

ORDINANCE NO. 97

AN ORDINANCE TO ESTABLISH AND REGULATE THE OPERATION OF A MUNICIPAL LIQUOR DISPENSARY AND REPEALING ORDINANCE NO. 82.

The Council of the Village of Ivanhoe, Minnesota do ordain:

SECTION 1. Definition of Terms. As used in this Ordinance, the terms,

(a) "Intoxicating liquor" and "liquor" means ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2 per cent of alcohol by weight.

(b) "Beer" and "non-intoxicating malt liquor" means any malt liquor containing not less than one-half of one per cent alcohol by volume nor more than 3.2 per cent alcohol by weight and is a fermented malt beverage for the purpose of Minnesota Statutes 1965, Section 340.44 to 340.56.

(c) "Off-sale" means the sale of liquor in original packages in retail stores for consumption off or away from the premises where sold.

(d) "On-Sale" means the sale of liquor by the glass or by the drink for consumption on the premises only pursuant to such regulations or the State Liquor Control Commissioner may prescribe.

(e) "Sale" and "Sell" and "Sold" means all barter and all manners or means of furnishing intoxicating liquor including furnishing in violation or evasion of law.

(f) "Minor" means any person under 18 years of age.

SECTION 2. Dispensary Established. There is hereby established a municipal liquor dispensary for the on-and-off-sale of intoxicating liquor. No liquor may be sold at retail elsewhere in the village or by anyone not employed in the dispensary. No person shall consume liquor in a public park or on a public street in the Village of Ivanhoe.

SECTION 3. 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 a 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 or beer. (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.

No minor shall be employed in the dispensary. 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 4. Dispensary Fund Created. (a) A municipal liquor dispensary fund is hereby created in which all revenues received from the operation of the dispensary shall be deposited and from which all ordinary operating expenses shall be paid. Any amounts it may be necessary to borrow from the general fund of the Village for initial costs of rent, fixtures and stock or for operating expenses shall be reimbursed to that fund out of the first available moneys coming into the dispensary fund thereafter. Surpluses accumulating in the dispensary fund may be transferred to the general fund or to any other appropriate fund of the village by resolution of the council and expended for any municipal purpose. (b) The handling of municipal liquor dispensary receipts and disbursements shall comply with the procedure 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 5. Hours of Operation. The dispensary shall observe the following restrictions upon the hours of operation: (a) No sale of intoxicating liquor shall be made after 12:00 a.m. on Sunday, nor until eight a.m. on Monday, nor between the hours of one a.m. and eight o'clock p.m. on the day of any statewide election. No "on-sale" shall be made between the hours of 12:00 a.m. and eight o'clock a.m. on any weekday. No "off-sale" shall be made before eight o'clock a.m. or after ten o'clock p.m. of any day. No "off-sale" shall be made on New Years Day, January 1; Independence Day, July 4; Thanksgiving Day; or Christmas Day, December 25; but on the evenings preceding such days, if the sale of liquor is not otherwise prohibited on such evenings, "off-sale" may be made until ten o'clock p.m., except that no "off-sale" shall be made on December 24 after eight o'clock p.m. (b) The dispensary shall not be open for business of any kind during the hours when sales of intoxicating liquor are prohibited.

SECTION 6. Conditions of operation and Restrictions on consumption. (a) The dispensary shall not have swinging doors. All windows in the front of the dispensary shall be of clear glass and the public view of the whole interior shall be unobstructed by screens, curtains or partitions. There shall be no partition, box, stall, screen, curtain or other device to obstruct the general observation of any part of the dispensary room by persons in the room. However, partitions, subdivisions, or panels not higher than 48 inches from the floor shall not be construed as such obstructions. (b) No business other than the sale of liquor shall be carried on in the dispensary except the retail sale of cigars, cigarettes all forms of tobacco, beer and soft drinks, both on-sale and off-sale. (c) No pool or billiard tables shall be kept in any part of the dispensary. (d) No person shall keep, possess or operate in any part of

the dispensary any slot machine, dice or other gambling device or permit the same to be kept or used. No person shall gamble on such premises and no gambling of any character shall be permitted thereon. (e) No liquor or beer shall be sold on credit. (f) No minor shall be permitted to remain on the dispensary premises. (g) No liquor or beer shall be sold or served to a minor, directly or indirectly. (h) No minor shall misrepresent his age for the purpose of obtaining liquor or beer. (i) No liquor or beer shall be sold or served to an intoxicated person. (J) No person shall be permitted to loiter about the dispensary habitually. (k) No person of a known immoral character and no disorderly person shall be permitted on the dispensary premises. (l) The dispensary shall be inspected by the health officer of the village at least once a month and as many other times as he deems necessary to insure that the premises are maintained in a sanitary condition.

SECTION 7. Repeal. Ordinance No. 82 is hereby repealed. No provision hereof shall affect Ordinance No. 82, licensing and regulating the sale of beer, not any license granted thereunder.

SECTION 8. Enforcement and Penalty. It shall be the duty of all police officers and constables of the village to enforce the provisions of this ordinance and to search premises and seize evidence of law violation and preserve the same as evidence against any person alleged to be violating this ordinance, and to prepare the necessary processes and papers therefore. 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 shall be imprisoned in the county jail for not to exceed ninety (90) days. Provided, also that any employee of the dispensary wilfully violating any provision hereof or any provision of the laws of Minnesota relating to gambling or the sale of intoxicating liquor or beer shall be discharged.

SECTION 9. Effect. This ordinance shall take effect and be in force from and after its passage and publication according to law.