

ORDINANCE NO. 120

ORDINANCE TO ESTABLISH AND REGULATE THE OPERATION OF A MUNICIPAL RETAIL LIQUOR DISPENSARY.

The Village Council of the Village of Falcon Heights does ordain as follows:

Section 1. Dispensary established. There is hereby established a municipal liquor dispensary for the retail off-sale of intoxicating liquor. No intoxicating liquor may be sold off-sale at retail elsewhere in the Village or by anyone not employed in the dispensary.

Section 2. Location and operation.

(a) The dispensary shall be located at such suitable place in the Village as the Council determines by motion. However, no premises upon which taxes or other public levies are delinquent shall be leased for dispensary purposes.

(b) The dispensary shall be in the immediate charge of the liquor store manager selected by the Council and paid such compensation as is fixed by the Council. He shall furnish a surety bond to the municipality, conditioned upon the faithful discharge of his duties, in such sum as the Council specifies. The bond premium may be paid by the Village or by the manager in the discretion of the Council. The manager shall operate the dispensary under the

Council's direction and shall perform such duties in connection with the dispensary as may be imposed upon him by the Council. He shall be responsible to the Council for the conduct of the dispensary in full compliance with this ordinance and with the laws relating to the sale of liquor.

(c) The Council shall also appoint such additional employees as may be required for the dispensary and shall fix their compensation. All employees, including the manager, shall hold their positions at the pleasure of the Council. In the discretion of the Council such employees may be required to furnish surety bonds conditioned for the faithful discharge of their duties, in such sums as the Council may specify.

Section 3. Financial Oversight.

(a) The Village Council shall by resolution establish a municipal liquor dispensary fund in which all revenues received from the operation of the dispensary shall be deposited in a fund from which all ordinary operating expenses shall be paid. Any amounts it may be necessary to borrow from an existing fund of the Village for initial costs of operation and maintenance of the liquor dispensary (including but not limited to the initial costs of stock) may be reimbursed to that

fund out of available moneys coming into the dispensary fund thereafter. Any other amounts it may be necessary to borrow from existing funds of the Village for costs of acquisition, construction and equipping may be reimbursed to that fund out of available net revenues derived from the operation of the dispensary as defined by resolution of the Village Council, subject however, to any prior lien on such net revenues created by the issuance of revenue bonds to help defray the costs of the acquisition, construction and furnishing of the dispensary. Surpluses accumulating in the dispensary fund may be transferred to the general fund or any other appropriate fund of the Village by resolution of the Council and expended for any municipal purpose.

(b) The handling of municipal liquor receipts and disbursements shall comply with the procedures prescribed by law for the receipts and disbursements of Village funds generally.

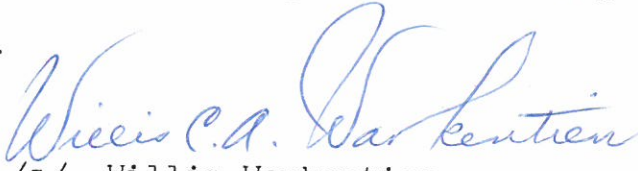
(c) The Council shall provide as soon as possible following the close of each fiscal year for an audit of the accounts of the municipal liquor dispensary for that fiscal year by the Public Examiner or a qualified public accountant.

Section 4. Provisions of state law adopted. The provisions of Minnesota Statutes, Chapter 340, with reference to the definition of terms, conditions of operation, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale and distribution of intoxicating liquor in or by a municipal dispensary are hereby adopted and made a part of this ordinance as if fully set forth herein.

Section 5. 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 Three Hundred Dollars (\$300.00) or by imprisonment for a period not to exceed ninety (90) days, or both, to which penalty shall be added the cost of prosecution.

Section 6. Effective date. This ordinance shall take effect immediately upon its enactment and publication.

Passed by the Village Council of the Village of Falcon Heights this 25 day of May, 1972.


/s/ Willis Warkentien
Mayor

Attest:


/s/ Dewan R. Barnes
Clerk-Administrator