

ORDINANCE NUMBER 40

CITY OF TOWER, MINNESOTA

An ordinance licensing and regulating the sale of non intoxicating malt liquors within the corporate limits of the City of Tower.

The City of Tower Ordains:

Section 1. It shall be unlawful for any person, firm, or corporation to sell, deal in, or dispose of by gift, sale, or otherwise any non-intoxicating malt liquors as herein defined without first having obtained a license so to do from the City Council.

Section 2. Non-intoxicating malt liquors within the meaning of this ordinance shall be held to be any malt liquor or beverage which contains not more than 3.2% alcohol by weight.

Section 3. The annual license fee for an On Sale License shall be \$35.00 and for an Off Sale License shall be \$5.00.

Section 4. No person shall sell non-intoxicating malt liquors to any person under 21 years of age.

Section 5. License hereunder shall be extended only to persons who are citizens of the United States and legal voters of the City of Tower and who are of good moral character and repute.

Section 6. The City Council may grant or deny any such application and if the same be granted, may be revoked by the City Council at any time without a hearing and without notice to the licensee.

Section 7. No On Sale License shall be issued to an applicant unless he be the actual owner or lessee of the place where he intends to sell such malt liquors.

Section 8. On Sale License shall be granted only to drug stores, restaurants, and hotels and bona fide clubs, provided, however, that no manufacturer of such non-intoxicating malt liquors shall have any ownership, in whole or in part in the business of any licensee holding an On Sale License. A bona fide club under this ordinance is an organization for social or business purposes or for intellectual improvement, or for the promotion of sports, where the serving of such non-intoxicating malt liquors is incidental and not the major purpose of the club.

Section 9. The premises named in a license shall at all times while open to the public be also open to the inspection and examination by any police or health officer of the City.

Section 10. Licenses granted under this ordinance shall be of two kinds:

- A. On Sale Licenses which permit the licensee to sell such non-intoxicating malt liquors for consumption on the premises of the licensee described in the license.
- B. Off Sale Licenses which permit the licensee to sell such non-intoxicating malt liquor in original packages not to be consumed upon the premises described in such license.

Section 11. Any person desiring to sell non-intoxicating malt liquors under license as herein defined shall make application in writing to the City Council which application shall contain the name and residence of the applicant; the kind of business the applicant is engaged in; floor, number, street, and legal description of the premises where sales is to be conducted; name and address of owner or lessee of building where non-intoxicating malt liquor is to be sold; the type of federal occupational tax receipt he has or will obtain for such federal tax payment as a retail dealer. It shall be unlawful to make any misstatement in any such application for license. All applications for license shall be accompanied by a receipt from the City Treasurer for the required annual fee for the respective license. All such fees shall be paid into the general fund of the City. Upon rejection of any application for a license, the treasurer shall refund the amount paid.

Section 12. A club herein defined shall not sell such liquor except to members and guests in the company of members.

Section 13. Licenses hereunder shall be issued for a period of one year. And such licenses shall expire one year from the date of issuance. There shall be no refund on license fees paid by licensees licensed hereunder by the City Council.

Section 14. No such malt liquor shall be sold, served, or consumed at or in any theater, picture show, ball park, dance hall proper, or public building, but this section shall not apply to any bona fide club as to the sale of non-intoxicating malt liquor on its premises.

Section 15. Premises licensed hereunder to sell non-intoxicating malt liquors shall be closed between the hours of 12 midnight and 5:00AM, except that on the fourth day of July each year and on the 1st day of January of each year, said licensed premises may remain open and sales of such malt liquors shall be permitted until 1:00AM of such 1st of January and fourth of July. No sales of such malt liquors shall be made on Sundays between the hours of 12:00 Midnight and 12:00 Noon.

Section 16. The license of any person who shall be found guilty of any violation of the prohibition law, whether the offense be committed on the premises named in his license or elsewhere, and the license of any person shall have, keep, sell, manufacture or possess intoxicating liquor at or upon the premises named in his license, contrary to said prohibition law, or any laws of the State of Minnesota and ordinances of the City of Tower shall be revoked by the City Council.

Section 17. The City Council may cause an investigation of all of the facts stated in the application, granting an opportunity to anyone who wishes to be heard in the matter as to why a license should or should not be granted. After such investigation, the City Council may grant or refuse such license.

Section 18. No license shall be issued to any person who has been convicted of a felony or who has been convicted two or more times of a crime other than a felony or who has been found guilty of any violation of the prohibition law, or who has been guilty of violating any of the provisions or parts of this ordinance or who shall hereafter be found guilty of the illegal sale, possession, manufacture, or transportation of intoxicating liquor.

Section 19. No license shall be granted at or in any building room or place in the City of Tower wherein a second or at subsequent times any of the provisions of this ordinance or of the provisions of any ordinance relating to the sale, possession, manufacture, or transportation of intoxicating liquors shall hereafter be violated, for a period of one year from and after the date of such subsequent violation.

Section 20. No gambling nor any gambling device prohibited by law, shall be permitted in any licensed premises.

Section 21. In any place licensed for On Sale the liquor sold shall be served and consumed at tables in the dining or refreshment room of the café, restaurant, hotel, or club, and shall not be consumed or served at bars; provided that the same may be served at counters where food is regularly served and consumed. All windows in the front of any such place shall be of clear glass, and the view of the whole interior shall be unobstructed by screens, curtains, or partitions.

Section 22. Licenses for the sale of non-intoxicating malt liquor shall be issued hereunder for sales of such liquors only on premises adjacent to or abutting on any of the following streets or parts of streets:

Main Street, and that part of Pine Street and State Highway Number 1, extending South from Main Street to the Corporate Limits of the City of Tower.

Section 23. Off Sale or On Sale Licenses hereunder shall be transferrable from one person to another at the discretion of the City Council.

Section 24. No license shall be issued to any person who has a twenty-five dollar federal occupation tax receipt.

Section 25. The presence of intoxicating liquors on the premises of a licensee hereunder, unless said licensee has in intoxicating liquor license issued under the provisions of Chapter 46, Extra Session Laws of 1933-1934, and acts amendatory thereof, shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale, and the license granted to said licensee shall be automatically forfeited without the necessity of formal action by the City Council.

Section 26.