

ORDINANCE NO. 105A

AN ORDINANCE AMENDING ORDINANCE NO. 105 LICENSING AND REGULATING THE SALE AND CONSUMPTION OF INTOXICATING LIQUOR

The City Council of the City of Moose Lake, Minnesota ordains that it hereby amends Section 2; Section 4, Subdivision 3; Section 4, Subdivision 4; Section 8, Subdivision 1(b); Subpart (a) of Section 10; Section 11, Subdivision 4; Section 16; and, Section 17 of existing Ordinance No. 105, An Ordinance Licensing and Regulating the Sale and Consumption of Intoxicating Liquor, as follows:

Section A. Section 2 of Ordinance No. 105 is hereby amended as follows:

Section 2. **Provisions of State Law Adopted.** The provisions of Minnesota Statutes, Chapter 340A, as amended, relating to the definition of terms, licensing, consumption, sales, conditions of bond of licenses, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor are adopted and made a part of this ordinance as if set out in full.

Section B. Section 4, Subdivision 3 of ordinance No. 105 is hereby amended as follows:

Subdivision 3. **On-Sale Wine Licenses.** "On-sale wine" licenses shall be issued only to restaurants meeting the qualifications of Minnesota Statutes Section 340A.404, Subdivision 5(a), and shall permit only the sale of wine not exceeding 14% alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food.

Section C. Section 4, Subdivision 4 of Ordinance No. 105 is hereby amended as follows:

Subdivision 4. **Special Club Licenses.** Special club licenses shall be issued only to incorporated clubs which have been in existence for fifteen (15) years or more or to congressionally chartered veterans' organizations which have been in existence for ten (10) years or more, and sales will only be to members and bona fide guests.

Section D. Section 8, Subdivision 1(b) of Ordinance No. 105 is hereby amended as follows:

b. **"On-sale Wine" License.** The annual fee for an "on-sale wine" license shall be \$200.00.

Section E. Subpart a of Section 10 of Ordinance No. 105 is hereby amended as follows:

Section 10. **Persons Ineligible for License.** No license shall be granted to or held by an persons:

- a. Under 21 years of age.

Section F. Section 11, Subdivision 4 of Ordinance No. 105 is hereby amended as follows:

Subdivision 4. **Fair Market Value.** No license shall be granted to a restaurant unless the licensee shall own or occupy licensed premises of the fair market value of \$1,000,000 including building, fixtures and equipment, but excluding land. No license shall be granted to any hotel or motel unless a licensee shall own or occupy a licensed premises in which the fair market value of the bar and restaurant portion, including fixtures and equipment, of such hotel or motel, shall be \$1,000,000, excluding land. This subdivision shall not apply to "on-sale wine" licenses.

Section G. Section 16 of Ordinance No. 105 is hereby amended as follows:

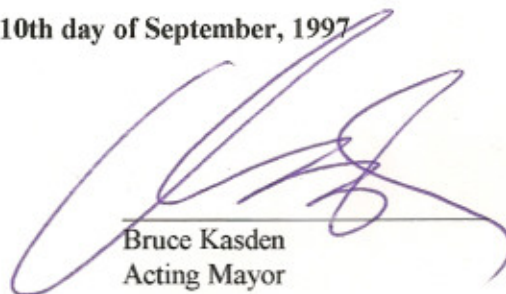
Section 16. **Suspension and Revocation.** The City Council may either suspend for not to exceed sixty (60) days or revoke any liquor license upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to intoxicating liquor. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statutes Sections 14.57 to 14.70 of the administrative procedure act.

Section H. Section 17 of Ordinance No. 105 is hereby amended as follows:

Section 17. **Penalty.** Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$750.00 or imprisonment for not more than ninety (90) days, or both, plus the cost of prosecution in any case

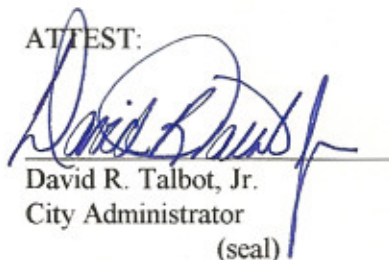
Section I. **Effective date.** This ordinance amending Ordinance No. 105 becomes effective upon its passage and publication according to law. This ordinance effects and amends only the sections cited an all other provisions of Ordinance No. 105 remain in effect as originally enacted.

Passed by the Moose Lake City Council this 10th day of September, 1997



Bruce Kasden
Acting Mayor

ATTEST:



David R. Talbot, Jr.
City Administrator
(seal)

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