

AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF WINE, REPEALING INCONSISTENT ORDINANCES, AND PROVIDING A PENALTY FOR VIOLATION.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

1204.01 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 insofar as they are applicable to wine licenses authorizing the sale of wine not exceeding fourteen percent (14%) alcohol by volume for consumption on the licensed premises only, in conjunction with the sale of food, are adopted and made a part of this Ordinance as if set out in full.

1204.02 Wine Licenses.

No person, except a wholesaler or manufacturer to the extent authorized under State license, and the municipal liquor dispensary, shall directly or indirectly deal in, sell, or keep for sale in the City any wine not exceeding fourteen percent (14%) alcohol by volume without an on-sale wine license. An on-sale wine license authorizes the sale of wine not exceeding fourteen percent (14%) alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food. An "On-Sale" wine license may be issued only to a restaurant having facilities for seating not fewer than twenty-five (25) guests at one time. For purposes of this Ordinance, a restaurant means an establishment, under the control of a single proprietor or manager, having appropriate facilities for serving meals and where, in consideration of payment therefor, meals are regularly served at tables to the general public, and which employs an adequate staff to provide the usual and suitable service to its guests.

1204.03 Application for License.

A. Form.

Every application for "On-Sale" wine license shall state the name of the applicant, his age, representations as to his character, with such references as the Council may require, his citizenship, the restaurant in connection with which the proposed license will operate and 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. In addition to containing such information, the application shall be in the form prescribed by the Liquor Control Director

and shall be verified and filed with the City Clerk. No person shall make a false statement in an application.

B. 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 340A.412, subd. 1. Such surety bond or other security shall be the sum as established by Council resolution from time to time for an applicant for an "On-Sale" wine license.

C. Liability Insurance.

Prior to the issuance of a wine license, the applicant shall file with the City Clerk a liability insurance policy in the amount as established by Council resolution from time to time and shall comply with the provisions of Minnesota Statutes, Section 340A.412, subd. 1 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 B.

D. Approval of Security.

The security offered under Subdivisions B and C shall be approved by the City Council and the State Liquor Control Director. 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 B and C is a cause for revocation of the license.

1204.04 License Fees.

A. Amount.

The annual fee for a wine license shall be established by Council resolution from time to time.

B. Payment.

Each application for a wine license shall be accompanied by a receipt from the City 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 Treasurer shall refund the amount paid.

C. Term; Pro Rata Fee.

Each license shall be issued for a period for one (1) 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 December of each year.

D. Refunds.

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

1204.05 Granting of Licenses.

A. 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 public hearing, the Council, shall in its discretion, grant or refuse the application. No wine license shall become effective until it, together with the security furnished by the applicant, has been approved by the State Liquor Control Director.

B. 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. Any transfer of the 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.

1204.06 Persons Ineligible for License.

No wine license shall be granted to any person made ineligible for such a license by State law.

1204.07 Places Ineligible for License.

A. General Prohibition.

No wine license shall be issued for any restaurant ineligible for such a license under State law.

B. 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.

1204.08 Conditions of License.

A. 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.

B. Licensee's Responsibility.

Every licensee 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 licensee as well, and the licensee shall be liable to all penalties provided by this Ordinance and the law equally with the employee.

C. Inspections.

Every licensee shall allow any Police 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.

D. Display During Prohibited Hours.

No licensee shall display wine to the public during hours when the sale of wine is prohibited.

E. Federal Stamps.

No licensee shall possess a Federal wholesale liquor dealers special tax stamp or a Federal gambling stamp.

1204.09 Suspension and Revocation.

The Council may either suspend for not to exceed sixty (60) days or revoke any on-sale wine license upon a finding that the licensee has failed to comply with any applicable statute, regulation or ordinance relating to intoxicating liquor. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statutes, Section 14.57 to 14.70.

1204.10 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 Seven Hundred Dollars (\$700.00) or imprisonment in the City (County) jail for not more than ninety (90) days, plus the cost of prosecution in any case.