

**CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA
ORDINANCE NO. 65**

AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF
NONINTOXICATING LIQUOR AND PROVIDING A PENALTY FOR VIOLATION.

Section 1. Title.

Section 1.1. This ordinance shall be known, cited, and referred to as the “Non-Intoxicating Liquor ordinance”, except as herein referred to as this ordinance.

Section 2. Scope and Purpose.

Section 2.1. It is deemed in the interest of the public and the residents of the City of Gem Lake that any person, firm or corporation who engages in the business of selling non-intoxicating liquor for consumption on or off the premises, as defined in this ordinance, shall first secure a license therefor as provided herein.

Section 2.2. The ordinance shall establish definitions related to the ordinance, regulate the application for and granting of licenses and the fees related thereto, provide for financial responsibility on the part of the applicants, establish conditions under which licenses shall be granted and revoked, stipulate restrictions related to the sale of non-intoxicating liquor, and define penalties for violation of the ordinance.

Section 3. Definitions.

Section 3.1. The term “non-intoxicating liquor” shall be deemed to include beer or malt liquor with an alcoholic content of more than one-half (0.5%) percent by volume and not more than three and two-tenths (3.2%) percent by weight.

Section 3.2. The following words and terms, whenever they occur in this ordinance, are defined as follows:

- a) On-Sale(s): The sale of non-intoxicating liquor for consumption on the premises.
- b) Off-Sale(s): The sale of non-intoxicating liquor for consumption off the premises.
- c) Applicant: A person, firm, or corporation who makes application for a license with the City.
- d) Licensee: A person, firm, or corporation to whom the City has issued a non-intoxicating liquor license.
- e) Minor: A person under twenty-one (21) years of age.

Section 4. License Required.

Section 4.1. No person, except wholesalers or manufacturers to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale any non-intoxicating liquor without first having received a license to do so as provided in this ordinance. Licenses shall be "On-Sale(s)" and "Off-Sale(s)" and shall be issued as "Non-Intoxicating Liquor License" valid for sales any day except Sunday and "Special Sunday Non-Intoxicating Liquor License" for "On-Sale(s)" on Sundays only.

Section 4.2. "On-Sale(s) Licenses" and "Special Sunday On-Sale(s) Licenses" shall be issued only to restaurants, clubs, and exclusive "On-Sale(s)" liquor stores and shall permit "On-Sale(s)" of non-intoxicating liquor only.

Section 4.3. "Off-Sale(s) Licenses" shall be issued only to "Off-Sale(s)" retail stores and shall permit "Off-Sale(s)" of non-intoxicating liquor only.

Section 5. Application for License.

Section 5.1. Every application for a license to sell liquor shall be verified and filed with the City Clerk. It shall state the name of the applicant, his age, representations as to his character, with such references as may be required, his citizenship, whether the application is for "On-Sales", "Special Sunday On-Sale(s)", or "Off-Sale(s)", the business in connection with which the proposed license will operate and its location and type of building, 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, each application for a license shall be in the form prescribed by the City Clerk of the City of Gem Lake. No person shall make a false statement in an application.

Section 5.2. Each application for a license shall be accompanied by the minimum proof of financial responsibility consistent with those required by Minnesota Statutes Section 340A.409 (subd. 1) and any amendments thereto or substitutes therefor that may from time to time become effective covering intoxicating liquor sales.

Section 5.3. The proof of financial responsibility offered under Subdivision 2 shall be approved by the City Council. Liability insurance policies shall be approved as to form by the City Attorney. The operation of such "Off-Sale(s)" or "On-Sale(s)" non-intoxicating liquor business without having on file at all times with the municipality the proof of financial responsibility required in Subdivision 2 shall be grounds for immediate revocation of the license.

Section 6. License Fees.

Section 6.1. Each application for a license shall be accompanied by a receipt from the City Treasurer for payment in full of the required fee for the license. All fees shall be

paid into the general fund of the municipality. Upon rejection of any application for a license, the treasurer shall refund the amount paid.

Section 6.2. All licenses shall expire on the last day of December of each year. Each license shall be issued for a period of one year except that if a portion of the license year has elapsed when the initial application is made, a license may be issued for the remainder of the year. However, the fee shall be annual only and shall not be pro-rated.

Section 6.3. (Repealed by Ordinance 94, adopted 2/10/2009).

Section 6.4. No refund of any fee shall be permitted except as authorized by the City Council.

Section 7. Granting of Licenses.

Section 7.1. The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing, the City Council shall grant or refuse the application in its discretion. No non-intoxicating liquor license shall become effective until it, together with the proof of financial responsibility furnished by the applicant, has been approved by the City Council.

Section 7.2. Each license shall be issued to the applicant only. Each license shall be issued only for the premises described in the application. No license may be transferred to another person or to another place without the approval of the City Council.

Section 8. Persons Ineligible for License.

Section 8.1. No license shall be granted to or held by any person made ineligible for such a license in accordance with procedures set forth by state law for intoxicating liquor licenses.

Section 9. Places Ineligible for License.

Section 9.1. No license shall be issued for any place or for any business ineligible for such a license under guidelines established by the City Council.

Section 9.2. No license shall be issued to any business until it has been in operation continuously for six (6) months.

Section 9.3. No license shall be granted for operation on any premises on which taxes, assessments or other financial claims of the City are delinquent and unpaid.

Section 9.4. No license shall be granted within a reasonable distance of any school, church, or private home at the determination of the City Council.

Section 10. Conditions of License.

Section 10.1. Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance of the City or state law.

Section 10.2. Every licensee shall be responsible for the conduct of his place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell or serve intoxicating liquor shall be deemed the act of the licensee as well and the licensee shall be liable to all penalties provided by this ordinance equally with the employee.

Section 10.3. No sale of liquor shall be made to anyone on credit provided solely by the establishment.

Section 10.4. Any peace officer, health officer, or any properly designated officer or employee of the City shall have the unqualified right to enter, inspect, and search the premises of the licensee during business hours without a warrant.

Section 11. Restrictions on Serving, Purchase, and Consumption.

Section 11.1. No minor shall misrepresent his or her age for the purpose of purchasing, consuming or serving non-intoxicating liquor.

Section 11.2. No person shall induce a minor to purchase, consume or serve non-intoxicating liquor.

Section 11.3. No person shall mix, prepare or serve non-intoxicating liquor for consumption in any public place or place of business not licensed to sell non-intoxicating liquor "on sale" and no person shall consume non-intoxicating liquor in any such place.

Section 11.4. No non-intoxicating liquor shall be sold or consumed on a public highway or in an automobile.

Section 12. Revocation.

Section 12.1. The City Council may suspend or revoke any non-intoxicating liquor license for violation of any provision or condition of this ordinance or any state law regulating the sale of non-intoxicating liquor. Except in the case of a suspension pending a hearing on revocation, revocation or suspension shall be preceded by written notice to the grantee and a public hearing. The notice shall give at least eight (8) days notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The City Council may, without any advance notice, suspend any license pending a hearing on revocation for a period of not exceeding thirty (30) days.

Section 13. Penalty.

Section 13.1. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$700.00 or imprisonment in the county jail for not more than ninety (90) days or both plus the costs of prosecution in either case.

ENACTED BY A UNANIMOUS VOTE OF THE CITY COUNCIL OF THE CITY OF GEM LAKE AND PLACED IN EFFECT AT 12:00 MIDNIGHT THIS 19TH DAY OF JUNE IN THE YEAR 1995.

ATTEST:
Paul R. Emeott
Paul R. Emeott, Mayor

ATTEST:
Frederic C. Magnuson
Frederic C. Magnuson, City Clerk

DATED: 19 June 1995

DATED: 19 June 1995

**CITY OF GEM LAKE
ORDINANCE NO. 65 LEGEND**

The Non-Intoxicating Liquor Ordinance was originally enacted by the City Council as Ordinance Number 65 on 19 June 1995. Since that time, the City Council has made amendments to the Ordinance in keeping with changes in State law and the wishes of the community. The following table indicates the original ordinance and the said amendments.

ORDINANCE	DESCRIPTION	ENACTMENT
65	The Non-Intoxicating Liquor Ordinance	6/19/1995
94	An ordinance establishing procedures for review and revocation of all City licenses, and amending Ordinance No. 65 by: a) Deleting wine with less than 14% alcohol by volume from definition of “non-intoxicating liquor”; and b) deleting Section.6.3, which set fees, in favor of reference to annual fee schedule.	2/10/2009