

ST. STEPHEN CITY CODE
CHAPTER 6: LIQUOR, BEER AND WINE

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ORDINANCE 61 LICENSING AND REGULATION OF ALCOHOLIC BEVERAGES

Section 61.01: PROVISIONS OF STATE LAW ADOPTED. The provisions of Minnesota Statutes, Chapter 340A, 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 a part of this ordinance as if set out in full.

Section 61.02: LICENSE REQUIRED.

Subd. 1: General Requirement. No person, except a wholesaler or manufacturer to the extent authorized under the state license, shall directly or indirectly deal in, sell, barter or keep for sale in the City any intoxicating liquor or wine without a license to do so as provided in this Ordinance. Liquor licenses shall be of four kinds: "on-sale," "on-sale wine," "off-sale," and club licenses.

Subd. 2: On-sale Licenses. On-sale licenses shall be issued only to hotels, clubs, restaurants, and exclusive liquor stores and shall permit "on-sale" of intoxicating and non-intoxicating liquor or wine.

Subd. 3: On-sale Wine Licenses. On-sale wine licenses shall be issued only to restaurants meeting the qualifications of Minnesota Statutes, Section 340A and shall permit only the sale of wine not exceeding 14 percent alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food.

Subd. 4: Off-sale Licenses. Off-sale licenses shall be issued only to drug stores and exclusive liquor stores and shall permit "off-sale" of intoxicating and non-intoxicating liquor or wine.

Subd. 5: Special Club Licenses. Special club licenses shall be issued only to incorporated clubs or to congressionally chartered veterans' organizations which have been in existence for one year or more.

Subd. 6: Special License for Sunday Sales. A special license authorizing sales on Sunday in conjunction with the serving of food may be issued to any previously licensed facility capable of serving at least 30 guests at one time, which has an "on-sale" license and otherwise meets the requirements of state law for the issuance of a Sunday liquor license. A special Sunday license is not needed for sales by wine license.

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Section 61.03: APPLICATION FOR LICENSE.

Subd. 1: Form. Every application for a license to sell alcoholic beverages shall state the name of the applicant, age, representations as to his character, with such references as the Council may require, his citizenship, the type of license applied for, the identity of the business with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he or she has been in that business at that location, and such other relevant 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 commissioner of public safety and shall be verified and filed with the City Clerk. No person shall make a false statement in an application.

Subd. 2: Liability Insurance. Prior to the issuance of a liquor license, the applicant shall file with the City Clerk proof of liquor liability insurance which complies with the provisions of Minnesota Statutes, Chapter 340A relating to liability insurance policies, except that in the case of an on-sale liquor license holder who holds at the same time a caterer's permit pursuant to Minn. Stat. 340A.404, Subd. 12, then the applicant shall file with the City Clerk proof of liquor liability insurance in the minimum amount of \$1,000,000.00 in coverage in the aggregate on an annual basis.

Updated 61.3.2 on 3/2004

Section 61.04: LICENSE FEES.

Subd. 1: Fees. The annual fee for "on-sale" license, an "on-sale wine" license, an "off-sale" license, a special license for Sunday sales, and a special club license shall be set by resolution of the City Council and may be adjusted by resolution as deemed appropriate by the Council.

Subd. 2: Payment. Each application for a license shall be accompanied by the required fee for the license.

Subd. 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.

Subd. 4: Refunds. No refund of any fee shall be made except as authorized by statute.

Section 61.05: GRANTING OF LICENSES. The City Council shall grant or refuse a license at its discretion.

Section 61.06: 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 City Council approval.

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Section 61.07: PERSONS INELIGIBLE FOR LICENSE. No license shall be granted to any person made ineligible by State law. No license shall be issued to an individual who is not a resident of the State. No more than one intoxicating liquor license shall be issued within the City to any one person.

Section 61.08: PLACES INELIGIBLE FOR LICENSE. No license shall be issued or any place or business ineligible for such a license under State law.

Section 61.09: CONDITIONS OF LICENSE.

Subd. 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.

Subd. 2: Licensee's Responsibility. Every licensee is responsible for the conduct of his place of business and the conditions of sobriety and order in it.

Subd. 3: Inspections. Every licensee 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.

Subd. 4: Federal Stamps. No licensee shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.

Section 61.10: SUSPENSION AND REVOCATION. The Council may suspend for not to exceed 60 days or revoke any liquor license upon a finding that the licensee has failed to comply with the applicable statute, regulation or ordinance relating to intoxicating liquor. No suspension or revocation takes effect until the licensee has been given an opportunity for a hearing under sections 14.57 to 14.69 of the Administrative Procedure Act.

Section 61.11: PENALTY.

Subd. 1: Civil Penalties. Any licensee who has failed to comply with the applicable statute, regulation or ordinance relating to intoxicating liquor is subject to a civil penalty. A first violation shall result in the imposition of a \$250.00 fine. A second violation shall result in the imposition of a \$500.00 fine. A third violation shall result in the imposition of a \$1,000.00 fine and in a 3-day suspension of the licensee's liquor license. For the purposes of determining whether a violation is a licensee's first, second, or third violation, the City will look back two years from the date of the violation under consideration. No suspension or revocation takes effect until the licensee has been given an opportunity for a hearing under sections 14.57 to 14.69 of the Administrative Procedure Act.

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Subd. 2. Criminal Penalties. Any person violating any provision of this ordinance, with the exception of section 61.12, is guilty of a misdemeanor, plus the cost of prosecution in any case. An act of an employee or a license holder shall be considered an act of the license holder if performed in furtherance of the license holder's business.

Section 61.12: PUBLIC CONSUMPTION. No person on a street, sidewalk, or public area within the City shall consume or dispense any intoxicating or non-intoxicating liquor or wine, or possess uncapped containers of any such beverages except as permitted under a license issued by the City. Any person violating this section shall be guilty of a petty misdemeanor.