

ORDINANCE 1-83

ORDINANCE LICENSING AND REGULATING OFF-SALE INTOXICATING LIQUOR

The Board of Supervisors of the Town of Alexandria 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 off-sale intoxicating liquor are adopted and made a part of this Ordinance as if set out in full.

SECTION 2. License Required.

- a. 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 Town any intoxicating liquor without a license to do so as provided in this Ordinance.
- b. Off-Sale Licenses.** Liquor licenses issued pursuant to this ordinance shall be “off-sale” licenses and shall be issued only to exclusive liquor stores.
- c. Other License Classifications.** Regulation and licensing of “on-sale” (including Sunday on-sales), “on-sale wine” and “club” sales shall be pursuant to State law and County Ordinance.

SECTION 3. Application for License.

- a. Information Required.** Every application for a License shall be in writing to the Board upon such forms as the Board may from time to time require and as from time to time may be required under the laws of the State of Minnesota and Regulations of the Commissioner of Public Safety. The application shall be filed with the Town Clerk and shall set forth, in addition to other information as may from time to time be required by the Board, the following information:
 - (1)** If the applicant is an individual, the name, age, date, and place of birth, and place of residence of the applicant.
 - (2)** If the applicant is a corporation, the name, state of incorporation and date of incorporation of the corporation. The name, age, date and place of birth, and place of residence of all members of the Board of Directors, the stockholders and officers of the corporation.
 - (3)** If the applicant is a partnership, the name of such partnership, the address of its principal office and the name, age, date and place of

birth, and place of residence of all partners, whether they are general partners or limited partners.

- (4) The name, age, date and place of birth, and place of residence of the manager, principal operator or other person who will be conducting and/or managing the premises for which the application for the license is sought.
- (5) The name, age, date and place of birth, and place of residence of any person having any financial interest in the business other than as an owner, stockholder, director, partner or resident manager.
- (6) The location of the premises upon which the applicant proposes to sell such liquor and an exact description of the particular place within the building structure where such sales are proposed.
- (7) Whether the applicant has ever engaged in a similar business, and if so, the location thereof and the date when so engaged.
- (8) A complete and detailed description of the nature of the business operation to be conducted on the premises, if a license is granted.
- (9) A complete listing of any and all convictions relating to any violations of State law or Ordinance of any jurisdiction for the use or consumption of intoxicating liquor or non-intoxicating malt liquor and a complete listing of any and all gross misdemeanor and/or felony convictions.
- (10) The applicant, the resident manager, and any other person required by the Board during the course of the Board's investigation of the application shall furnish as a part of the application fingerprints for the aid and assistance of the Board in conducting its investigation.

b. Initial License Fee. Each application shall also be accompanied by a certified check, money order, cashier's check or cash in an amount equal to the license fee for the initial period of issue.

c. 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 Three Thousand and No/100 (\$3,000.00) Dollars.

d. Liability Insurance. Prior to the issuance of a license, the applicant shall file with the Town Clerk a liability insurance policy which 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 Board in lieu of the bond required under Subsection c of this Section 3.

- e. **Approval of Security.** The security offered under Subsections c and d of this Section 3 shall be approved by the Board and by the State Commissioner of Public Safety. Surety bonds and liability insurance policies shall be approved as to form by the Town Attorney. Operation of a licensed off-sale business without having on file with the Town at all times effective security as required in Subsections c and d of this Section 3 is a cause for revocation of the license.
- f. **Applicant Bound.** The applicant shall be bound by all answers and information furnished on the applicant presented to the Board. Any falsification of information requested on said applicant or any other information requested by the Board in the course of its investigation of the applicant or the applicant's general manager, shall be grounds for denial of the license. Likewise, such falsification of information shall be grounds for revocation of the license if the license is approved and issued prior to discovery of such falsification.

SECTION 4. License Fees.

- a. **Fees.** The annual fee for a license shall be a maximum amount set by law by the State of Minnesota.
- b. **Payment.** Each application for a license shall be accompanied by a receipt from the Town Treasurer for payment in full of the license fee. All fees shall be paid into the General Fund. If an application for a license is rejected, the Town Treasurer shall refund the amount paid as the license fee.
- c. **Term; Pro Rata Fee.** Each license shall be issued for a period of one (1) year. However, 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 (1) month. Every license shall expire on the last day of February.
- d. **Refunds.** No refund of any fee shall be made except as authorized by Statute.

SECTION 5. Granting of Licenses.

- a. **Hearing and Issuance.** The Board shall investigate, to the extent it deems necessary, 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 Board shall, in its discretion, grant or refuse the application. No license shall become effective until it, together with the security furnished by the applicant, has been approved by the Commissioner of Public Safety.

b. Investigation Expense. The applicant for a license shall be responsible for the cost of investigation conducted in connection with the processing of the application for a license. Upon completion of said investigation, a written statement of time and expenses incurred in conducting the investigation shall be prepared. The cost of an in-state investigation of an applicant shall not exceed Two Thousand and No/100 (\$2,000.00) Dollars and the cost of an out-state investigation of an applicant shall not exceed Ten Thousand and No/100 (\$10,000.00) Dollars. In connection with an application for a license, a minimum investigation fee of One Hundred and No/100 (\$100.00) Dollars shall be charged to the applicant, and the applicant shall make a minimum deposit of Five Hundred and No/100 (\$500.00) Dollars for the cost of the Investigation. All investigation fees shall be paid by the applicant prior to the issuance of a license if the application is approved by the Board. If the license is denied, all investigation fees shall be deducted from the amount deposited with the Town Clerk upon filing of the application. The balance of said amount shall then be returned to the unsuccessful applicant.

c. Person and Premises Licensed; Transfer. Each license shall be issued only to the applicant and for the premises described in the application. No License may be transferred to another person or place without the approval of the Board. Any transfer of stock of a corporate license holder is deemed a transfer of the license and a transfer of stock without prior Board 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. No more than one license shall be directly or indirectly issued within the Town to any one person.

SECTION 7. Places Ineligible for License.

a. General Prohibition. No license shall be issued for any place or any business ineligible for such a license under State law.

b. Exclusive Liquor Stores Only. No license shall be issued to any business except an exclusive liquor store.

c. Delinquent Taxes and Charges. No license shall be granted for operation on any premises on which taxes, assessments or other financial claims of the Town are delinquent and unpaid.

SECTION 8. Resident Manager.

a. When Required. If a license holder is a person other than an individual engaged in the active day-to-day management of the business or if the license holder is a corporation, such license holder shall designate in writing to the Board the name of a resident manager.

- b. Qualifications.** If a resident manager is required under the terms of this Ordinance, the resident manager shall be an individual actively engaged in the day-to-day management of the business and shall have the usual and customary duties and responsibilities consistent with the direction of the operation of the business, including, but not limited to, the authority to hire and fire employees, set operation policy, purchase inventory to be used in the operation of the business, and such other usual and customary responsibilities.
- c. Change in Resident Manager.** If a license holder is required by the terms of this Ordinance to have a resident manager, the license holder shall report the change of said resident manager to the Board and shall submit an application to the Board for approval of said resident manager. The Board shall then review and investigate the application for the substitute resident manager in the same manner as the investigation for a new applicant for a license.

SECTION 9. Conditions of License.

- a. In General.** Every license is subject to the conditions in the following subsections and all other provisions of this Ordinance and of any other applicable Ordinance, State law or Regulation.
- b. License Holder's Responsibility.** Every license holder is 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 intoxicating liquor there is deemed the act of the license holder as well. The license holder shall be liable to all penalties provided by this Ordinance and the law equally with the employee. In the case of a corporate license holder, the liability for the license holder's responsibilities shall apply equally to the license holder and to the officers, directors and shareholders of the license holder.
- c. Inspections.** Every license holder shall allow any peace officer, health officer, or properly designated officer or employee of the Town, to enter, inspect, and search the premises of the license holder during business hours without a warrant.
- d. Federal Stamps.** No license holder shall possess a Federal wholesale liquor dealer's special tax stamp or a Federal gambling stamp.

SECTION 10. Suspension and Revocation. The Board may either suspend, not to exceed sixty (60) days, or revoke any license upon a finding that the license holder has failed to comply with any applicable statute, regulation, or ordinance relating to intoxicating liquor. No suspension or revocation shall take effect until the license holder has been afforded an opportunity for a hearing pursuant to Minnesota Statutes, Sections 10.04 to 15.0426.

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 Three Hundred and No/100 (\$300.00) Dollars or imprisonment in the County Jail for not more than ninety (90) days, or both, plus the cost of prosecution in any case.

SECTION 12. Effective Date. This Ordinance becomes effective on April 1, 1983

Passed by the Board of Supervisors this 21st day of March, 1983.

TOWN OF ALEXANDRIA

/s/ Russell M. Niskanen, Chairman
/s/ Jerry Callaghan, Town Supervisor
/s/ Boyd Backlund, Town Supervisor
/s/ Norman E. Johnson, Town Supervisor
/s/ Russell C.A. Johnson, Town Supervisor

Attest:

/s/ Harvey D. Tewes, Town Clerk