

**CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA
ORDINANCE NO. 9**

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

Section 1. Provisions of State Law Adopted. The provisions of Minnesota Statutes, Chapter 340A, with reference to the definition of terms, applications for license, granting of license, conditions of license, restrictions on consumption, provisions on sales, conditions of bonds of licensees, 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.

2.1. No person, except wholesalers or manufacturers to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale any intoxicating liquor without first having received a license to do so as provided in this ordinance.

2.2. "On sale" liquor licenses shall be issued only to restaurants, clubs, and exclusive "on sale" liquor stores and shall permit "on sale" of liquor only.

2.3. On sale wine licenses shall be issued only to restaurants with facilities for seating at least 25 guests at one time, and shall permit the sale of wine up to 14% alcohol by volume for consumption with the sale of food.

2.4. Sunday on sale liquor licenses shall be issued only to restaurants or clubs with seating capacity for at least 30 persons which hold a regular on sale liquor license and shall permit the sale of intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays.

2.5. "Off sale" licenses shall be issued only to "off sale" exclusive liquor stores and shall permit "off sales" of liquor only.

Section 3. Application for License.

3.1. 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, his age, representations as to his character, with such references as may be required, his citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location and type of building, whether the 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 State Commissioner of Public Safety. No person shall make a false statement in an application.

3.2. Each application for a license shall be accompanied by the minimum proof of financial responsibility required by Minnesota Statutes Section 340A.409 (subd. 1) and any amendments thereto or substitutes therefor that may from time to time become effective.

3.3. The proof of financial responsibility offered under Subdivision 2 shall be approved by the City Council and in the case of applicants for off sale licenses by the State Commissioner of Public Safety. 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 the proof of financial responsibility required in Subdivision 2 shall be grounds for immediate revocation of the license.

Section 4. License Fees.

4.1. 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.

4.2. All licenses shall expire on the last day of December 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.

4.3. (Repealed by Ordinance 94, adopted 2/10/2009).

4.4. No refund of any fee shall be permitted except as authorized under Minnesota Statutes, Section 340A.408.

Section 5. Granting of Licenses.

5.1. 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 proof of financial responsibility furnished by the applicant, has been approved by the State Commissioner of Public Safety.

5.2. An applicant seeking an "on-sale" license shall pay an investigation fee with the required annual license fee. If investigation outside the State of Minnesota is required by the city council or the State Commissioner of Public Safety, the applicant shall pay the actual cost of the investigation, up to \$10,000.00, prior to any action to approve or deny the license.

5.3. 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 person or to another place without the approval of the City Council.

Section 6. Persons Ineligible for License. No license shall be granted to or held by any person made ineligible for such a license by state law. No license shall be issued to an individual who is a nonresident of the City.

Section 7. Places Ineligible for License.

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

7.2. No license shall be issued to any business, except an exclusive liquor store, until it has been in operation continuously for six months.

7.3. 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.

7.4. No license shall be granted within a reasonable distance of any school, church, or private home at the determination of the City Council.

Section 8. Conditions of License.

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

8.2. Every licensee shall be 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 or serve intoxicating liquor shall be deemed the act of the licensee as well and the licensee shall be liable to all penalties provided by this ordinance equally with the employee.

8.3. No sale of liquor shall be made to anyone on credit.

8.4. Any peace officer, health officer, or any properly designated officer or employee of the City 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.

9.1. No minor shall misrepresent his age for the purpose of obtaining intoxicating liquor.

9.2. No person shall induce a minor to purchase or procure liquor.

9.3. No person shall mix or prepare liquor for consumption in any public place or place of business not licensed to sell liquor "on sale" and no person shall consume liquor in any such place.

9.4. No liquor shall be sold or consumed on a public highway or in an automobile.

Section 10. Revocation. The council may suspend or revoke any liquor license for violation of any provision or condition of this 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, Chapter 340A. Except in the case of a suspension pending a hearing on revocation, revocation or suspension 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 revocation for a period of not exceeding thirty (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 \$700.00 or imprisonment in the county jail for not more than ninety (90) days or both plus the costs of prosecution in either case.

Section 12. Enactment. This Ordinance No. 9 was placed in full force and effect on 17 December 1963 by a unanimous vote of the City Council of the City of Gem Lake.

**CITY OF GEM LAKE
ORDINANCE NO. 9 LEGEND**

The Ordinance licensing and regulating the sale and consumption of intoxicating liquor and providing a penalty for violation was originally enacted by the City Council as Ordinance Number 9 on 17 December 1963. Since that time, the City Council has made amendments to the Ordinance in keeping with changes in State law and the wishes of the community. The following table indicates the original ordinance and the said amendments.

ORDINANCE	DESCRIPTION	ENACTMENT
9	An ordinance licensing and regulating the sale of liquor.	12/17/1963
52	An ordinance amending Ordinance No. 9, changing the Requirements for Liquor License Application and Changing the Annual Fees for Liquor Licenses	11/20/1989
94	An ordinance establishing procedures for review and revocation of all City licenses, and amending Ordinance No. 9 by: a) inserting new sections 2.3 (wine licenses) and 2.4 (Sunday sales licenses), renumbering off-sale provision as 2.5; b) deleting Section.4.3, which set fees, in favor of reference to annual fee schedule; c) inserting new Section 5.2 requiring payment of investigation fee, and renumbering section now at 5.3; and d) other language changes to conform with a – c.	2/10/2009