

ORDINANCE NUMBER 85

AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF INTOXICATING LIQUOR, REPEALING INCONSISTENT ORDINANCES, AND PROVIDING PENALTIES FOR VIOLATIONS.

THE CITY COUNCIL OF THE CITY OF NEW AUBURN, MINNESOTA, ORDAINS:

SECTION I. **PROVISIONS OF STATE LAW ADOPTED.**

The provisions of Minnesota Statutes, Chapters 340 and 340A, relating to the definition of terms, consumption, sales, condition of bonds of licenses, 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 II. **LICENSE REQUIRED.**

Subdivision 1. **General Requirement.** It shall be unlawful for any person to sell intoxicating liquors containing more than 3.2 per cent alcohol by volume either on-sale or off-sale in the City of New Auburn, Sibley County, Minnesota, without first having obtained a license so to do as hereafter provided. There shall be four kinds of licenses: On-Sale License, Off-Sale License, Sunday On-Sale License, and Special Club Licenses.

Subdivision 2. **On-Sale License.** Required for the sale of alcoholic beverages consumed on the licensed premises only.

Subdivision 3. **Off-Sale License.** Required for the sale of alcoholic beverages in original packages for consumption off the licensed premises only.

Subdivision 4. **Sunday On-Sale License.** Required for the sale of alcoholic beverages consumed on Sundays on the licensed premises only.

Subdivision 5. **Special Club Licenses.** Required for the sale of alcoholic beverages consumed on the licensed premises only, consisting of members and guests only of incorporated clubs or congressionally chartered organizations (not open to the public).

SECTION III. **RESTAURANT DEFINED**

For the purposes of this ordinance, "Restaurant" shall be defined as an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, and having a minimum seating capacity of 25 guests.

SECTION IIIa. **LICENSE FEES**

Subdivision 1. **Fees.** The annual fees for a liquor license shall be \$1,350.00 for an On-Sale License, \$100.00 for an Off-Sale License, \$200.00 for a Sunday On-Sale License, and \$100.00 for Special Club Licenses.

Subdivision 2. **Payment.** Each application for a license shall be accompanied by full payment of the license fee. All fees shall be placed into the General Fund. If an application for a license is rejected, the applicant shall be refunded the amount paid.

Subdivision 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 an unexpired fraction of a month being counted as one month. Every license shall expire on the last day of June.

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

SECTION IV. **SUSPENSION AND REVOCATION.**

The City Council may either suspend for not to exceed 60 days, or revoke any liquor 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, Sections 15.0418 to 15.0426.

SECTION V. **PENALTY.**

Any person violating any provision of this ordinance is guilty of a misdemeanor.

SECTION VI. **REPEAL.**

Subdivision 1. Ordinance Number 21, an ordinance licensing and regulating the sale of intoxicating liquor, repealing inconsistent ordinances, and providing penalty for violation thereof, adopted March 6, 1934, is hereby repealed.

Subdivision 2. Ordinance Number 21A, an ordinance amending ordinance number 21, adopted on June 6, 1939, is hereby repealed.

Subdivision 3. Ordinance Number 40, an addendum to ordinance number 21, regulating the Sunday sale of intoxicating liquors in restaurants in the City of New Auburn, Minnesota, adopted on July 19, 1975, is hereby repealed.

SECTION VII. **EFFECTIVE DATE.**

This ordinance shall become effective upon its adoption and publication.

Adopted by the City Council this 3rd day of July, 2001

Roger H. Becker, Mayor

Attest:

Eugene E. Grack, City Clerk

SEAL