both, plus the cost of prosecution in any case.

Section 12. Effective Date. This ordinance becomes effective on the 24th day of April, 1984. Passed by the Board of Supervisors this 24th day of April, 1984.

