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THE VILLAGE OF LINO LAKES

ORDINANCE NO. 1

An Ordinance licensing and regulating the sale of non-intoxicating malt liquors and providing a penalty for the violation thereof.

The Village Council of the Village of Lino Lakes ordains:

Section 1. Definition of Terms.

- (a) As used in this ordinance, the term "person" shall mean and include a natural person of either sex, persons, co-partnerships, corporations and associations of persons; and shall include the agent or manager of any of the aforesaid. The singular number shall include the plural, and the masculine pronoun shall include the feminine and neuter.
- (b) "Non-intoxicating malt liquor" shall mean any potable malt beverage with an alcoholic content of more than one-half of one per cent by volume and not more than three and two-tenths per cent by weight.
- (c) A "bona fide club" as used herein shall be any club organized under the laws of the state of Minnesota for social or business purposes, or for intellectual improvement, or for the promotion of sports, where the serving of such liquors is incidental to and not the major purpose of the club.
- (d) "Original package" as used herein shall mean the bottle or container in which the liquor is placed at the place of manufacture.
- (e) "Restaurant or Cafe" as used herein shall mean any place where the preparing and serving of meals and lunches to the public, to be consumed on the premises, constitutes the major business thereof.

Section 2. License Required.

No person shall vend, deal in or dispose of by gift, sale or otherwise, or keep or offer for sale in this Village, any non-intoxicating malt liquor without first having received a license therefore as hereinafter provided. Licenses shall be of three kinds: "Off Sale", "On Sale Without Dancing Privileges" and "On Sale With Dancing Privileges".

"On Sale" licenses shall be granted only to drug stores, cafes, restaurants and hotels where food is prepared and served for consumption on the premises, and in establishments maintained for the purpose of the sale of non-intoxicating malt beverages, and in bona fide clubs, and

shall permit the sale of such liquor for the consumption on the premises only.

Of such parties permitted to acquire "on sale" licenses, those that permit dancing in the establishments shall be granted "on sale" with dancing privileges only and those that permit no dancing in the establishment shall be granted "on sale" without dancing privileges. Provided that no "on sale" licenses whatsoever shall be granted to any party whose operations require under the laws of the State of Minnesota a dance hall license.

"Off Sale" licenses shall be granted to permit the sale of wholesale or retail of such liquor in the original packages for removal from and consumption off the premises only.

Section 2. Applications for License.

All applications for any license to sell non-intoxicating malt liquor shall be made on forms to be supplied by the Village setting forth the name of the person asking for such license, his age, representations as to his character with such references as may be required, his citizenship, the location where such business is to be carried on, whether such application is for "on sale with or without dancing privileges" or "off sale", the business in connection with which the proposed license will operate, whether applicant is owner and operator of such business, the time such applicant has been in that business at that place, and such other information as the Village Council may require from time to time. It shall be unlawful to make any false statement in an application.

Section 4. Fees.

All applications for licenses shall be accompanied by a receipt from the Village Clerk for the required annual fee for the respective license. All such fees shall be paid into the general fund of the municipality. Upon rejection of any application for a license, the Village Clerk shall refund the amount paid.

The annual fee for an "Off Sale" license shall be Five (\$5.00) Dollars. The annual fee for an "On Sale license without dancing privileges" shall be One Hundred (\$100.00) Dollars. The annual fee for an "On Sale license with dancing privileges shall be One Hundred Fifty (\$150.00) Dollars.

All licenses shall expire on July 1 in each year.

Section 5. Granting of Licenses.

The Village Council shall cause an investigation to be made of all facts set forth in the application. Opportunity shall be given to any person to be heard for or against the granting of any license. After such investigation, the Village Council shall grant or refuse any such application in its discretion. All licensed premises shall have the license therefore posted in a conspicuous place at all times.

Section 6. Conditions of Licenses.

All licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this ordinance, and subject to all other ordinances of the Village applicable thereto.

No license shall be granted to any person under twenty-one years of age.

Licenses hereunder shall be issued only to persons who are citizens of the United States and legal voters of the Village of Lino Lakes and who are of good moral character and repute.

No license shall be granted to any person who has been convicted of a felony or any law of this state or local ordinance relating to the sale of spirituous liquors.

No license shall give permission to sell non-intoxicating malt liquor in any theatre, recreation hall or center, licensed dance hall, ball park or other place of public gathering for the purpose of entertainment or amusement, and no such liquor shall be consumed there.

No license shall be granted for sale to any person who has been convicted of the violation of this ordinance or to any person whose license hereunder has been revoked for cause for at least one year after said conviction or revocation.

No sale of any non-intoxicating malt liquor shall be made to any person under guardianship, nor to any person under twenty-one years of age.

All premises where any license hereunder is granted shall be open to inspection by any police or health officer or other properly designated officer or employee of the Village at any time during which the place so licensed is open to the public for business.

No gambling or gambling device prohibited by law shall be permitted in any licensed premises.

No manufacturer of non-intoxicating malt liquor nor any affiliate or subsidiary company of such manufacturer, shall sell such liquor except as herein restricted. An affiliate or subsidiary company shall be one in which said manufacturer or its stockholders own a majority of the stock.

Section 7. Closing Hours.

No premises licensed hereunder shall remain open for the sale of non-intoxicating malt liquors between the hours of 1:00 A. M. and 8:00 A. M. of any day.

Section 8. Clubs.

No club shall sell liquor except to members and to guests in the company of members.

Section 9. No Bar, Partition, Box or Screen Permitted.

There shall be no partition, box, stall, screen, curtain or other device which shall obstruct the view of any part of said room from the general observation of persons in said room; provided, however, such license shall entitle the holder thereof to serve non-intoxicating malt liquors in a separate room of such restaurant to banquets or dinners at which are present not less than six persons.

Section 10. Revocation.

Any license granted hereunder may be revoked by the Council without notice to the grantee or a hearing may first be held by the Commission and the revocation then made for cause. Any violation of any provision or condition of this ordinance or any falsification of any statement in the application shall be ground for revocation. No portion of the license fee paid into the Village treasury shall be returned upon revocation.

Section 11. Repeal and Prohibited Sale.

All ordinances or parts of ordinances in conflict with any of the provisions hereof are hereby repealed. Nothing hereunder shall permit the manufacture, sale or transportation, or keeping or having in possession for sale or transportation of, or taking or receiving, or soliciting, any order for liquor of a greater alcoholic content than 3.2% by weight except for medicinal, pharmaceutical or scientific purposes, and any such act is hereby made unlawful.

Section 12. Penalty.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars (\$100.00), or in default of such payment shall be imprisoned in jail for not to exceed ninety (90) days, plus the costs of prosecution in any case.

Section 13. When Effective.

This ordinance shall take affect and be in force forthwith.

Passed 16th day of June, 1955.

Arnold Kelling
Mayor

Attest:

Harvey Bonds
Village Clerk

(July 14)