

City of Gem Lake, Ramsey County, Minnesota
Liquor
Ordinance No. 146

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

Section 1. Provisions of State Law Adopted. The provisions of Minnesota Statutes, Chapter 340A, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor are hereby adopted by reference and are made a part of this Chapter as if set out in full. It is the intention of the City Council that all future amendments to M.S. Ch. 340A are hereby adopted by reference or referenced as if they had been in existence at the time this Chapter is adopted.

Section 2. Title and Purpose.

1. This ordinance shall be known, cited, and referred to as the “Liquor Ordinance,” except as herein referred to as this “Ordinance.”
2. 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 intoxicating liquor, non-intoxicating liquor, or both, for consumption on or off the premises, as defined in this ordinance, shall first secure a license therefor as provided herein.
3. 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 all liquor, and define penalties for violation of the ordinance.

Section 3. Definitions. In addition to the definitions contained in Minn. State. § 340A.101 as it may be amended from time to time, the following terms are defined for purposes of this ordinance:

1. **Intoxicating Liquor.** Ethyl Alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent alcohol by weight.
2. **Non-Intoxicating Liquor.** Beer or malt liquor with an alcoholic content of not less than one-half (0.5%) of one percent by volume and not more than three and two-tenths (3.2%) percent by weight.
3. **On-Sale.** The sale of non-intoxicating liquor for consumption on the premises.
4. **Off-Sale.** The sale of non-intoxicating liquor for consumption off the premises.
5. **Applicant.** A person, firm, or corporation who makes application for a license with the City.
6. **Licensee.** A person, firm, or corporation to whom the City has issued a liquor license.
7. **Liquor.** Without modification by the words “intoxicating” or a “3.2 percent malt” includes both intoxicating liquor and 3.2 percent malt non-intoxicating liquor.
8. **Minor.** A person under twenty-one (21) years of age.
9. **Person.** Any individual, partnership, association, corporation, limited liability company, club, or other organization.

10. **Restaurant.** An eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus and where the main food course is served and consumed while seated at a single location. To be a restaurant as defined by this section, an establishment shall have a license from the state as required by Minn. Stat. § 157.16, as it may be amended from time to time, and meet the definition of either a “small establishment,” “medium establishment” or “large establishment” as defined in Minn. Stat. § 157.16, subd. 3(d), as it may be amended from time to time. An establishment which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered to be a restaurant for purposes of this ordinance unless it meets the definitions of a “small establishment”, “medium establishment” or “large establishment”.
11. **Wine.** is the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use. Wine does not include distilled spirits as defined in subdivision 9.

Section 4. License Required. 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 liquor without first having received a license to do so as provided in this Ordinance.

1. **3.2 Non-Intoxicating Liquor License.**

1. 3.2 Non-Intoxicating Liquor On-Sale licenses may be issued only to golf courses, restaurants, hotels, clubs, bowling centers, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks.
2. 3.2 Non-Intoxicating Liquor Off-Sale licenses obtained pursuant to this ordinance will permit the licensee to sell 3.2 percent malt liquors for consumption. 3.2 Malt Liquor On-Sale Licenses shall be issued to restaurants, clubs, and exclusive “on-sale” liquor stores.
3. Temporary 3.2 Non-Intoxicating Liquor licenses may be issued only to a club, charitable, religious, or nonprofit organization.

2. **Intoxicating Liquor Licenses.**

1. Off- sale intoxicating liquor licenses may be issued only to exclusive liquor stores or drug stores that have an off-sale license which was first issued on or before May 1, 1994.
2. On-Sale Intoxicating Liquor licenses may be issued to the following establishments as defined by Minn. Stat. § 340A.101, as it may be amended from time to time, and this ordinance: hotels, restaurants, bowling centers, theaters, clubs or congressionally chartered veterans’ organizations, theaters, resorts as defined by Minn. Stat. § 157.15, subd. 11, and exclusive liquor stores. Club licenses may be issued only with the approval of the Commissioner of Public Safety. The Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at a community festival held within the city under the provisions of Minn. Stat. § 340A.404, subd. 4(b) as it may be amended from time to time. The Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports, convention, or cultural facility owned by the city, under the provisions of Minn. Stat. § 340A.404, subd. 4(a) as it may be amended from time to time; however, the licensee is prohibited from dispensing intoxicating liquor to any person attending or participating in an amateur athletic event being held on the premises.
3. Sunday on-sale intoxicating liquor licenses, only after authorization to do so by voter approval at a general or special election as provided by Minn. Stat. § 340A.504, subd. 3, as it may be amended

from time to time. Sunday on-sale intoxicating liquor licenses may be issued only to a restaurant as defined in Section 3 of this ordinance, club, bowling center, or hotel which has a seating capacity of at least 30 persons, which holds an on-sale intoxicating liquor license, and which serves liquor only in conjunction with the service of food.

4. Combination on-sale/off-sale intoxicating liquor licenses may be issued to eligible licensees in lieu of separate on-sale and off-sale licenses if the city has a population less than 10,000.
5. Temporary on-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, may be issued only in connection with a social event sponsored by a club, charitable, religious, or other nonprofit corporation that has existed for at least three years; a political committee registered under state law; or a state university. No license shall be for longer than four consecutive days, and the city shall issue no more than 12 days' worth of temporary licenses to any one organization in one calendar year.

3. Wine Licenses.

1. On-sale wine licenses, with the approval of the Commissioner of Public Safety may be issued to theaters, restaurants that have facilities for seating at least 25 guests at one time and meet the criteria of Minn. Stat. § 340A.404, subd. 5, as it may be amended from time to time, and which meet the definition of restaurant in section 3; to licensed bed and breakfast facilities which meet the criteria in Minn. Stat. § 340A.4011, subd. 1, as it may be amended from time to time and to theaters that meet the criteria of Minn. Stat. § 340A.404, subd. 1(b) as it may be amended from time to time. The holder of an on-sale wine license who also holds an on-sale non-intoxicating liquor license is authorized to sell non-intoxicating liquor with a content over 3.2 percent without an additional license.
2. Temporary off-sale wine licenses, with the approval of the Commission of Public Safety, may be issued for the off-sale of wine at an auction. A license issued under this subdivision authorizes the sale of only vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than 600 cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by Section 6.

4. One Day and Display Permits.

1. One day consumption and display permits with the approval of the Commissioner of Public Safety may be issued to a nonprofit organization in conjunction with a social activity in the city sponsored by the organization.
2. Approval may be issued to recipient of a consumption and display permit by the Commissioner of Public Safety. Consumption and display permits shall expire on March 31 of each year.

5. Culinary Class License.

1. Culinary class limited on-sale licenses may be issued to a business establishment not otherwise eligible for an on-sale intoxicating liquor license that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. The license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six ounces of wine or 12 ounces of non-intoxicating liquor, during and as part of the class, for consumption on the licensed premises only.

6. Brewer Licenses.

1. Brew pub on-sale intoxicating liquor or on-sale 3.2 percent non-intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to brewers who operate a

restaurant in their place of manufacture and who meet the criteria established at Minn. Stat. § 340A.24, as it may be amended from time to time. Sales under this license at on-sale may not exceed 3,500 barrels per year. If a brew pub licensed under this section possesses a license for off-sale under Section 9 (O) below, the brew pub's total combined retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 750 barrels.

2. Brewer off-sale non-intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to a brewer that is a licensee under Section 9 (N) above and otherwise meets the criteria established at Minn. Stat. § 340A.24, as it may be amended from time to time. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the city. Malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. All malt liquor sold under this license shall be packaged in the manner required by Minn. Stat. § 340A.285 as it may be amended from time to time. Sales under this license may not exceed 750 barrels per year. If a brewer licensed under this section possesses a license under Section 9 (N) above, the brewer's total retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 750 barrels.
3. Brewer off-sale non-intoxicating liquor licenses may be issued, with approval of the Commissioner, to a holder of a brewer's license under Minn. Stat. § 340A.301, subd. 6(c), (i) or (j) and meeting the criteria established by Minn. Stat. § 340A.28 as may be amended from time to time. The amount of malt liquor sold at off-sale may not exceed 750 barrels annually. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. Packaging of malt liquor for off-sale under this license must comply with Minn. Stat. § 340A.285.
4. Notwithstanding any law to the contrary and in addition to the authority provided in Minn. Stat. § 340A.28, a Brewer off-sale non-intoxicating liquor license may be issued, with approval of the Commissioner, to a holder of a brewer's license under Minn. Stat. § 340A.301, subd. 6(c), (i) or (j) and meeting the criteria established by Minn. Stat. § 340A.29 as may be amended from time to time, for off-sale of up to 128 ounces per customer per day of malt liquor produced and packaged by the holder. Packaging of malt liquor for off-sale under this license must comply with Minnesota Rules, parts 7515.1080 to 7515.1120.
5. Brewer temporary on-sale intoxicating liquor licenses may be issued, with the approval of the Commissioner of Public Safety, to brewers who manufacture fewer than 3,500 barrels of malt liquor in a year for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the brewer.
6. Brewer taproom licenses may be issued to the holder of a brewer's license under Minn. Stat. § 340A.301, subd. 6(c), (i) or (j) as it may amended from time to time. A brewer's taproom license authorizes on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. A brewer may have only one taproom license and may not have an ownership interest in a brewer licensed under Minn. Stat. § 340A.301, subd. 6(d) as it may be amended from time to time. A brewer taproom license may not be issued to a brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually. Within ten days of issuing a brewer taproom license the City Clerk will inform the Commissioner of Public Safety of the licensee's name, address, trade name and the effective date and expiration date of the license. The City Clerk will inform the Commissioner of Public Safety of a license transfer, cancellation, suspension, or revocation during the license period.

7. Microdistillery Licenses.

1. A cocktail room license may be issued to the holder of a state microdistillery license or distilled spirits manufacturer license if at least 50 percent of the annual production of the licensee is

processed and distilled on premises. A cocktail room license authorizes on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller. The holder of a cocktail room license may also hold a license to operate a restaurant at the distillery. No more than one cocktail room license may be issued to any distiller. No single entity may hold both a microdistillery cocktail room and taproom license and a microdistillery cocktail room and taproom license may not be co-located.

2. A microdistiller off-sale license may be issued to the holder of a state microdistillery license if at least 50 percent of the annual production of the licensee is processed and distilled on premises. A microdistiller off-sale license authorizes off-sale of up to 750 milliliters per customer per day of product manufactured on-site provided the product is also available for distribution to wholesalers.
3. A microdistiller temporary on-sale intoxicating liquor license may be issued to the holder of a state microdistillery license. A microdistillery temporary on-sale intoxicating liquor license authorizes on-sale of intoxicating liquor in connection with a social event within the city sponsored by the microdistillery.

Section 5. Application for License.

1. Every application for a license issued under this ordinance shall be on a form provided by the city. Every application shall state the name of the applicant, the applicant's age, representations as to the applicant's character, with references as the Council may require, the type of license applied for, the business in connection with which the proposed license will operate and its location, a description of the premises, whether the applicant is owner and operator of the business, how long the applicant has been in that business at that place, and other information as the Council may require from time to time. An application for an on-sale intoxicating liquor license shall be in the form prescribed by the Commissioner of Public Safety and shall also contain the information required in this section. The form shall be verified and filed with the city. No person shall make a false statement in an application.
2. Each application for a license shall be accompanied by the minimum proof of financial responsibility required by Minnesota Statutes Section § 340A.409 (Subd. 1) and any amendments thereto or substitutes therefore that may from time to time become effective.
 1. The proof of financial responsibility offered under Subdivision 2 shall be approved by the City Council, and in the case of applicants for off-sale licenses by the State Commissioner of Public Safety. Liability insurance policies shall be approved as to form by the City Attorney.
 2. The operation of such "Off-Sale" or "On-Sale" 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.
3. Upon receipt of a complete application, the City Clerk shall forward the application to the City's law enforcement agency within seven (7) days for a background investigation of the Applicant and the Retail Establishment and its officers and owners, said background investigation to be completed within ten (10) days at which time the results of the background check shall be provided to the City Clerk.
4. Upon receipt of the background investigation, the City Clerk shall place consideration of the Application and approval or denial by the City of Gem Lake Council on the agenda of the next meeting of said Council.
5. **Intoxicating Liquor Licenses.** Under Minnesota Statute § 340A.413 the number of "on-sale" and "off-sale" licenses that can be issued are limited based on city populations. A maximum of four (4) "on-sale" licenses will be issued in the City of Gem Lake based on Subd. 1. A maximum of two (2) "off-sale" licenses will be issued in the City of Gem Lake based on Subd. 5.

Section 6. License Fees.

1. The annual fee for a liquor license is as set forth in the City's Fee Schedule as adopted by ordinance.
2. 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.
3. 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 application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one month.
4. No refund of any fee for issued permits shall be permitted except as authorized by City Council, under Minn. Stat. §340A.408.
5. The fee set by the jurisdiction issuing the license shall be reduced by \$100 if the following conditions are met:
 1. The licensee agrees to have a private vendor train all employees within 60 days of hire and annually thereafter in laws pertaining to the sale of alcohol, the rules for identification checks, and the responsibilities of establishments serving intoxicating liquors;
 2. The licensee agrees to post a policy requiring identification checks for all persons appearing to be 30 years old or less; and
 3. A cash award and incentive program is established by the licensee, to award employees who catch underage drinkers, and a penalty program is established to punish employees in the event of a failed compliance check.

Section 7. Granting of Licenses.

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 at its discretion. No "off-sale" liquor license shall become effective until it, together with the proof of financial responsibility furnished by the applicant, has been approved by the State Commissioner of Public Safety.
2. An applicant seeking an "On-Sale" license shall pay the actual cost of investigation, up to \$10,000, in addition to the required annual license fee, as determined by the City's Fee Schedule as adopted by ordinance.
3. 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.
4. Licenses may be denied any Applicant who has been convicted within the past five (5) years of any violation of a Federal, State, or local law, ordinance provision, or other regulation relating to Liquor, Liquor Products, or Liquor Related Devices.

Section 8. Renewal of Licenses. At least 90 days before a license issued under this ordinance is to be renewed, an application for renewal shall be filed with the city. The decision to renew a license rest within the sound discretion of the Council. No licensee has a right to have the license renewed.

Section 9. Persons Ineligible for License.

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 liquor licenses.
2. No license shall be granted to or held by any person who is not the real party in interest or beneficial owner of the business operated under the license.

Section 10. Places Ineligible for License.

1. No license shall be issued for any place or for any business ineligible for such a license under guidelines established by State law.
2. 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.
3. No license shall be granted within 500 feet of any school, church, or private home at the determination of the City Council. The distance between the establishments shall be measured from the points in which the edges of the structures are nearest to one another.

Section 11. Conditions of License.

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.
2. Every licensee shall be responsible for the conduct of 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.
3. No sale of liquor shall be made to anyone on credit provided solely by the establishment.
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.
5. Every license to sell alcoholic beverages and permit for consumption and display must be posted in a conspicuous place in the premises for which it is used.
6. Each licensee shall promptly notify the city clerk of any change in the information or facts furnished on the application for a license. Failure to comply with this section constitutes cause for revocation or suspension of the license.

Section 12. Temporary Amendments to Liquor Licenses.

1. After a public hearing held at least ten days after mailed notice to all property owners within 400 feet of the licenses premises, the city council may approve a temporary amendment to an existing on-sale, on-sale wine, or Sunday on-sale intoxicating liquor license to allow the sale of liquor in an area outside the licensed premises if the council determines in its sole discretion that the following criteria are met:
 1. The area to be used must be immediately adjacent to the licensed premises;
 2. The area will be used in connection with a special event no longer than two days in duration;

3. No more than three temporary amendments per year will be allowed for a licensee at one establishment. A special license issued to a nonprofit organization which contracts with the licensee for provision of service will be counted as part of this total;
 4. Adequate measures will be taken to control access to the additional area, to ensure that alcoholic beverages are not sold to minors and are not carried outside of the licensed premises and the additional area;
 5. Adequate measures will be taken to ensure that there will be no violation of the cities noise ordinance;
 6. The use of the additional area will not decrease available parking below that required by the zoning ordinance for the licensed premises;
 7. The use of the additional area will not unreasonably impede traffic circulation; and
 8. The issuance of the temporary amendment would not be adverse to the public health, safety, and welfare.
2. To obtain a temporary amendment, the licensee must submit an application accompanied by:
 1. A diagram showing the expanded area to be used;
 2. A detailed description of the event for which the area will be used;
 3. A detailed description of the security measures to be used;
 4. Evidence that the licensee has liability insurance to cover the additional area;
 5. Evidence that the licensee has the right to use the additional area; and
 6. The fee specified in the current City of Gem Lake fee schedule as adopted by Ordinance.

Section 13. Restrictions on Serving, Purchase and Consumption.

1. No minor shall misrepresent their age for the purpose of serving, purchasing, or consuming liquor.
2. No person shall induce a minor to serve, purchase or consume liquor.
3. No person shall mix, prepare, or serve liquor for consumption in any public place or place of business not licensed to sell liquor “on-sale” and no person shall consume liquor in any such place.
4. No liquor shall be sold or consumed on a public highway or in an automobile.
5. No person shall consume, nor shall any on-sale licensee permit any consumption of intoxicating liquor or 3.2 percent malt liquor in an on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.
6. No on-sale licensee shall permit any glass, bottle, or other container containing intoxicating liquor or 3.2 percent malt liquor to remain upon any table, bar, stool, or other place where customers are served, more than 30 minutes after the time when a sale can legally occur.
7. No person, other than the licensee and any employee, shall remain on the on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.

Section 14. Nudity on the Premises of Licensed Establishments Prohibited.

1. The City Council finds that it is in the best interests of the public health, safety, and general welfare of the people of the city that nudity is prohibited as provided in this section on the premises of any establishment licensed under this ordinance. This is to protect and assist the owners, operators, and employees of the establishment, as well as patrons and the public in general, from harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The Council especially intends to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct, including prostitution, sexual assault, and disorderly conduct. The Council also finds that the prohibition of nudity on the premises of any establishment licensed under this ordinance, as set forth in this section, reflects the prevailing community standards of the city.
2. It is unlawful for any licensee to permit or allow any person or persons on the licensed premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material. It is unlawful for any person to be on the licensed premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material.
3. A violation of this section is a misdemeanor punishable as provided by law, and is justification for revocation or suspension of any liquor, wine, or non-intoxicating liquor license or any other license issued under this ordinance or the imposition of a civil penalty under the provisions of Section 13.2.

Section 15. Administrative Penalty. The Council may suspend or revoke any liquor license for violation of any provision or condition of this Ordinance or any State law regulating the sale of liquor and shall revoke such license if the licensee willfully violates any provision of Minnesota Statutes, Chapter 340A.

1. **Procedures.** The following procedures shall be implemented regarding alleged violations of this Ordinance. Should the City elect to proceed with an administrative violation:
 1. **Notification of Violation.** Upon discovery of an alleged violation, the alleged violator shall be issued, either personally or by mail, a notice that sets forth the alleged violation and which shall inform the alleged violator of their right to be heard on the accusation.
 2. **Hearing.** If a Person accused of violating this Ordinance so requests, a hearing shall be scheduled before the Gem Lake City Council; the time and place of which shall be published and provided to the alleged violator at least ten (10) days in advance, not to exceed forty-five (45) days. The City Council shall receive evidence of the violation and evidence provided by the alleged violator by testimony, in written form, or both. The hearing shall be recorded.
 3. **Findings.** If the Gem Lake City Council finds that a violation of this Ordinance did occur, that decision, along with the Council's findings for a violation and the penalty to be imposed, shall be recorded in writing, a copy of which shall be provided to the accused violator. If the Council finds that no violation has occurred or finds grounds for not imposing any penalty, such findings shall be recorded, and a copy provided to the acquitted accused violator.
 4. **Appeals.** Any person aggrieved by the final findings of the City Council under this Section may seek judicial review by petition to the Court of Appeals in accordance with Minn. Stat §14.63 to §14.68.
 5. **Misdemeanor Prosecution.** Nothing in this Ordinance shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this Ordinance. If the City elects to seek misdemeanor prosecution, no administrative penalty shall be imposed against the individual charged with a misdemeanor.
 6. **Continued Violation.** Each violation and every day in which a violation occurs or continues to occur shall constitute a separate violation.

2. **Civil Penalty.** On a finding by the City Council that a licensee has failed to comply with an applicable statute, rule, or ordinance relating to alcoholic beverages the City Council may revoke the license, suspend the license for up to 60 days, impose a civil penalty as determined by the City's Fee Schedule as adopted by Ordinance.

Section 16. Penalty. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine, as determined by the City's Fee Schedule as adopted by Ordinance, or imprisonment in the county jail for not more than ninety (90) days or both plus the costs of prosecution in either case.

Section 17. Severability. It is hereby declared to be the intention of the City of Gem Lake that the provisions of this Ordinance are severable. If any provisions or the application thereof to any Person or circumstances is held to be illegal or invalid, such illegality or invalidity shall not affect other provisions of this Ordinance or the application of said provisions to any other Person not specifically included in said determination. To this end, the provisions of this Ordinance and the various applications thereto are declared to be severable.

Section 18. Enactment. This Ordinance No. 146 is placed in full force and effect on July 16, 2024 by a 5-0 vote of the City Council of the City of Gem Lake.

Adopted by the City Council of the City of Gem Lake, Minnesota on the 16th day of July 2024.

Gretchen Artig-Swomley

Gretchen Artig-Swomley, Mayor

Melissa Lawrence

Melissa Lawrence, Acting City Clerk

City of Gem Lake, Ramsey County, Minnesota
Liquor
Ordinance No. 146

The Ordinances licensing and regulating the sale and consumption of intoxicating and non-intoxicating liquor and providing a penalty for violation was originally enacted by the City Council as Ordinance No. 9 on 17 December 1963 and Ordinance 65 on 19 June 1995. Since that time, the City Council has made amendments to the Ordinances in keeping with changes in State law and the wishes of the community. The following table indicates the original Ordinances and the said amendments.

Ordinance	Description	Enactment
9	An Ordinance licensing and regulating the sale of liquor.	17 December 1963
52	An Ordinance amending Ordinance No. 9 , changing the requirements for liquor license applications and changing the annual fees for liquor licenses.	20 November 1989
65	The Non-Intoxicating Liquor Ordinance	19 June 1995
94	An Ordinance establishing procedures for review and revocation of all City licenses, and amending Ordinance No. 9 by: <ul style="list-style-type: none"> a. Inserting new sections 2.3. (wine licenses) and 2.4 (Sunday sales licenses), renumbering off-sale provision as 2.5 b. Deleting Section 4.3, which set fees, in favor of reference to annual fee schedule. c. Inserting new Section 5.2 requiring payment of investigation fee, and renumbering Section now at 5.3; and d. Other language to changes to conform with a – c. 	10 February 2009
116	An Ordinance amending Ordinance No 9 . Section 10 was amended to remove the information regarding public hearing notice and suspension. Sections 10.1-10.2 were added to show the administrative and civil penalty processes for violation of this Ordinance.	18 May 2010
9*	A version of Ordinance No. 9 was adopted by City Council. This was a combined intoxicating and non-intoxicating liquor ordinance. This version was never added onto the City website. All amendments to Ordinance No. 9 after 1/15/2019 were made to the version enacted on 7/16/2024.	15 January 2019
9	An Ordinance No. 9 amendment. Section 2, part 3, was updated from 14% to 24% based on MN Statute. Section 3, part 4, was added to show the number of licenses the City is authorized to issue. Section 4, part 3, was removed and part 4 moved into the part 3 place	19 July 2022
9	An Ordinance No. 9 amendment. Section 3, part 5, was added to show that a background check will be conducted on all new applicants. Section 3, part 6, was added to show that once a background check is completed the City Clerk will suggest the next steps to the Council. Section 5, part 4, was added to show that an applicant can be denied due to a conviction in the last five (5) year if based on anything liquor related.	21 March 2023
146	Combining Ordinances 9 and 65 to include both Intoxicating and Non-Intoxicating liquor within one Ordinance. Amendments include: <ul style="list-style-type: none"> a) Adding individual liquor definitions and referencing state statute. b) Includes all 19 license types as stated in state stat, organized by general type. c) Referencing the fee schedule. d) Adding specificity in Section 10.4. 	16 July 2024

	<ul style="list-style-type: none">e) Inserting Section 12 regarding temporary amendments to licenses.f) Inserting Sections 13.5-7 regarding consumption and availability of liquor 30 minutes after final legal sale.g) Inserting Section 14 regarding protection of the public from harm stemming from the combination of nudity, alcohol, and sex.h) Changing the public hearing notice from 8 days in advance to 10-30 days in advance.	
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