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ORDINANCE NO. 34

AN ORDINANCE ABOLISHING A MUNICIPAL LIQUOR DISPENSARY FOR AND IN THE VILLAGE OF GLYNDON, MINNESOTA, AND LICENSING AND REGULATING THE SALE AND CONSUMPTION OF INTOXICATING LIQUOR, REPEALING INCONSISTENT ORDINANCES AND RESOLUTIONS, AND PROVIDING A PENALTY FOR VIOLATION.

Be It Ordained by the Village of Glyndon as follows:

SECTION 1. REPEAL OF PRIOR ORDINANCES.

All ordinances enacted prior hereto establishing a municipal liquor dispensary for and in the Village of Glyndon, Minnesota, and all other ordinances enacted hereto concerning the subject matter of this ordinance are herewith repealed.

SECTION 2. 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, 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 3. LICENSE REQUIRED.

Subdivision 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. Licenses shall be of two kinds: "on sale," and "off sale."

Subdivision 2. "On sale" and "off sale" licenses shall be issued only to Liquor Stores, and shall permit "on sales" and "off sales" of liquor only. Not more than one "on sale" and "off sale" license shall be granted at any one time. The "on sale" and "off sale" license shall be issued to one person only.

SECTION 4. APPLICATION FOR LICENSE.

Subdivision 1. Every application for a license to sell liquor shall be verified and filed with the Village 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, that the application is for "on sale" and "off sale" combined, the business in connection with which the proposed license will operate and its location, whether the applicant is the owner and operator, how long he has been in that business at that place, and such other information as the Village Board 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 application for a license shall be accompanied by a surety bond, as provided in Minnesota Statutes 1945, Sec. 340.12. Such surety bond shall be in the sum of \$ 4000 for an applicant for a combined on and off sale license.

Subdivision 3: The surety offered under subdivision 2 shall be approved by the Village Board, and in the case of applicant for off sale license by the state liquor control commissioner. Surety bonds shall be approved as to form by the village attorney.

The operation of such off-sale and on-sale liquor business without having on file at all times with the Village an effective bond as required in Subdivision 2 shall be grounds for immediate revocation of the license.

#### SECTION 5. LICENSE FEES.

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

Subdivision 2. All licenses shall expire on the 30<sup>th</sup> 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 fees for "on sale" and "off sale" licenses shall be fixed each year by resolution of the Village Board.

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

#### SECTION 6. GRANTING OF LICENSES.

Subdivision 1. The Village Board 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 Village Board 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 for the premises described in the application. No license may be transferred to another person or to another place without the approval of the Village Board.

#### SECTION 7. 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 non-resident of the Village.

#### SECTION 8. PLACES INELIGIBLE FOR LICENSE.

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

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

#### SECTION 9. 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 of 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. No sale of liquor shall be made to any one on credit.

Subdivision 4. 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 10. RESTRICTIONS ON PURCHASE AND CONSUMPTION.

Subdivision 1. No minor shall misrepresent his age for the purpose of obtaining intoxicating liquor.

Subdivision 2. No person shall induce a minor to purchase or procure liquor.

Subdivision 3. No person shall mix or prepare liquor for consumption in any public place or places of business not licensed to sell liquor "on sale" and no person shall consume liquor in any such place.

Subdivision 4. No liquor shall be sold or consumed on a public highway or in an automobile.

#### SECTION 11. REVOCATION.

The Village Board 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, Section 340.07 to 340.40. Except in the case of a suspension pending a hearing on revocation, revocation or suspension by the Village Board shall be preceded by written notice to the grantee and a public hearing. The notice shall give at least eight day's notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The Village Board may, without any advance notice, suspend any license pending a hearing on revocation for a period of not exceeding thirty (30) days.

#### SECTION 12. 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 \$100.00 or imprisonment in the village or county jail for not more than ninety (90) days plus the costs of prosecution in either case.

#### SECTION 13. REPEAL.

Ordinances inconsistent herewith are hereby repealed.

#### SECTION 14. SAVING CLAUSE.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

#### SECTION 15. EFFECTIVE DATE.

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

Enacted by the Village Board this 24<sup>th</sup> day of June  
1959.

Submitted to and approved by me this 24<sup>th</sup> day of June  
1959.

Wagdy Sater  
Mayor

ATTEST:

Lester Larson  
Village Clerk

(SEAL)

~~First reading: \_\_\_\_\_~~

~~Second reading: \_\_\_\_\_~~

~~Third reading: \_\_\_\_\_~~

Published: \_\_\_\_\_

(June 27, 1959)  
June 27