

CHAPTER 14

LIQUOR, CIGARS AND CIGARETTES
GENERAL LIQUOR PROVISIONS

14.101. Provisions of State Law Adopted. The provisions of Minnesota Statutes, Chapter 340A, as is in effect on the date of adoption of this ordinance, and as subsequently amended, are adopted and made a part of this ordinance as if set out in full.

14.102. Definitions.

A. "Cafe" and "Restaurant" as used in this Ordinance shall mean any place where preparing and serving lunches or meals to the public to be consumed on the premises constitutes the major business thereof and having a seating capacity for a minimum of 25 guests.

B. "Liquor" as used in this Ordinance shall include any beverage which is addressed by the provisions of Minnesota Statutes, Chapter 340A.

14.103. License Required. No person except the 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 liquor without a license to do so as provided in this Ordinance.

14.104. License Fees. The annual fee for licenses or permits granted pursuant to this chapter shall be established by resolution of the Council.

14.105. Payment of License. All applications for license shall be accompanied by the required annual fee for the respective license. All such fees shall be paid into the general fund of the City. On denial of any application for a license, the Treasurer shall refund the amount paid. Each license, with the exception of a temporary 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 prorated fee with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of June of each year. No refund shall be made except as authorized by Statute.

14.106. 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 may grant or refuse the application. Licenses may be revoked for cause by the City Council without hearing and without notice of the licensee where the licensee has been convicted of a felony or violating the provisions of any Federal or State law or local ordinance regarding the manufacturer, sale or transportation of non-intoxicating malt liquors. No portion of the license fee paid into the City Treasury shall be returned upon revocation of the license.

14.107. Proof of Financial Responsibility.

A. Prior to the issuance of a license, the applicant shall demonstrate proof of financial responsibility as required by Minnesota Statutes, Section 340A.409 with reference to liability under Minnesota Statutes, Section 340A.801.

B. Lapse of required dram shop insurance or bond, or withdrawal of a

required deposit of cash or securities, shall effect an immediate suspension of any license issued pursuant to this ordinance without further action of the City Council. Notice of cancellation, lapse of a current liability policy or bond, or withdrawal of deposited cash or securities shall also constitute notice of the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or bond, or withdrawal of a required deposit, or of suspension or revocation of a license, may request a hearing thereon and if such a request is made in writing to the clerk a hearing shall be granted within 10 days or such longer period as may be requested. Any suspension under this paragraph shall continue until the City Council determines that the financial responsibility requirements of this ordinance have again been met.

14.108. Transferability of License. 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 Council approval. Any transfer of stock of a corporate 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.

14.109. 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 \$700.00 and/or imprisonment in the city (county) jail for not more than 90 days, plus the cost of prosecution in any case.

INTOXICATING LIQUOR

14.201. No. of Licenses Issued. No more than two liquor licenses, whether "on-sale" or "off-sale" shall be issued to any of the aforementioned establishments or any combination of the aforementioned establishments.

14.202. Application for License. Every application for a license to sell liquor shall state the name of the applicant, applicant's age, representations as to the applicant's character, with such references as the Council may require, applicant's 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 the applicant has been in that 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 State Liquor Control Commissioner and shall be verified and filed with the clerk. No person shall make a false statement in an application.

14.203. Residency Requirement. If the applicant for an onsale intoxicating liquor license is not a resident of the City of Lucan, or is a corporation, partnership or association, the applicant or applicants, shall appoint in writing an individual who is a resident of the City of Lucan as its manager or agent. Such resident manager or agent shall by the terms of the appointment (1) take full responsibility for the conduct of the licensed premises and (2) serve as agent for service of notices and other process relating to the license. Such manager or agent must be a person who by reason of age, character, reputation and other attributes could qualify individually as a licensee. If such manager or agent ceases to be a resident of the City of Lucan or ceases to act in such capacity for the licensee without appointment of a successor, the license issued pursuant to such appointment shall be automatically suspended by the City Clerk and subject to permanent revocation by the Council. The suspension shall remain in effect for up to 60 days until a new resident manager is appointed, background is investigated and approved by the Council and appropriate investigative

fees paid. For the purpose of this subdivision, the term "resident" means a bonafide resident who qualifies to vote and has residence, which if owned by the manager or agent could be homesteaded for real estate tax purposes.

14.204. Investigation Fees. The Council may require an applicant to deposit with the City Clerk an amount not in excess of that provided by the Statutes. The amount of the deposit shall be within the sole discretion of the Council.

14.205. Hours. No sale of intoxicating liquor shall be made at times not permitted by State law.

14.206. Evacuation of Establishments. Establishments licensed for the sale of intoxicating liquors shall be evacuated of all persons one-half hour after the sale of intoxicating liquor is no longer permitted until 6 A.M. on the morning of the next day in which intoxicating liquor may be sold with three exceptions:

(a) The management and bona fide employees may remain on the premises during the above hours in order to carry on normal cleanup, restocking, repairs or other duties incidental to the operation of said establishment. However, such persons may not consume intoxicating beverages on the premises during the above hours. For purposes of this section, "employee" is a person who is employed on a regular basis and for whom the management has withheld taxes.

(b) The premises shall be open for inspection by any law enforcement officer or member of the City Council at any time if any person is within said premises, whether during the hours of operation as specified, or after hours as specified herein.

(c) The premises may be open for business operations if such business operation is permitted under any other provision of this Code.

NON-INTOXICATING MALT LIQUORS

14.301. Applications for License. Every application to sell non-intoxicating malt liquor shall be made on forms supplied by the City setting forth the name of the person asking for the license, the applicant's citizenship, the applicant's age, references as to the applicant's character, with such reference as the Council may require, 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 such business, the time the applicant has been in that business at that place, and such other information as the City Council may require from time to time. It shall be unlawful to make any false statement on an application and such false statement will constitute grounds for revocation of a license.

14.302. Hours. No sale of non-intoxicating malt liquor shall be made at times not permitted by State law.

SALE AND CONSUMPTION OF WINE

14.401. Applications for License. Every application for on-sale wine license shall state the applicant's name, age, citizenship or resident alien status, and representations as to the applicants' character, with such reference as the Council may require. The application shall also state the restaurant in connection with which the proposed license will operate, its location, whether

the applicant is owner and operator of the restaurant, how long he has been in the restaurant business at that place, and such other information as the Council may require from time to time. The application shall be in the form prescribed by the Commissioner of Public Safety and shall be verified and filed with the City Clerk. No person shall make a false statement in an application.

CIGARS AND CIGARETTES

14.501. License Required. No person shall directly or indirectly, or by means of any device keep for retail, sale, sell at retail or otherwise dispose of any cigarettes or cigars at any place in the City of Lucan unless a license therefor shall first have been obtained as provided in this ordinance.

14.502. Application for License. Applicants shall apply for a license by making a formal request to the City Clerk. The Council may require the applicant to fill out the formal application including the full name and address of the applicant, the location of the building and the part intended to be used by the applicant under such lease, the kind of business conducted at such location, and such other information as shall be required by the application form. Upon the filing of such application with the clerk, it shall be presented to the City Council for its consideration, and if granted by the Council, a license shall be issued by the city clerk upon payment of the required fee.

14.503. License Fee. The fee for every such license shall annually be set by resolution by the City Council. Every such license shall expire December 31 of the year of issuance. Licenses shall not be transferable from one person to another and no refund will be paid for surrender of licenses.

14.504. License to be Displayed. Every such license shall be kept conspicuously about the place for which the license is issued and shall be exhibited to any person upon request.

14.505. Restrictions. No license shall be issued to an applicant for sale of cigarettes or cigars at any place other than his established place of business, nor shall any license be issued for the sale of cigarettes or cigars at more than one place of business. No person shall sell or give away any cigarettes or cigars to any person below the age of 18 years. No person shall keep for sale, sell or dispose of any cigarettes containing opium, morphine, marijuana, or any other deleterious or poisonous drugs except nicotine.

14.506. Revocation. Every such license may be revoked by the City Council for a violation of any provision of this ordinance.