

## ORDINANCE LICENSING & REGULATING

### ON-SALE INTOXICATING LIQUOR

#### Ordinance #1991-1

The Board of Supervisors of the Town of Northern ordains:

**Section 1. Provisions of State Law Adopted.** The provisions of Minnesota Statutes, Chapter 340A.01 et. seg., relating to the definition of terms, licensing, consumption, sales, conditions of bonds of licenses, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of on-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 as provided in this ordinance.

b. On-Sale Licenses. Liquor licenses issued pursuant to this ordinance shall be "on-sale" licenses and shall be issued only to those establishments meeting requirements set out in this ordinance. The Town may issue up to the number of licenses permitted by State Statute.

c. Other License Classifications. Regulations and licensing of "off-sale" licenses shall be pursuant to State law and Town 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. 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 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.

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

b. Initial License Fee. Each application 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/Liability Insurance. Each applicant shall comply with the provision of State Statute 340A.409 and provide proof of compliance with each application and renewal.

d. Approval of Security. The security offered under Subsection c. of this 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 on-sale business without having on file with the Town at all times effective security as required in Subsections c. of this Section 3 is a cause for revocation of the license.

e. 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'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. Upon application and renewal, applicant must show evidence of payment of the county's fee and remit to the township as an additional license fee the maximum amount according to State Statute 340A.408, Subdivision 2.

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 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 licensure 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 State Statute 340A.408, Subd. 5.

e. Renewal. 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 Dollar (\$100.00) 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 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 a license shall be responsible for the 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 investigation firm to accomplish the required investigation.

Upon completion of said investigation, a written statement of time and expenses shall be prepared. The cost of investigation to an applicant and the right of the township to collect same, shall be controlled by State Statute 340A.412, Subdivision 2. In connection with an application for a license, a minimum investigation fee of One Hundred Dollars (\$100.00) 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.

**Section 6. Persons Ineligible for License.**

- a. No license shall be granted to any person made ineligible for such a license by State Law.
- b. No license shall be issued to any person who has been charged and convicted of a felony.

**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. 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.
- 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. General Requirements. No license shall be issued to any establishment not meeting the following general requirements.
  - 1. The establishment shall comply with any requirements set forth in the Town Land Use Plan.
  - 2. The establishment shall be spaced a minimum of 1500 feet from another other liquor establishment in the interest of public safety to expedite and assist with the enforcement of this ordinance.
  - 3. The establishment shall have a minimum seating of forty (40) persons for food service excluding any available seating at any 'bar' which service shall be offered as a substantial and significant part of the established business on a daily basis.
- e. Federal Stamps. No license holder shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.
- f. All on-sale liquor licenses issued prior to the adoption of this ordinance shall be required to fulfill the stipulations of this ordinance at the time of renewal.

**Section 9. Suspension and Revocation.** The Board may either suspend, for a period 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, regulation, 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 the Administrative Procedures Act as set forth in the Minnesota Statutes.

**Section 10. Violation of Ordinance.** Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed the maximum allowed by state statute or imprisonment in the County jail for not more than ninety (90) days, or both, plus the cost of prosecution in any case.

**Section 11. Effective Date.** This ordinance becomes effective on the 12th day of November, 1991.