

ORDINANCE NO. 29

AN ORDINANCE REGULATING THE SALE OF INTOXICATING LIQUOR IN THE CITY OF LENGBY, POLK COUNTY, MINNESOTA.

The City Council of Lengby, Polk County, Minnesota, ordains:

SECTION 1. DEFINITIONS

LIQUOR or INTOXICATING LIQUOR shall mean and include any distilled, fermented, spirituous, vinous, or malt beverages of more than 3.2% of alcohol by weight.

SALE or TO SELL shall mean and include all barbers and all manners or means of furnishing liquors as above described in violation or evasion of law.

SECTION 2. LICENSE

It shall be unlawful for any person to sell any intoxicating liquor in a less quantity than five gallons within the City of Lengby without having first obtained a license according to the provisions of this ordinance. Licenses shall be of two types. ON SALE licenses shall be issued to hotels, clubs, restaurants, or exclusive liquor stores for sale of liquor by the drink for consumption on the premises only. OFF SALE licenses shall be issued to exclusive liquor stores only, for sale of liquor in the original package or container for removal from and consumption away from the premises.

SECTION 3. APPLICATION FOR LICENSE

Application for license to sell intoxicating liquor shall be made in writing on forms provided by the City Clerk and shall designate the premises where such business is to be carried on and with all other questions fully answered. All such applications shall be accompanied by a bond, in duplicate, in the sum of Three Thousand and No/100ths (\$3,000.00) Dollars for all on sale licenses and One Thousand and No/100ths (\$1,000.00) Dollars for all off sale licenses. Such bond shall be conditioned that licensee shall obey all the laws of the State of Minnesota and regulations of any agency of the State and all ordinances of the City of Lengby in regards to the sale at retail of liquor, and that the licensee shall pay when due all taxes, license fees, penalties and other charges provided by law, and that licensee shall bear responsibility for any damages resulting from any violation of the above laws, regulations or ordinances.

SECTION 4. GRANTING OF LICENSES

Before such license shall be granted the City Council shall determine that applicant meets all the requirements as established in Minn. Reg. Liq. 42. Opportunity shall be given for any person to be heard by the council at its regular meeting for or against the granting or revoking of any such license. All such licenses granted shall be issued to the applicant only and for the premises described and cannot be transferred to another person or place without the approval of the council. Before such license shall be issued, applicant shall pay to the City Treasurer the sum which has been fixed by the City Council as the license fee for the current year, which fee shall be the same for all licenses of the same class.

#### SECTION 5. OPERATION OF LICENSES PREMISES

It shall be the duty of the licensee to keep a quiet and orderly house and not permit gambling with cards, dice or any other device for money or its representative or any other thing of value. It shall also be the duty of the licensee to ensure that no liquor is sold to a person who is intoxicated, whether for consumption on or off the licensed premises, nor to any minor, nor to permit any minor to remain on the licensed premises.

#### SECTION 6. HOURS OF OPERATION

No sale of intoxicating liquor shall be made after one a.m. on Sunday, nor until eight a.m. on Monday, nor between the hours of one a.m. and eight p.m. on the day of any election in the City of Lengby. No "on-sale" shall be made between the hours of one a.m. and eight a.m. on any weekday. No "on-sale" shall be made between the hours of one a.m. and four p.m. of Thanksgiving Day. No "on-sale" shall be made after eight p.m. on Christmas Eve Day. No "on-sale" shall be made before four p.m. on Christmas Day. No "off-sale" shall be made on New Years Day, January 1; Independence Day, July 4; Thanksgiving Day; or Christmas Day, December 25. No "off-sale" shall be made after eight p.m. on Christmas Eve Day.

No licensee shall permit any person other than a bona fide employee of said licensee to remain on the licensed premises more than one-half hour after legal sales of intoxicating liquor have closed.

No licensee shall permit any person to keep or possess "off-sale" goods on the licensed premises more than one-quarter hour after legal "off-sales" have closed.

#### SECTION 7. MINORS, HABITUAL DRUNKARDS, INTEMPERATE DRINKERS, AND INTOXICATED PERSONS

It shall be unlawful for any person to sell, either directly or indirectly or by his agents, employees or otherwise, any intoxicating liquors to any minor person for his own use, the use of his parents or any other person, or to any habitual drunkard or intemperate drinker of intoxicating liquors, or to any intoxicated person. Any parent, husband, wife, guardian, child, or employer or relative of any person who is a habitual drunkard or intemperate drinker, or anyone who is annoyed or injured by the means of the continual intoxication of such drunkard or intemperate drinker; or any parent, guardian, relative, or employer of any minor person may give notice in writing, signed by him or her, to any person forbidding him from directly or indirectly furnishing any such habitual drunkard, intemperate drinker, or minor named in such such notice with any kind of intoxicating liquors, for a period of one year in the case of any habitual drunkard or intemperate drinker, or in the case of a minor, until such minor shall become of age. It shall also be unlawful for any person to procure any intoxicating liquor for any intemperate drinker, habitual drunkard, or minor, knowing them to be such, with money or its equivalent furnished by such person or by such intemperate drinker, habitual drunkard or minor.

#### SECTION 8. REVOCATION OF LICENSES

The City Council, after notice to any person holding a license for the sale of intoxicating liquors and a reasonable opportunity for him to be heard by them or a committee of their members, may revoke any such license, and declare the same forfeited upon proof satisfactory to them that he has violated any of the laws of the State or the Ordinances of the City relating to the sale of intoxicating liquors, or has violated any provisions regulating persons so licensed to sell, or places where such liquors are sold,

or any of the conditions of the bond required to be given by such licensee, and any such license shall cease to be in force from and after such revocation, and no part of the license fee paid by such licensee shall be refunded on account of such revocation.

SECTION 9. DUTIES OF OFFICERS

Every constable, sheriff, marshal and peace officer shall summarily arrest any person found committing any act forbidden by this ordinance and make complaint against him. The mayor shall make complaint of any known violation of the provisions of this ordinance, and the chief of policy and all policemen shall make arrests and complaints as in this section provided. Any member of the City Council, sheriff, constable, or other officer who willfully refuses or neglects to perform any official duty imposed by this ordinance is guilty of malfeasance in office and shall be removed therefrom and be disqualified from holding the same for and during the remainder of the term for which he was elected or appointed.

SECTION 10. PENALTIES


Violation of any of the provisions of this ordinance shall be deemed a misdemeanor, and penalties for conviction of any of these provisions shall be as provided under state law. In the case of conviction of any person licensed to sell intoxicating liquors, the penalties shall also include the revocation of said license.

SECTION 11. EFFECTIVE DATE

This Ordinance becomes effective from and after its passage and publication.

Passed by the Council this 1st day of March, 1976.

  
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Lyle Gutterud, Mayor

ATTEST:   
Elaine Vasilakes, Clerk

17 Published in The Thirteen Towns at Fosston, Minnesota, on the day of March, 1976.