

Chapter 5

Alcoholic Beverages Licensing and Regulation

Section 5.01. Definitions. As used in this Chapter, unless otherwise stated in specific sections, the following words and terms shall have the meanings as stated:

1. “Alcoholic Beverage” means any beverage containing more than one-half of one percent alcohol by volume, including, but not limited to, beer, wine, and liquor as defined in this Section.
2. “Applicant” means any person making an application for a license under this Chapter.
3. “Application” means a form with blanks or spaces thereon, to be filled in a completed by the applicant as his request for a license, furnished by the City and uniformly required as a prerequisite to the consideration of the issuance of a license for a business.
4. “Beer” means malt liquor containing not less than one-half percent alcohol by volume or more than 3.2 percent alcohol by weight. (This definition includes so-called “malt coolers” with the alcoholic content limits stated herein.)
5. “Brewer” means a person who manufactures beer for sale.
6. “Club” means an incorporated organization organized under the laws of the State for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans’ organization, which: (1) has more than fifty members; (2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members; (3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body. Such club or congressionally chartered veterans’ organization must have been in existence for at least three years.
7. “Commissioner” means the Minnesota Commissioner of Public Safety.
8. “Exclusive Liquor Store” means an establishment used exclusively for the sale of liquor except for the incidental sale of ice, tobacco, beer, beverages for mixing with liquor, soft drinks, cork extraction devices, and books and videos on the use of alcoholic beverages in the preparation of food, and the establishment may offer recorded or live entertainment.

9. "Hotel" means an establishment where food and lodging are regularly furnished to transients and which has: (1) a resident proprietor or manager; (2) a dining room serving the general public at tables and having facilities for seating at least twenty-five guests at one time; and (3) at least ten guest rooms.

10. "License" means a document, issued by the City, to an applicant permitting him to carry on and transact the business stated therein.

11. "Licensee" means an applicant who, pursuant to his approved application, holds a valid, current, unexpired license, which has neither been revoked nor is then under suspension, from the City for carrying on the business stated therein.

12. "License Fee" means the money paid to the City pursuant to an application and prior to issuance of a license to transact and carry on the business stated therein.

13. "Licensed Premises" means the premises described in the issued license.

14. "Liquor" means ethyl alcohol and distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 percent of alcohol by weight. (This definition includes so-called "wine coolers" and "malt coolers" with the alcoholic content limits stated herein.)

15. "Malt Liquor" means any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

16. "Manufacturer" means every person who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces alcoholic beverages for sale.

17. "Minor" means any natural person who has not attained the age of 21 years.

18. "Off-Sale" means the sale of alcoholic beverages for consumption off the licensed premises only.

19. "On-Sale" means the sale of alcoholic beverages for consumption on the licensed premises only.

20. "Package" and "Original Package" mean any container or receptacle holding alcoholic beverages, which container or receptacle is corked, capped or sealed by a manufacturer or wholesaler.

21. "Restaurant" means an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly served at tables to the general public, and having seating capacity for at least twenty-five guests.

22. "Sale", "Sell", and "Sold" mean all barters and all manners or means of furnishing alcoholic beverages to persons, including such furnishing in violation or evasion of law.

23. "Wholesaler" means any person engaged in the business of selling alcoholic beverages to a licensee from a stock maintained in a warehouse.

24. "Wine" means a beverage made without rectification or fortification by the fermentation of sound ripe grapes, grape juice, other fruits, or honey, also carbonated wine, wine made from condensed grape must, wine made from other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry, sake, containing not less than one-half of one percent or more than fourteen percent alcohol by volume. (This definition includes so-called "wine coolers" with alcoholic content limits stated herein.)

Section 5.02 Applications and Licenses Under this Chapter – Procedure and Administration.

Subd 1. Application. All applications shall be made at the office of the City Clerk-Treasurer upon forms prescribed by the City, or if by the Commissioner, then together with such additional information as the Council may desire. Information required may vary with the type of business organization making application. All questions asked or information required by the application forms shall be answered fully and completely by the applicant. Every applicant for the issuance or renewal of an alcoholic beverage license must include a copy of each summons received by the applicant during the preceding year under Minnesota Statutes, Section 340.802.

Subd. 2. False Statements. It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in such application, or application form shall, upon discovery of such falsehood, work an automatic refusal of license, or if already issued, shall render any license issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this Chapter, or any part thereof.

Subd. 3. Application and Investigation Fees. At the time the initial or transfer application is made, an applicant for an on-sale liquor license shall accompany such application with payment of a fee to be considered an application and investigation fee, not refundable to the applicant, to cover the cost of the City in processing the application and the investigation of the applicant. No such fee shall be required of an applicant for a temporary beer license.

Subd. 4. Action.

A. Hearing. Prior to granting an initial liquor license, a public hearing shall be held by the Council after notice by at least one publication in the official newspaper at least ten (10) days prior to such hearing. Opportunity shall be given any person to be heard for or against granting the license. After such hearing, the Council may, in its discretion, grant or refuse such license. A public hearing may be held, but it is not required, on renewal liquor licenses and other licenses under this Chapter.

B. Granting. The Council may approve any application for the period of the remainder of the then current license year or for the entire ensuing license year. All applications including proposed license periods must be consistent with this Chapter. Prior to consideration of any application for a license, the applicant shall pay the license fee, and if applicable, pay the investigation fee. Upon rejection of any application for a license, or upon withdrawal of an application before consideration by the Council, the license fee shall be refunded to the applicant. Failure to pay any portion of a fee when due shall be cause for revocation.

C. Issuing. If an application is approved, the City Clerk-Treasurer shall forthwith issue a license pursuant thereto in the form prescribed by the City or the Commissioner, as shall be on a calendar year basis unless otherwise specified herein. For licenses issued and which are to become effective other than on the first day of the licensed year, the fee to be paid with the application shall be a pro rata share of the annual license fee. Licenses shall be valid only at one location and on the premises therein described.

D. Transfer. No license shall be transferable between persons. Any change in individual ownership, incorporation, or substitution of partners is a transfer. No license shall be transferable to a different location without prior consent of the Council and payment of the fee for a duplicate license. It is unlawful to make any transfer in violation of this Subparagraph.

E. Refusal and Termination. The Council may, in its sole discretion and for any reasonable cause, refuse to grant any application. No license shall be granted to a person of questionable moral character or business reputation. Licenses shall terminate only by expiration or revocation.

F. Public Interest. No license under this Chapter may be issued, transferred, or renewed if the results of any investigation show, to the satisfaction of the Council, that such issuance, transfer, or renewal would not be in the public interest.

G. Revocation or Suspension. The Council shall revoke or suspend, for a period not to exceed sixty days, a license granted under the provisions of this Chapter, or impose a civil fine not to exceed \$2,000.00, for each violation on a finding that the licensee has failed to comply with a statute, regulation or provision of the

City Code relating to alcoholic beverages. The agent or employee of a licensee for violating any law relating to the sale or possession of beer, wine or liquor upon premises of the licensee, or if such revocation is mandatory by Statute. If it shall be made to appear at the hearing thereon that such violation was not willful, the Council may order suspension; provided that revocation shall be ordered upon the third such violation or offense. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing before the Council, a committee of the Council, or a hearing under the Administrative Procedures Act, as may be determined by the Council in action calling the hearing. Such hearing shall be called by the Council upon written notice to the licensee serviced in person or by certified mail no less than fifteen nor more than thirty days thereof. As additional restrictions or regulations on licensees under this Chapter, and in addition to grounds for revocation or suspension stated in the City Code or Statute, the following shall also be grounds for such action: (1) that the licensee suffered or permitted illegal acts upon licensed premises unrelated to the sale of beer, wine or liquor; (2) that the licensee had knowledge of such illegal acts upon licensed premises, but failed to report the same to police; (3) that the licensee failed or refused to cooperate fully with police in investigating such alleged illegal acts upon licensed premises; or, (4) that the activities of the licensee created a serious danger to public health, safety, or welfare.

Subd. 5. Duplicate Licenses. Duplicates of all original licenses under this Chapter may be issued by the City Clerk-Treasurer without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of the fee adopted by resolution of the Council of issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.

Subd. 6. Posting. All licensees shall conspicuously post their licenses in their places of business.

Subd. 7. Persons Disqualified.

A. No license under this Chapter may be issued to: (1) a person not a citizen of the United States or a resident alien; (2) a person who within five years of the license application has been convicted of a willful violation of a Federal or State law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution, of alcoholic beverages; (3) a person who has had an alcoholic beverage license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; (4) a person under the age of twenty-one years; or (5) a person not of good moral character and repute.

B. No person holding a license from the Commissioner as a manufacturer, brewer, or wholesaler may have any ownership, in whole or in part, in a business holding an alcoholic beverage license from the City.

Sec. 5.03. Delinquent Taxes and Charges. No license under this Chapter shall be granted for operation on any premises upon which taxes, assessments, or installments thereof, or other financial claims of the City, are owed and are delinquent and unpaid.

Sec. 5.04. Conditional Licenses. Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefore, place such special conditions and restrictions, in addition to those stated in this Chapter, upon any license as it, in its discretion, may deem reasonable and justified.

Sec. 5.05 Premises Licensed. Unless expressly stated therein, a license issued under the provisions of this Chapter shall be valid only in the compact and contiguous building or structure situated on the premises described in the license, and all transactions relating to a sale under such license must take place within such building or structure.

Sec. 5.06 Unlawful Acts.

Subd. 1. Consumption. It is unlawful for any person to consume, or any licensee to permit consumption of, alcoholic beverages on licensed premises more than thirty (30) minutes after the hour when a sale thereof can legally be made.

Subd. 2. Closing. It is unlawful for any person, other than a licensee or his bona fide employee actually engaged in the performance of his duties, to be on premises licensed under this Chapter more than thirty (30) minutes after the legal time for making licensed sales, unless the licensed establishment is open to the public for serving food.

Sec. 5.07 Conduct on Licensed Premises. Except as herein provided, every licensee under this Chapter shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order therein.

Sec. 5.08. Sale by Employee. Any sale of an alcoholic beverage in or from any premises licensed under this Chapter by any employee authorized to make such sale in or from such place is the act of the employer as well as of the person actually making the sale; and every such employer is liable to all of the penalties, except criminal penalties, provided by law for such sale, equally with the person actually making the sale.

Sec. 5.09 License Condition and Unlawful Act.

Subd. 1. Fixing Fees. Except as otherwise specifically provided, all fees for licenses provided for in this Chapter, including, but not by way of limitation, license fees, investigation and administration fees, shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may, from time-to-time, be amended by the Council by resolution. A copy of the resolution shall be kept on

file in the office of the City Clerk-Treasurer and open to inspection during regular business hours. For the purpose of fixing such fees, the Council may categorize and classify, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

Subd. 2. Refundment. A pro-rata share of an annual license fee for a license to sell alcoholic beverages, either on-sale or off-sale, shall be refunded to the licensee, or to his estate, if: (1) the business ceases to operate because of destruction or damage; (2) the licensee dies; or, (3) the business ceases to be lawful for a reason other than a license revocation or suspension.

Section 5.11 Financial Responsibility of Licensees.

Subd. 1. Proof. No alcoholic beverage license shall be issued or renewed unless and until the applicant has provided proof of financial responsibility, imposed by Statute, by filing with the City:

A. A certificate that there is in effect an insurance policy or pool providing minimum coverages of (1) \$50,000.00 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000.00 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000.00 because of injury to or destruction of property of others in any one occurrence, and (2) \$50,000.00 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000.00 for loss of means of support of two or more persons in any one occurrence; an annual aggregate of \$300,000.00 may be included in the insurance coverage; or,

B. A bond of a surety company with minimum coverages as provided in Subparagraph A of this Subdivision; or,

C. A certificate of the State Treasurer that the licensee has deposited with him \$100,000.00 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.00.

Subd. 2. Exception. This Section does not apply to on-sale beer licensees with sales of beer of less than \$10,000.00 for the preceding year, nor to off-sale beer licenses with sales of beer less than \$20,000.00 for the preceding year, nor does it apply to holders of on-sale wine licenses with sales of wine of less than \$10,000.00 for the preceding year. An affidavit of the licensee shall be required to establish the exemption under this Subdivision.

Subd. 3. Documents Submitted to Commissioner. All proofs of financial responsibility and exemption affidavits filed with the City under this Section shall be submitted by the City to the Commissioner.

Section 5.12. Insurance Certificate Requirements. Whenever an insurance certificate is required by this Chapter the applicant shall file with the City clerk-treasurer a certificate of insurance showing (1) that the limits are at least as high as required, (2) that coverage is effective for at least the license term approved, and (3) that such insurance will not be cancelled or terminated without thirty days' written notice served upon the City Clerk-Treasurer. Cancellation or termination of such coverage shall be grounds for license revocation.

Section 5.13. Minors as Defined in Section 5.01 – Unlawful Acts.

Subd. Consumption. It is unlawful for any:

A. Licensee to permit any minor to consume alcoholic beverages on licensed premises.

B. Minor to consume alcoholic beverages except in the household of the minor's parent or guardian, and then only with the consent of such parent or guardian.

Subd. 2. Purchasing. It is unlawful for any:

A. Person to sell, barter, furnish, or give alcoholic beverages to a minor unless such person is the parent or guardian of the minor, and then only for consumption in the household of such parent or guardian.

B. Minor to purchase or attempt to purchase any alcoholic beverage.

C. Person to induce a minor to purchase or procure any alcoholic beverage.

Subd. 3. Possession. It is unlawful for a minor to possess any alcoholic beverage with the intent to consume it at a place other than the household of the minor's parent or guardian. Possession of an alcoholic beverage by a minor at a place other than the household of the parent or guardian is *prima facie evidence* of intent to consume it at a place other than the household of his parent or guardian.

Subd. 4. Entering Licensed Premises. It is unlawful for any minor, as defined in this Chapter, to enter licensed premises for the purpose of purchasing or consuming any alcoholic beverage. It is not unlawful for any person who has attained the age of eighteen years to enter licensed premises for the following purposes: (1) to perform work for the establishment, including the serving of alcoholic beverages, unless otherwise prohibited by statute; (2) to consume meals; and (3) to attend social functions that are held in a portion of the establishment where liquor is not sold. It is unlawful for a licensee to permit a person under the age of eighteen years to enter

licensed premises unless attending a social event at which alcoholic beverages are not served, or in the company of a parent or guardian.

Subd. 5. Misrepresentation of Age. It is unlawful for a minor to misrepresent his age for the purpose of purchasing an alcoholic beverage.

Subd. 6. Proof of Age. Proof of age for purchasing or consuming alcoholic beverages may be established only by a valid driver's license, a Minnesota identification card, or, in the case of a foreign national, by a valid passport.

Section 5.14. Gambling Prohibited. It is unlawful for any licensee to keep, possess, or operate, or permit the keeping, possession, or operation on licensed premises of dice or any other gambling device, or permit raffles to be conducted, except such as are authorized by Statute or the City Code.

Section 5.15. Consumption and Possession of Alcoholic Beverages on Streets, Public Property, and Private Parking Lots to Which the Public Has Access. It is unlawful for any person to consume, or possess in an unsealed container, any alcoholic beverage on any (1) City park, (2) street, (3) public property, or (4) private parking lot to which the public has access, except on such premises when and where permission has been specifically granted or licensed by the Council. Provided, that this Section shall not apply to the possession of an unsealed container in a motor vehicle when the container is kept in the trunk of such vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purpose of this Section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

Section 5.16. Alcoholic Beverages in Certain Buildings and Grounds. It is unlawful for any person to introduce upon, or in, any school ground, or any schoolhouse or school building, any alcoholic beverage, except for experiments in laboratories and except for those organizations who have been issued temporary licenses to sell beer, and for any person to possess beer as a result of a purchase from those organizations holding temporary licenses.

Section 5.17. Alcoholic Beverages – Certain Unlawful Acts. It is unlawful for any:

Subd. 1. Person to knowingly induce another to make an illegal sale or purchase of an alcoholic beverage.

Subd. 2. Licensee to sell or serve an alcoholic beverage to any person who is obviously intoxicated.

Subd. 3. Licensee to fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises.

Subd. 4. Licensee to sell an alcoholic beverage on any day, or during any hour, when such sales are not permitted by law.

Subd. 5. Licensee to allow consumption of an alcoholic beverage on licensed premises on any day, or during any hour, when such consumption is not permitted by law.

Subd. 6. Person to purchase an alcoholic beverage on any day, or during any hour, when such sales are not permitted by law.

*Source: City Code
Effective Date: 1/1/1991*

(Sections 5.18 through 5.29, inclusive, reserved for future expansion.)

Section 5.30 Beer License Required. It is unlawful for any person, directly or indirectly, on any pretense or by any device, to sell, barter, deep for sale, or otherwise dispose of beer, as part of a commercial transaction, without a license therefore from the City. This Section shall not apply to sales by manufacturers to wholesalers or to sales by wholesalers to persons holding beer licenses from the City. Annual on-sale beer licenses may be issued only to drug stores, restaurants, hotels, bowling centers, clubs, and establishments used exclusively for the sale of beer with the incidental sale of tobacco and soft drinks.

Section 5.31. Temporary Beer License.

Subd. 1. Applicant. A club or charitable, religious, or non-profit organization shall qualify for a temporary on-sale beer license.

Subd. 2. Conditions.

A. An application for a temporary license shall state the exact dates and place of proposed temporary sale.

B. No applicant shall qualify for a temporary license for more than a total of seven (7) days in any calendar year.

C. The Council may, but at no time shall it be under any obligation whatsoever to, grant a temporary beer license on premises owned or controlled by the City. Any such license may be conditioned, qualified or restricted as the Council sees fit. If the premises to be licensed are owned or under the control of the city, the applicant shall file with the City, prior to issuance of the license, a certificate of liability insurance coverage in at least the sum of \$50,000.00 for injury to any one person and

\$100,000.00 for injury to more than one person, and \$10,000.00 for property damage, naming the City as an insured during the license period. Such license shall be issued only on the condition that the applicant will not sell in excess of \$10,000.00 (retail value) worth of beer in any calendar year, and thereupon shall be exempt from proof of financial responsibility as provided for herein.

Section 5.32. Hours and Days of Beer Sales. No sale of beer shall be made between the hours of 1:00 o'clock A.M. and 8:00 o'clock A.M. on the days of Monday through Saturday, nor between the hours of 1:00 o'clock A.M. and 12:00 o'clock noon on Sunday.

*Source: City Code
Effective Date: 1/1/1991*

(Sections 5.33 through 5.39, inclusive, reserved for future expansion.)

Section 5.40. Liquor License Required. It is unlawful for any person, directly or indirectly, on any pretense or by any device, to sell, barter, keep for sale, or otherwise dispose of liquor, as part of a commercial transaction, without a license therefore from the City. This Section shall not apply (1) to such potable liquors as are intended for therapeutic purposes and not as a beverage, (2) to industrial alcohol and its compounds not prepared or used for beverage purposes, (3) to wine in the possession of a person duly licensed under this Chapter as an on-sale wine licensee, (4) to sales by manufacturers to wholesalers duly licensed as such by the Commissioner, or (5) to sales by wholesalers to persons holding liquor licenses from the City. The City may issue annual on-sale liquor licenses only to the following: (1) hotels; (2) restaurants; (3) bowling centers; (4) clubs or congressionally chartered veterans' organizations, provided that liquor sales will be made only to members and bona fide guests. The City may issue annual off-sale liquor licenses to exclusive liquor stores, and shall permit off-sale of liquor only.

Section 5.41 Hours and Days of Liquor Sales. No on-sale shall be made after 1:00 o'clock A.M. on Sunday, nor between 12:00 o'clock midnight and 8:00 o'clock A.M. on Monday, nor between the hours of 1:00 o'clock A.M. and 8:00 o'clock A.M. on Tuesday through Saturday. No off-sale shall be made on Sunday nor before 8:00 o'clock A.M. or after 10:00 o'clock P.M. on Monday through Saturday, nor on Thanksgiving Day or Christmas Day, December 25. No sale of liquor shall be made after 8:00 o'clock P.M. on December 24.

Section 5.42. On-Sale Wine License Required. It is unlawful for any person, directly or indirectly, on any pretense or by any device, to sell, barter, keep for sale, or otherwise dispose of wine on-sale, as part of a commercial transaction, without a license therefore from the City. This Section shall not apply (1) to sales by manufacturers to wholesalers duly licensed as such by the Commissioner, (2) to sales by wholesalers to

persons holding on-sale or off-sale liquor licenses from the City, (3) to sales by wholesalers to persons holding on-sale wine licenses from the City, or (4) to sales by on-sale liquor licensees on days and during hours when on-sale liquor sales are permitted.

Section 5.43. Hours and Days of Sales by On-Sale Wine Licensees. No on-sale of wine shall be made after 1:00 o'clock A.M. on Sunday, nor until 8:00 o'clock A.M. on Monday, nor between the hours of 1:00 o'clock A.M. and 8:00 o'clock A.M. on Tuesday through Saturday, nor between the hours of 8:00 o'clock P.M. on December 24 and 8:00 o'clock A.M. on December 25.

Section 5.44 Liquor and On-Sale Wine License Restrictions, Regulations and Unlawful Acts.

Subd. 1. Limitations on Issuance of Licenses to One Person or Place.

A. No off-sale liquor license may be issued to any one person for more than one place in the City. Any person holding an interest in two or more such licenses in the City shall be deemed to hold more than one license.

B. For the purpose of this Subdivision, the term "interest": (1) includes an pecuniary interest in the ownership, operation, management, or profits of a retail liquor establishment, indirectly from a licensee, in the absence of consideration and excluding gift or donations, has a pecuniary interest in the retail business; and (2) does not include loans; rental agreements' open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures, supplies to the establishment, an interest in a corporation owning or operating a hotel but having at least 150 or more rental units holding a liquor license in conjunction therewith; or ten percent or less interest in any other corporation holding a license.

C. In determining whether an "interest" exists, the transaction must have been bona fide and the reasonable value of the goods and things received as consideration for a payment by the licensee and all other facts reasonable tending to prove or disprove the existence of a purposeful scheme or arrangement to evade the restrictions of this Subdivision must be considered.

Subd. 2. Licenses in Connection with Premises of Another. A liquor license may not be issued to a person in connection with the premises of another to whom a license could not be issued under the provisions of this Chapter. This Subdivision does not prevent the granting of a license to a proper lessee because the person has leased the premises of a minor, a non-citizen who is not a resident alien, or a person who has been convicted of a crime other than a violation of this Chapter.

Subd. 3. Off-Sale Licenses Where Beer is Sold. An off-sale liquor license may not be issued to a place where beer is sold for consumption on the premises.

Subd. 4. Employment of Minors. No person under eighteen (18) years of age may sell or serve liquor or wine on licensed premises.

Subd. 5. Premises Eligible. On-sale wine licenses shall be granted only to restaurants as defined in this Chapter. Provided, however, for purposes of this Section, such restaurant shall have appropriate facilities for seating not less than twenty-five guests at one time.

Section 5.45. Club License Restrictions and Regulations, and Unlawful Acts.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. “Member” means any person in good standing according to rules and regulations of the licensed club, wherever located, having evidence of current membership upon his person.

B. “Guest” means a person not a member of the club but present on the club licensed premises in the company of a host member.

C. “Host member” means a member who is entertaining a guest who is in the member’s company at all times such guest is on the licensed premises.

Subd. 2. Daily Register. In addition to all other general provisions, restrictions and regulations set forth in the Chapter, relating to beer or liquor licensees, and the case may be, all club licensees shall keep a daily register showing the names of guests present and the name of the host member. Such register shall be open to inspection by police officers at all times.

Subd. 3. Unlawful Acts. The following are in addition to all other unlawful acts set forth in this Chapter relating to sales and purchases of beer or liquor, as the case may be:

A. It is unlawful for a club licensee to sell liquor or beer to any person not a member, or a bona fide guest of a member, of the licensed club.

B. It is unlawful for any club licensee to serve beer or liquor to any non-member of the licensed club unless such non-member is a guest.

C. It is unlawful for any person who is not a member, or a bona fide guest of a member, of the licensed club to purchase liquor or beer from the club.

D. It is unlawful for any club licensee to hinder or prevent a police officer from determining compliance with this Section and Chapter, and all other laws.

E. It is unlawful for any person to refuse, upon request of a licensee or police officer, to provide information as to whether he or she is a member, guest or host member, or to give false, fraudulent or misleading information in response to such request.

Source: City Code
Effective Date: 1/1/1991

(Sections 5.46 through 5.59, inclusive, reserved for future expansion.)

Section 5.60. Consumption and Display.

Subd. 1. Consumption and Display License Required. It is unlawful for any business establishment or club, not holding an on-sale liquor license to directly or indirectly, or on any pretense or by any device, sell, barter, keep for sale, or otherwise dispose of any liquid for the purpose of mixing the same with liquor, or permit its members to bring and keep a personal supply of liquor in lockers assigned to such members, without a license therefore from the City.

Subd. 2. Consumption and Display Restrictions and Regulations.

A. Eligible Licensees. If the applicant is otherwise eligible, licenses may be issued only to (1) persons who have not, within five years prior to application, been convicted of a felony or of violating provisions of this Chapter or other law relating to the sale of furnishing of alcoholic beverages; (2) a restaurant; (3) a hotel; (4) a beer licensee; (5) a resort as defined by statute; or, (6) a club or an unincorporated club otherwise meeting the definition of a club, provided, that no license may be issued to a club holding an on-sale liquor license.

B. Unlawful Act. It is unlawful to sell liquor on licensed premises.

C. License Expiration. In order to coordinate the expiration of a consumption and display license with a State permit, all licenses shall expire on June 30 of each year.

D. State Permit Required. Licenses shall be issued only to holders of a consumption and display permit from the commissioner.

E. Lockers. A club to which a license is issued under this Section may allow members to bring and keep a personal supply of liquor in lockers on the club's premises. All bottles kept on the premises must have attached labels signed by the member. No minor may keep a supply of liquor on club premises.

F. Hours and Days. No licensee may permit a person to consume or display liquor, and no person may consume or display liquor, between 1:00 o'clock A.M. and 12:00 o'clock noon on Sundays, and between 1:00 o'clock A.M. and 8:00 o'clock A.M. on Monday through Saturday.

Section 5.61. Consumption and Display – One Day License.

Subd. 1. License Required. Any non-profit organization desiring to serve liquids for the purpose of mixing with liquor and permitting the consumption and display of liquor in conjunction with a social activity sponsored by it, shall first obtain a license therefore from the City. It is unlawful for any such organization to fail to obtain such license.

Subd. 2. Term. The term of such license shall be one day only.

Subd. 3. Limitation on Number. The City shall issue no more than ten licenses in any calendar year.

Subd. 4. License Fee. The fee for such one-day license is \$25.00

Subd. 5. Approval. In addition to Council approval, such license must be approved by the Commissioner of Public Safety.

*Source: City Code
Effective Date: 1/1/1991*

(Sections 5.62 through 5.69, inclusive, reserved for future expansion.)

Section 5.70 Nudity or Obscenity Prohibited.

Subd. 1. Definitions. As used in this Section, the following words and terms shall have the meanings stated:

A. "Nudity" means uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola are covered.

B. "Obscene performance" means a play, motion picture, dance, show or other presentation, whether pictured, animated or live, performed before an audience and which in whole or in part depicts or reveals nudity, sexual conduct, sexual excitement or sado-masochistic abuse, or which includes obscenities or explicit verbal descriptions or narrative accounts of sexual conduct.

C. "Obscenities" means those slang words currently generally reflected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct or excretory functions or products, either than have no other meaning or that in context are clearly used for their bodily, sexual or excretory meaning.

D. "Sado-masochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

E. "Sexual conduct" means human masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

F. "Sexual excitement" means the condition of human male or female genitals or the breasts of the female when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

Subd. 2. Unlawful Act. It is unlawful for any person issued a license provided for in this Chapter to permit, upon licensed premises any nudity, obscene performance, or continued use of obscenities by any agent, employee, patron or other person.

Source: City Code
Effective Date: 1/1/1991

(Sections 5.71 through 5.98, inclusive, reserved for future expansion.)

Section 5.99. Violation a Misdemeanor. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.