

Ordinance 25

AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF INTOXICATING LIQUOR, REPEALING INCONSISTENT AND PRIOR LIQUOR ORDINANCES, AND PROVIDING A PENALTY FOR VIOLATIONS

The Council of the City of Stockton ordains:

Section 1. Provisions of State Law Adopted.

The provisions of Minnesota Statutes, Chapter 340, relating to the definition of terms, licensing, consumption, 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 adopted and made part of this ordinance as if set out in full.

Section 2. License Required.

Subdivision 1. 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 city any intoxicating liquor without a license to do so as provided in this ordinance. Licenses shall be of three kinds: "on-sale", "off-sale", and "club licenses."

Subdivision 2. On-Sale Licenses

"On-Sale" licenses shall be issued only to hotels, club, restaurants, and exclusive liquor stores and shall permit "on-sale" of liquor only.

Subdivision 3. Off-Sale Licenses.

"Off-Sale" licenses shall be issued only to drug store and exclusive liquor stores and shall permit "off-sales" of liquor only.

Subdivision 4. Special Club Licenses.

"Special Club" licenses shall be issued only to incorporated clubs which have been in existence for 15 years or more or to congressionally chartered veterans organizations which have been in existence for 10 years.

Section 3. Application for License

Subdivision 1. Every application for a license to sell liquor shall state the name of the applicant, his/her age, representations as to his character, with such references as the Council may require, his citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the

business, how long he has been in the business at that place, and such other information as the Council may require from time to time. In addition to containing such information, the application shall be in the form prescribed by the liquor control commission and shall be verified and filed with the city clerk. No person shall make a false statement in an application.

Subdivision 2. Bond

Each application for a license shall be accompanied by a surety bond or, in lieu thereof, cash or United States Government bonds of equivalent market value as provided in Minnesota Statutes, Section 340.12. Such surety bond or other security shall be in the sum of \$ 3,000 for an applicant for an "on-sale" license and \$ 1,000 for an applicant for an "off-sale" license.

Subdivision 3. Liability Insurance.

Prior to the issuance of a liquor license, the applicant shall file with the city clerk a liability insurance policy in the amount of \$ 100,000 coverage for one person and \$300,000 coverage for more than one person and shall comply with the provisions of Minnesota Statutes, Section 340.12 relating to liability insurance policies. If a liability insurance policy is made subject to all the conditions of a bond under that statute, the policy may be accepted by the Council in lieu of the bond required under Subdivision 2.

Subdivision 4. Approval of Security.

The security offered under subdivision 2 and 3 shall be approved by the City Council and, in the case of applicants for off-sale licenses, by the state liquor control commissioner. Surety bonds and liability insurance policies shall be approved as to form by the city attorney. Operation of a licensed business without having on file with the city at all times effective security as required in Subdivisions 2 and 3 is a cause for revocation of the license.

Section 4 License Fees

Subdivision 1. Fees. The annual fee for a liquor license shall be \$ 700 for an "on-sale" license, \$ 100 for an "off-sale" license and \$ 100 for a special club license.

Subdivision 2. Payment. Each application for a license shall be accompanied by a receipt from the city treasurer for payment in full of the license fee. All fees should be paid into the general fund. If an application for a license is rejected, the treasurer shall refund the amount paid.

Subdivision 3. Term Pro Rata Fee. Each license shall be issued for a period of one year except that if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of June.

Subdivision 4. No refund of any fee shall be made except as authorized by statute.

Section 5. Granting of Licenses.

Subdivision 1. Investigation and issuance. 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 the investigation and hearing the Council, shall, in its discretion grant or refuse the application. No "off-sale" license shall become effective until it, together with the security furnished by the applicant, has been approved by the liquor control commissioner.

Subdivision 2. Person and Premises licensed transfer. Each license shall be issued only to the applicant and for premises described in the application. No license may be transferred to another person or place without City Council approval. Any transfer of stock of a corporation licensee is deemed a transfer of the license and a transfer of stock without prior Council approval is a ground for revocation of the license.

Section 6. Persons ineligible for License. No license shall be granted to any person made ineligible for such a license by state law.

Section 7. Places ineligible for License.

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

Subdivision 2. Time In Business. No license shall be issued to any business, except as an exclusive liquor store, unless it has been in operation continuously for six months.

Subdivision 3. Delinquent Taxes and Charges. 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.

Subdivision 4. Distance from school or church. No license shall be granted within 200 feet of any school or within 200 feet of any church.

Section 8. Conditions of License.

Subdivision 1. In General. Every license is subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance, state law or regulation.

Subdivision 2. Licensee's responsibility. Every licensee is responsible for the conduct of his/her place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this ordinance and the law equally with the employee.

Subdivision 3. Inspections. Every licensee and every holder of a permit under Minnesota Statutes, Section 340.49, shall allow any peace officer, health officer, or properly designated officer or employee of the City to enter, inspect, and search the premises of the licensee during business hours without a warrant.

Subdivision 4. Display during prohibited hours. No "on-sale" establishment shall display liquor to the public during hours when the sale is prohibited.

Subdivision 5. Federal Stamps. No licensee shall possess a federal wholesale liquor

dealers special tax stamp or a federal gambling stamp.

Subdivision 6. Closing Hours. No liquor shall be sold or consumed after 1:00 A.M.

Subdivision 7. Occupancy. No person shall remain on the premises after 1:15 P.M., except the owner and one employee may remain in to perform janitorial work or security duties.

Section 9. Restrictions on Purchase and Consumption.

Subdivision 1. Liquor in unlicensed places. No person shall mix or prepare liquor for consumption in any public place or place of business unless it has a license to sell liquor "on-sale" or a permit from the liquor control commission under Minnesota Statutes, Section 340.119, and no person shall consume liquor in any such place.

Subdivision 2. Consumption in Public Places. No person shall consume liquor on a public highway, public park, or other public place.

Section 10. Suspension and Revocation. The Council may revoke any liquor license for violation of any statute or ordinance relating to the sale of liquor or may suspend the license for a period not exceeding 60 days if revocation is not mandatory. The licensee shall be granted a hearing upon which at least 10 days notice before revocation or suspension is ordered except where mandatory revocation is provided by law.

Section 11. Penalty. Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$ 300 or imprisonment in the county jail for not more than 90 days, or both, plus the cost of prosecution in any case.

Section 12. Repeal. Chapter II of the City of Stockton Ordinances passed the 12th day March, 1949, and the amendments thereto, and Chapter V, passed the 8th day of November, 1967, are hereby repealed.

Section 13. Effective Date. This ordinance becomes effective upon its passage and publication according to law.

Passed by the Council this 7th day of October, 1975.

Attest: Karl P. Lipsohn
Clerk

William Proksch
Mayor

ORDINANCE TO AMEND Section 8 of an Ordinance Licensing and Regulating the Sale and Consumption of Intoxicating Liquor To add the following subdivision to prohibit nude appearance in places licensed for the sale of intoxicating liquor;

Whereas the City of Stockton finds that it is in the best interest of the public health, safety, and general welfare of the people of the City of Stockton that certain types of activities, as set forth in this ordinance, are prohibited upon the premises of licensed intoxicating liquor establishments so as to best protect and assist the owners and operators and employees of these premises, as well as patrons and the public in general; and

Whereas the City finds that the standards in this ordinance reflect the prevailing community standards in the City of Stockton; and

Whereas the City finds that this ordinance is intended to prevent harm stemming from the physical immediacy and combination of alcohol, nudity, and sex; and

Whereas the City desires to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct such as prostitution, sexual assault, and disorderly conduct;

Therefore, the Council of the City of Stockton, Minnesota, ordains:

1. Section 8, subdivision 8. NUDE APPEARANCE. No person shall appear in the nude in a bar, lounge or any place wherein intoxicating liquor and/or non-intoxicating malt beverages are sold. This section shall not be construed to prohibit the exposure as may result from use of a public restroom. The word "nude" for the purposes of this section means the showing of the post-pubertal human male and female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of post-pubertal female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

Date: May 18, 1995

Peter F. Logan
Mayor

Attest: Patricia Andring
Clerk-Treasurer

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