

CHAPTER 11

Liquor, Non-intoxicating Malt Liquor Non-intoxicating Beverages Licenses and Regulations

11.01 — DEFINITIONS: NON- INTOXICATING LIQUOR

THE WORD PERSON, as used in this ordinance, shall mean any person, firm corporation, partnership or other unincorporated association.

Non-intoxicating Malt Liquor, as used in this ordinance, shall mean malt liquor containing from $\frac{1}{2}$ of 1 per cent of alcohol by volume, to 3.2 per cent of alcohol by weight: it shall not relate to malt liquors containing less than $\frac{1}{2}$ of alcohol by volume nor more than 3.2 per cent of alcohol by weight.

On Sale License, as used in this ordinance shall mean, license pertaining to the sale of non-intoxicating malt liquors for consumption on the licensed premises.

Off Sale License, as used in this ordinance shall mean, license permitting the sale of non-intoxicating malt liquors for consumption off the licensed premises and in the original package.

11.02 — ON SALE LICENSE, for the sale of non-intoxicating malt liquors shall be granted only to drug stores, restaurants, hotels and Bona Fide Clubs, with the express provision that no manufacturer of non-intoxicating malt liquors shall have any ownership in whole or in part, in the business of any licenses holding an "On Sale License."

11.03 — OFF SALE LICENSE, shall be granted to persons applying therefore as hereinafter provided, however, no "Off Sale License" shall be granted to dry good stores, or general merchants, as said terms generally and commonly understood."

11.04 — LICENSE: Any person desiring a license as herein provided, shall make application therefore to the City Council of Springfield, by filing with the City Clerk of said City an application in writing, setting forth the following facts.

- (a) Name, age and place of residence of the applicant.
- (b) An accurate description of the premises where the applicant proposes to engage in the business of selling non-intoxicating malt liquors.
- (c) The name or names of the person or persons owning or holding any interest in the contemplated business, and whether any manufacturer of non-intoxicating malt liquors has any ownership in whole or in part there.

- (d) Whether the applicant has at any time previous to the date of the application, been convicted of the violation of any Federal, State or Municipal Law relating to the sale of liquors, and the nature and place of such violation or law resulting in conviction.
- (e) A waiver, consent and permit to the Board of Health, Police Department, or any other officer, or representative of the City appointed and designated by the Council to inspect the premises, as well as applicants and furnishings thereof contemplated to be used in said proposed business.

Such application shall be signed by the person, or by an officer of the corporation, persons forming co-partnership or officers of the association applying for such license, and verified.

The application for license shall thereupon be filed in the office of Clerk of said City together with a duplicate receipt for the deposit of the fees hereafter provided in Section 11.05.

11.05 LICENSE FEES: At the time of filing an application for a license as hereinbefore provided, the applicant shall deposit with the City Clerk the sum of \$50, if the application be for an "On-Sale License," or the sum of \$5 if the application be for an "Off-Sale License," said respective amount to constitute the license fee for said license, be the same granted upon consideration of the City Council. In the event the license applied for be not granted, such deposit shall be returned to the applicant.

11.06 WHO GRANTED LICENSE: Licenses shall be granted only to persons who are citizens of the United States, and who are of good moral character and repute.

The City Council may refuse to grant an applicant a license when, in their opinion, it would better serve the public health, morals and general welfare.

11.07 HOURS OF SALE: No non-intoxicating malt liquors shall be sold by authorization of an "On Sale" or "Off Sale" license granted under this ordinance except at such times and on such dates as is allowed by and in compliance with state statutes. (2003 Ord. 366)

11.08 LICENSE TO EXPIRE: Licenses issued under this ordinance shall expire annually on July 1 of each year.

11.09 NOT TRANSFERABLE: No license issued under this ordinance shall be transferred by the Licensee to any other person without the consent of the City Council; application for leave to transfer such license shall be made in writing to the City Council with the City Clerk, and upon payment or deposit of the sum of \$5, which said amount shall constitute the fee for such transfer, be the same granted and upon filing application and deposit of the fee for such transfer, such application shall be submitted to the City Council for consideration; in the event the application be denied, the deposit fee herein stipulated shall be returned to the applicant.

11.10 — GENERAL PROVISIONS OF ORDINANCE: "It shall be unlawful"

1. For any licensee or his employee to sell or serve non-intoxicating malt liquor or permit any minor to consume non-intoxicating malt liquor on the licensed premises, unless accompanied by his parent or legal guardian;
2. For any person other than the parent or legal guardian to procure non-intoxicating malt liquor for any minor;
3. For any person to induce a minor to purchase or procure non-intoxicating malt liquor.
4. For any minor to misrepresent his age for the purpose of obtaining non-intoxicating malt liquor.
5. For any minor to consume any non-intoxicating malt liquor unless in the company of his parent or guardian.
6. For any minor to have in his possession any non-intoxicating malt liquor, with intent to consume same at a place other than the household of his parent or guardian. Possession of such non-intoxicating malt liquor at a place other than the household of his parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his parent or guardian.
7. All Statutes of the Minnesota state laws relating to and regulating the sale of non-intoxicating malt liquors not inconsistent herewith are hereby incorporated herein by reference.

11.11 — PENALTIES AND REVOCATION: The violation of any provision of this ordinance shall constitute a misdemeanor and shall be punishable by a fine of not to exceed \$300.00; or imprisonment in the County Jail for a term of not to exceed ninety (90) days;

Any license granted hereunder may be revoked for cause upon notice to the licensee and hearing, any violation of any provision or condition of this ordinance, or the State Law relating to the sale of non-intoxicating malt liquors which is expressly made a part hereof, or the failure of a licensee to keep and to maintain the premises wherein the business licensed under this ordinance may be conducted, in a sanitary and orderly condition at all times, or any mis-statement in the application for such license, shall be deemed sufficient ground for revocation.

11.12 — EMERGENCY ORDINANCE NO. 106, passed and adopted by the City Council of Springfield, Minnesota, on the 30th day of March, 1933, and all Ordinances amendatory thereof, together with all ordinances inconsistent and in conflict herewith, are hereby repealed.

(1939 Ord. No. 130)

(Amended 176;203)

11.13 — DEFINITION LIQUOR:

(a) The term intoxicating liquor and liquor whenever used in this ordinance shall mean and include ethyl alcohol and include distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 per cent of alcohol by weight.

(b). The term "Sale" and "Sell" shall mean and include all barter, and all manner or means of furnishing intoxicating liquor or liquor as above described in violation or evasion of law.

(c). "On Sale" shall mean the sale of liquor by the glass for consumption on the premises only; "Off Sale" shall mean the sale of liquor in the original package in retail stores for consumption off the premises where sold.

(d). The term "Person" shall include persons, corporations, partnerships and other unincorporated associations.

(e). The term "Package" or "Original Package", shall mean and include any container or receptacle holding liquor, which container or receptacle is corked or sealed.

(f). Exclusive Liquor Store as herein used shall be an establishment used exclusively for the sale of intoxicating liquor at retail, either "On Sale" or "Off Sale" or both, and for the sale at retail of cigars, cigarettes, tobaccos of all kinds, non-intoxicating malt beverages and soft drinks; provided however, that no non-intoxicating malt beverages and soft drinks shall be sold in any "Exclusive Liquor Store", until an "On-Sale" non-intoxicating, malt liquor license and or soft drink license shall first have been procured as provided under the ordinance of the City.

(g). The term "Drug Store" as used in conjunction with licensing under this ordinance shall mean any place where drugs are kept, compounded and sold, and which shall at all times be in charge of a registered pharmacist.

(h). The term "Club" shall mean and include any corporation duly organized under the laws of the State of Minnesota, for civic, fraternal, social or business purposes or for intellectual improvement, or for the promotion or sports, which shall have more than fifty members and which shall for more than a year have owned, hired or leased a building or space in a building of such extent and character as may be suitable and adequate for the reasonable accommodation of its members, and whose affairs and management are conducted by a board of directors, executive committee, or other similar body, chosen by the members at a meeting held for that purpose, none of whose members, officers, agents or employees are paid directly or indirectly any compensation by way of profit from the distribution or sale of beverages to the members of the club, or to its guests beyond the amount of such reasonable salary of wages as may be fixed and voted each year by the directors or other governing body.

(i). "Hotel" as herein used shall mean and include any establishment having a resident proprietor or manager where, in consideration of payment therefore, food and lodging are regularly furnished to transients, and which maintains not less than ten guest rooms with suitable furnishings, and which is provided with suitable accommodations for registration of its guests, and which employs an adequate staff to provide suitable and usual service, and which maintains under the same management and control as the rest of the establishment a dining room with appropriate facilities for seating not less than thirty guests at one time, where the general public is, in consideration of payment therefore, served with meals at tables.

8

11.14 — LICENSE REQUIRED: No person shall, directly upon any pretense, or by any devise, manufacture, import, sell, exchange, barter, dispose of or keep for sale, any intoxicating liquor, without first having obtained a license therefore as hereafter provided.

Licenses shall be of two kinds: "On Sale" and "Off Sale". An "On Sale" license shall be granted only to exclusive Liquor stores, hotels and clubs, and shall permit the consumption of liquor on the premises only. Not more than five (5) such licenses shall be granted at any one time, provided however, that "On Sale" licenses may be issued in addition to the limitations as herein provided, to bona fide clubs in existence for twenty (20) years or more, which are duly incorporated and which licenses shall be for the sale of intoxicating liquors to members only.

"OFF SALE" licenses shall be granted to permit the sale of Liquor at retail or wholesale in the original package for consumption off the premises where sold. Such licenses may be issued only to Drug stores and Exclusive Liquor Stores.

11.15 — APPLICATION FOR LICENSES: Every person desiring an "Off Sale" license, shall file a verified application therefor in writing with the City Clerk in the form to be prescribed by the State Liquor Commissioner, and with such additional information as the City Council may require. Applications for "On Sale" license shall be in such form and shall require such information as the Council shall determine. A Surety bond shall accompany each application for a license. In the case of an application for an "On Sale" license, the application shall be accompanied by a Corporate Surety Bond in the sum of \$3,000.00, the same to be approved by the Council; or in lieu of such bond, cash or bonds of the United States of a market value of \$3,000.00 may be posted. In the case of an application for an "Off Sale" license, a similar Surety Bond or cash or United States bond equivalent shall be required, but the amount of such bond shall be \$1,000.00, and shall also be approved by the State Liquor Commissioner. All such bonds shall be conditioned as follows:

(a). That the licensee will obey the law relating to such licensed business.

(b). That the licensee will pay to the municipality when due, all taxes, license fees, penalties and other charges provided by law.

(c). That in the event of any violation of the provisions of any law relating to the retail "Off Sale" and retail "On Sale" of intoxicating liquor, including the provisions of this ordinance, such bond shall be forfeited to the City of Springfield.

(d) That the licensee will pay to the extent of the principal amount of such bond, any damages for death or injury caused by or resulting from the violation of any provisions of law relating thereto, and in such case recovery under this subdivision (d) may be had from the surety on his bond. The amount specified in such bond is declared to be a penalty, the amount recoverable to be measured by the actual damages; provided however, that in no case shall surety be liable for any amount in excess of the penal amount of the bond. The cancellation of a bond shall automatically revoke a license if satisfactory bond is not substituted before the effective date of such cancellation.

11.16 — FEES. All applications for licenses 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 and the bond of said applicant shall be returned to him.

The annual fee for an "On Sale" license from and after July 1, 1954, shall be \$1,800.00.

The annual fee for an "Off Sale" license shall be \$100.00.

The annual fee for a "Club license" for sale to members only, shall be \$100.00.

11.17 — GRANTING OF LICENSE. The City Council shall cause an investigation to be made of all the representations set forth in the application. Opportunity shall be given at a regular or special meeting of the Council to any person desiring to be heard for or against the granting of any license. After such investigation and approval of the required bond, the City Council shall grant or refuse such license in its discretion. No "Off Sale" license shall become effective however, until it, together with the bond has the approval of the Liquor Control Commissioner. All licensed premises shall have the license posted in a conspicuous place therein at all times. No license shall be transferable either as to licensee or premises, without the approval of the Council, and also of the Liquor Control Commissioner in the case of "Off Sale" licenses.

11.18 — CONDITIONS OF LICENSE. All licenses granted pursuant to this ordinance shall be subject to all other ordinances of the City applicable thereto, as well as all regulations promulgated by the Liquor Control Commissioner.

Every Licensee shall be responsible for the conduct of his place of business and the conditions of sobriety and order therein.

No "On Sale" dealer shall sell Liquor by the bottle or container for removal from the premises. No dealer licensed for "Off Sale" only shall permit the consumption of any liquor on such licensed premises.

No liquor shall be sold to any minor. No license shall be granted to a minor, and no minor shall be employed, nor permitted to loiter in any rooms constituting the place in which intoxicating liquors shall be sold at "On Sale" unless accompanied by parent or guardian.

No "On Sale" place of business shall be permitted to have swinging doors or opaque windows. All sales shall be made in full view of the public, and such view shall not be obstructed by curtains, posters or any other means or device.

No liquor shall be sold or furnished for any purpose to a habitual drunkard or to any person obviously intoxicated, or to any persons to whom sale is prohibited by statute, or by reason of sale to whom a penalty is provided by statute.

No licensee shall keep, possess, or operate or permit the keeping, possession or operating on the premises, or in any room adjoining the licensed premises controlled by him, any slot machine, dice, or other gambling device or apparatus, nor permit any gambling therein.

No license shall be granted to any manufacturer or distiller of intoxicating liquor, nor to any one interested in the ownership or operation of any such place, nor to a person operating a licensed place owned by a manufacturer, distiller or exclusive wholesale distributing agent; and no equipment or fixture in any licensed place shall be owned in whole or in part by any such manufacturer or distiller.

Not more than one license of either class shall be granted to one person or to one management, except in the case of exclusive liquor stores, as defined herein.

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

All premises where any license hereunder is granted shall be open to inspection by any police or health officer, or other properly designated officer or employee of the City, at any time during which the place so licensed shall be open to the public for business.

All requirements and provisions of the State Laws concerning the sale of intoxicating liquors are hereby incorporated and made a part of this ordinance.

- 11.19 HOURS AND DAYS OF SALE: No sale of intoxicating liquor shall be made "On Sale" except at such times and on such dates as is allowed by and in compliance with state statutes. No sale of intoxicating liquor shall be made "Off Sale" except at such times and on such dates as is allowed by and in compliance with state statutes. (2003 Ord. 366)
- 11.20 REVOCATION. Any license granted hereunder may be revoked by the Council with notice to the grantee, and a hearing shall first be held by the Council and the revocation then made for cause. The violation of any provision or condition of this ordinance, or the state licensing law or any falsification of any statement in the application shall be grounds for revocation. Any such license shall be revoked automatically upon the conviction of the licensee of a felony. No portion of the license fee paid into the City Treasury shall be returned upon revocation.
- 11.21 REPEAL. Ordinance No. 107 An Emergency Ordinance licensing the Sale of intoxicating liquors within the City of Springfield, Minnesota and all amendments thereto, together with all ordinances of the City in conflict with this ordinance, or any of its provisions are hereby repealed.
- 11.22 PROVISIONS SEPARABLE. Every section, provision or part of this ordinance is declared separable; and if any section, provision or part hereof shall be declared invalid, it shall not affect any other section, provision or part.
- 11.23 PENALTY. Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$300, or in default of such payment shall be imprisoned for a period of not to exceed ninety (90) days, plus the costs of prosecution.
- 11.24 MINORS, FORBIDDEN ACTS OR STATEMENTS. It shall be unlawful for:
1. A minor to enter any premises licensed for the retail sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing, or having served or delivered to him or her, any alcoholic beverage containing more than one-half of one percent of alcohol by volume; or
 2. A minor to consume any intoxicating liquor or to purchase, attempt to purchase or have another purchase for him or her any intoxicating liquor; or

3. Any person to misrepresent or misstate his or her age, or the age of any other person for the purpose of inducing any licensee or any employee of any licensee, or any employee of any municipal liquor store, to sell, serve, or deliver any alcoholic beverages to a minor; or
4. A minor to have in his possession any intoxicating liquor, with intent to consume same at a place other than the household of his parent or guardian. Possession of such intoxicating liquor at a place other than the household of his parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his parent or guardian.

(1947 Ord. No. 158)

11.25 Repealed.

11.26 Repealed

11.27 Repealed

11.28 Repealed

11.29 Repealed

11.30 EVACUATIONS: All patrons of a liquor establishment must evacuate the premises within one-half hour after the closing time stated in this ordinance. Further, it shall be the duty of the owner or employee, there present, to see that all persons are removed from the premises within the time stated in this provision. Any violation thereof shall be in violation of and, with penalty attaching thereto, against the owner of the premises and, also, any employees or agents there present.

- 11.31 SECTION 1. No person shall furnish set-ups or allow the furnishing of set-ups at any place within the City except a private residence, or an establishment having a permit and shall be subject to all applicable law. (1980 Ord. No. 263)
- 11.32 SECTION 2. No person having an "On Sale" license shall allow or furnish set-ups except on Sunday from 12:00 p.m. to 2:00 a.m. on Monday. No person without an "On Sale" license shall allow or furnish set-ups except Sunday from 12:00 p.m. to 2:00 a.m. on Monday, and at such times and on such dates as is allowed by state statutes for the sale of intoxicating liquor. (2003 Ord. No. 366)
- 11.33 SECTION 3. Any person who has not been convicted of a violation of the law concerning the sale of intoxicating liquor or non-intoxicating malt beverage within the past five (5) years and has cooperated with police department investigations and qualifies for a State permit shall be able to obtain a permit, provided that the premises are properly zoned, and the fee required hereinafter has been paid, and, further, that the premises are adequate and suitable. (1980 Ord. No. 263)

11.34 SECTION 4. LIMITATIONS

- Subd. 1. No person who has brought liquor to a public place having a permit shall keep or leave such liquor at such place during his absence.
- Subd. 2. No person at an establishment having a permit shall furnish liquor to any person other than his bona fide guest.
- Subd. 3. No person at a private club having a permit shall furnish a set-up to any person who is not the bona fide guest of a member who is then present.
- Subd. 4. No person shall furnish liquor or set-ups to a minor at an establishment having a permit.
- Subd. 5. Any establishment having a permit shall be kept open for inspection at all times by the law enforcement officers of the city. No person shall refuse to permit the law enforcement officers of the city to enter and inspect the premises for which a permit has been granted. (1980 Ord. No. 263)

11.35 SECTION 5. FEE

The city's fee for set-up licenses and display permit shall be \$100 per annum beginning on July 1 of each year. (1980 Ord. No. 263)

AN ORDINANCE DEFINING BONA FIDE GUESTS

The City of Springfield does ordain as follows:

- 11.36 Section 1. No person at a private club having license to serve intoxicating liquor shall furnish liquor to any person who is not a member of such private club, unless such person is a bona fide guest as hereinafter defined. (1986 Ord. No. 282)
- 11.37 Section 2. For purposes of this ordinance and all other ordinances codified as part of Chapter 11 of the Code of the City of Springfield, the term "bona fide guest" shall be defined to include only the following:
- a. An individual who enters the club premises at the express invitation and with a club member and who is duly registered as a guest in accordance with club policy, but only during such time as the club member extending the invitation is present on the club premises.
 - b. An individual who is attending a private party in an area of the club premises other than the main bar room when such area has been rented by the club to an individual or organization for the purposes of conducting such private party, but only if such individual has expressly been invited to attend by the individual or organization renting such facility.
 - c. An individual who is attending a public function hosted by the club which involves as its main purpose either the serving of food or the legal playing of games of chance for club fund raising purposes, but only during such times as such activities are actually being carried out.