

CITY OF DENNISON  
ORDINANCE NO. 72

AN ORDINANCE LICENSING AND REGULATING THE SALE OF  
INTOXICATING LIQUOR AND NON-INTOXICATING LIQUOR, REPEALING  
INCONSISTENT ORDINANCES, AND PROVIDING A PENALTY FOR  
VIOLATION.

The Council of the City of Dennison ordains:

SECTION 1. PROVISIONS OF STATE LAW ADOPTED. The provisions of Minnesota Statutes, Chapter 340A, relating to the definition of terms, licensing, consumption, sales, financial responsibility of licenses, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and non-intoxicating malt liquor are adopted and made a part of this ordinance as if set out in full herein.

SECTION 2. INTOXICATING LIQUOR LICENSE REQUIRED.

Subd. 1. General Requirement. No person shall directly or indirectly deal in, sell, or keep for sale in the City any intoxicating liquor without a license to do so as provided in this ordinance. Intoxicating liquor licenses shall be of three kinds: On-sale; Off-sale; Sunday on-sale.

Subd. 2. On-Sale licenses. On-sale intoxicating liquor licenses shall be issued only to restaurants and exclusive liquor stores and shall permit on-sale of liquor only.

Subd. 3. Off-Sale licenses. Off-Sale intoxicating liquor licenses shall be issued only to exclusive liquor stores and restaurants with on-sale licenses.

Subd. 4. Sunday On-Sale. A Sunday On-Sale liquor license may be issued only to restaurants as defined in MN Statutes 340A.101, which already have an On-Sale liquor license and which have a seating capacity for at least 30 persons. The Sunday On-Sale license shall permit the sale of intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 12:00 noon on Sundays and 1:00 am on Mondays. The hours of sale may be extended to between 10:00 am Sundays and 1:00 am Mondays, provided that the licensee is in conformance with the Minnesota Clean Air Act.

SECTION 3. 3.2 PERCENT MALT LIQUOR LICENSE. On-Sale and Off-Sale 3.2 percent malt liquor licenses may be issued to any business eligible for such license under State law.

Subd. 1. In General. No person shall directly or indirectly deal in, sell, or keep for sale in the City any 3.2 percent malt liquor without a license to do so as provided in this ordinance. 3.2 percent malt liquor licenses shall be of three kinds: Regular on-sale; Off-Sale; Temporary on-sale. Any person licensed to sell intoxicating liquor at on or off-sale may sell 3.2 percent malt beverages on or off-sale respectively without further license or fees.

Subd. 2. Regular on-sale. Regular on-sale licenses shall be granted only to on-sale liquor stores and served for consumption on the premises only

Subd. 3. Off-sale. Off-sale licenses shall permit the sale of 3.2 percent malt liquor at retail, in the original package for consumption off the premises only.

Subd. 4. Temporary on-sale. Temporary on-sale licenses may be granted only to bona fide clubs and charitable, religious, and non-profit organizations for consumption of 3.2 percent malt liquor in connection with a community event. Such licenses shall be subject to any restrictions, qualifications or conditions set by the city council.

#### SECTION 4. APPLICATION FOR LICENSE

Subd. 1 Form. Every application for a license to sell intoxicating liquor or 3.2 percent malt liquor shall state the name of the applicant, his age, representations as to his character, his 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 he 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 may be in the form prescribed by the Bureau of Criminal Apprehension and shall be verified and filed with the City Clerk. No person shall make a false statement on an application.

Subd. 2 Financial Responsibility. No retail license may be issued, maintained, or renewed unless the applicant demonstrates proof of financial responsibility as required in Minnesota Statutes, Section 340A.409 with regard to liability under Minnesota Statutes, Section 340A.801. Such proof shall be submitted to the Commissioner of Public Safety.

The security offered shall be approved by the City Council. Operation of a licensed business without having on file with the City at all times effective security is a cause for revocation of the license.

#### SECTION 5. LICENSE FEES.

Subd. 1. Fees. The annual fee shall be \$ 2300.00 for an on-sale intoxicating liquor license; \$ 100.00 for an off-sale intoxicating liquor license, and \$200 for a Sunday On-Sale license. The annual fee for an off-sale 3.2 percent malt liquor license is \$15.00, and the fee for a temporary on-sale 3.2 percent malt liquor license is \$10.00 per day. These fees are subject to change from time to time by Council resolution, and may be changed without amendment of this subdivision.

Subd. 2. Payment. Each application for a license shall be accompanied by a receipt from the City Clerk for payment in full of the license fee and the investigation fee, if any, required under Section 6, Subd. 1. All fees shall be paid into the general fund. If an application for a license is rejected, the Clerk shall refund the license fee only.

Subd. 3. Term: Prorata 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 prorata fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of December.

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

#### SECTION 6. GRANTING OF LICENSES.

Subd. 1. Preliminary Investigation. On an initial application for an on-sale license, and on application for transfer of an existing on-sale license, the applicant shall be

responsible for the costs incurred with investigation and the city shall conduct a preliminary background and financial investigation of the applicant. The application in such cases shall be made on a form prescribed by the State Bureau of Criminal Apprehension and with such additional information as the Council may require. If the Council deems it in the public interest to have an investigation made on a particular application for renewal of an on-sale license, it shall so determine. In any case, if the Council determines that a comprehensive background and financial investigation is necessary, it may conduct the investigation itself or contract with the Bureau of Criminal Apprehension for the investigation. No license shall be issued, transferred, or renewed if the results show to the satisfaction of the Council that issuance would not be in the public interest.

Subd. 2. Hearing and Issuance. The City Council may investigate all facts set out in the application and not investigated in the preliminary background and financial investigation conducted pursuant to Subd. 1. Opportunity may be given to any person to be heard for or against the granting of the license. If the Council determines that there be an investigation and hearing, after this investigation and hearing is completed, the Council shall, in its discretion, grant or refuse the application. No off-sale intoxicating liquor shall become effective until it has been approved by the Commissioner of Public Safety.

Subd. 3. 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 stock without prior approval is a ground for revocation of the license.

#### SECTION 7. CONDITIONS OF LICENSE.

Subd. 1. In General. Every license is subject to the conditions in the following subdivision and all other provisions of this ordinance and of any other applicable ordinance, state law or regulation.

Subd. 2. Insurance. Compliance with financial responsibility requirements of State law and of this ordinance is a continuing condition of any license granted pursuant to this ordinance.

Subd. 3. Licensee's Responsibility. Every licensee is responsible for the conduct in the licensed establishment, and any sale of alcoholic beverages in the establishment is the act of the licensee.

SECTION 8. SUSPENSION AND REVOCATION. The Council shall either suspend for up to 60 days or revoke any retail license or impose a civil fine not to exceed \$2,000, for each violation upon finding that the licensee has failed to comply with an applicable statute, regulation, or ordinance relating to alcoholic beverages. Except in cases of failure of financial responsibility required by Minnesota Statutes, Section 304A.409, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing under Section 14.57 to 14.70 of the Administrative Procedure Act.

Lapse of required insurance or bond, or withdrawal of a required deposit of cash or securities required by Minnesota Statutes, Section 340A.409, shall effect an immediate suspension of any license issued pursuant to this ordinance without further action by the

City Council. Notice of cancellation, lapse of a current liquor liability policy or bond, or withdrawal of deposited cash or securities shall also constitute notice to 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 City Clerk, a hearing shall be granted within ten 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 have again been met.

SECTION 9. PENALTY. Any person violating any provision of this ordinance shall be guilty of a misdemeanor.

SECTION 10. REPEAL. Ordinance No. 33, passed February 27, 1962, Ordinance No. 46, passed July 3, 1984, and Ordinance No. 50, passed July 11, 1989, are hereby repealed.

SECTION 11. EFFECTIVE DATE. This ordinance becomes effective upon its passage and publication according to law.

Passed by the Council this 6th day of August, 2002.

ATTEST:

City Clerk Dawn Olson



APPROVED:

Mayor Ann Laue