

AN ORDINANCE LICENSING AND REGULATING THE SALE OF NON-INTOXICATING MALT LIQUORS, REPEALING INCONSISTANT ORDINANCES AND PROVIDING A PENALTY FOR THE VIOLATION HEREOF.

The Village Council of the Village of Moose Lake, Carlton County, Minnesota, do ordain as follows:-

Section 1. Definition of Terms.

(a) As used in this ordinance, the term "person" shall mean and include a natural person of either sex, persons, co-partners, corporations and associations of persons; and shall include the agent or manager of any of the aforesaid. The singular number shall include the plural, and the masculine pronoun shall include the feminine and neuter.

(b) "Non-intoxicating malt liquor" shall mean any potable malt beverage with an alcohol content of more than one-half of one percent by volume and not more than three and two-tenths percent by weight.

(c) A "bona fide Club" as used herein shall be any club organized for social or business purposes, or for intellectual improvement, or for the promotion of sports, where the serving of such beverage or for the promotion of sports, where the serving of such liquors is incidental to and not the major purpose of the club.

(d) "Original package" as used herein shall mean the bottle or sealed container in which the liquor is placed at the place of manufacture.

(e) "Cafe" or "Restaurant" as used in this ordinance shall mean any place where preparing and serving lunches or meals to the public to be consumed on the premises constitutes the major business thereof.

Section 2. License Required.

No person shall sell, vend, deal or dispose of, by gift, sale, or otherwise, or keep or offer for sale, any non-intoxicating malt liquor within this village without first having received a license therefor as hereinafter provided. Licenses shall be of two kinds: "on sale" and "off sale".

"On sale" licenses shall be granted only to drug stores, cafes, restaurants and hotels where food is prepared and served for consumption on the premises and in bona fide clubs and shall permit the sale of such liquor for consumption on the premises only.

"Off sale" licenses shall be granted to permit the sale at retail and wholesale of such liquor in the original packages for removal from and consumption off the premises only.

Section 3. Application for license.

All applications for any license to sell non-intoxicating malt liquor shall be made on forms to be supplied by the village, setting forth the name of the person asking for such license, his age, representations as to his character with such references as may be required, his citizenship, the location where such business is to be carried on, whether such application is for "on sale" or "off sale", the business in connection with which the proposed license will operate, whether applicant is owner and operator of such business, the time such applicant has been in that business at that place, and such other information as the governing body may require from time to time. It shall be unlawful to make any false statement in an application.

Section 4. Fees.

All applications for license shall be accompanied by a receipt from the Village Treasurer for the required annual fee for the respective license. All such 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.

The annual fee for an "on sale" license shall be ~~\$25.00~~ ^{100.00}.

The annual fee for an "off sale" license shall be ~~\$5.00~~ ^{15.00}.

All licenses shall expire on the last day of June in each year, provided that if eight months of any licensing year have elapsed when the application is made, the fee shall be reduced to one-half of the regular amount thereof.

Section 5. Granting of License.

The Village Council shall cause an investigation to be made of all facts set forth in the application. Opportunity shall be given to any person to be heard for or against the granting of any license. After such investigation the Village Council shall grant or refuse any such application in its discretion. All licensed premises shall have the license therefore posted in a conspicuous place at all times.

Section 6. Conditions of License.

All licenses granted hereunder shall be granted subject to the following conditions and all other conditions of this ordinance, and subject to all other ordinances of the Village applicable thereto.

No license shall be granted to any person who has been convicted of a felony or of violating the national prohibition act or any law of this State or local ordinance relating to manufacture or transportation of intoxicating liquors.

No License shall give permission to sell non-intoxicating malt liquor in any theatre, recreation hall or center, dance hall, ball park, or other place of public gatherings for the purpose of entertainment, amusement or playing of games, and no such liquor shall be consumed there.

No "on sale" license shall be granted for sales in connection with any business or club where such business or club has not been in operation for at least six months immediately preceding such application.

No license shall be granted for sale on any premises where a licensee has been convicted of a violation of this ordinance or where any license hereunder has been revoked for cause for at least one year after the said conviction or revocation.

No sale of any non-intoxicating malt liquor shall be made to any person under guardianship, nor to any person under twenty-one years of age.

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 Village at any time during which the place so licensed is open to the public for business.

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

No liquor shall be sold or dispensed to any intoxicated person, nor shall any intoxicated person be allowed to loiter in a place where liquor is sold.

All licenses granted under this ordinance shall be issued to the applicant only and shall be issued for the premises described in the application. Such license shall not be transferred to another place without the approval of the Village Council.

No license shall be granted to any manufacturer of non-intoxicating malt liquor nor to anyone interested in the control of any such place, and no equipment or fixture in any licensed place shall be owned in whole or part by any such manufacturer.

Licenses shall be granted only to persons who are citizens of the United States and residents of the Village of Moose Lake, and to persons of good moral character.

Section 7. Closing hours.

No sales of any non-intoxicating malt liquor shall be made between the hours of 12:00 P.M. and 7:00 A.M. of any day, nor on Sunday between 12:00 A.M. and 12:01 P.M., nor on any primary general or special election day between 12:00 A.M. and the hour of closing polls.

Section 8. Clubs

No club shall sell liquor except to members and to guests in the company of members.

Section 9. No Bar, Partition, Box or Screen Permitted.

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 cafe, restaurant, hotel or club, and shall not be consumed or served at bars; provided that 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 in view of the whole interior shall be unobstructed by screens, curtains, or partitions. There shall be no partition, box, stall, screen, curtain or other device which shall obstruct the view of any part of said room from the general observation of persons in said room; provided, however, that partitions, subdivision or panels not higher than forty-eight inches from the floor shall not be construed as in conflict with the foregoing; and provided, however, such license shall entitle the holder thereof to serve non-intoxicating malt liquor in a separate room at such restaurant to banquets or dinners at which are present not less than six persons.

Section 10. Revocation.

Any license granted hereunder may be revoked by the Council without notice to the grantee or a hearing may first be held by the Council and the revocation then made for cause. A violation of any provision or condition of this ordinance or any falsification of any statement in the application shall be grounds for revocation. No portion of the license fee paid into the Village treasury shall be returned upon revocation.

Section 11. Repeal and Prohibited Sale.

All ordinances or provisions thereof of the Village in conflict with any of the provisions hereof are hereby repealed. Nothing hereunder shall permit the manufacture, sale, or transportation, or keeping or having in possession for sale or transportation of, or taking or receiving, or soliciting, any order for any liquor of a greater alcoholic content than three and two-tenths by weight except for medicinal, pharmaceutical or scientific purposes, and any such act is hereby made unlawful. Any violation of this provision upon any premises licensed hereunder shall also constitute grounds for revocation of the

license, and the same shall be automatically revoked upon a conviction of the violation of this provision.

Section 12. Penalty.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00) or in default of such payment shall be imprisoned in the county jail for not to exceed ninety (90) days, plus the costs of prosecution in any case.

Section 13. Effect.

This ordinance shall take effect and be in force from and after its publication, but not before April 7, 1933, in any case.

Passed by the Council this 4th day of April, 1933.

F. A. Schweiger, Clerk

P. W. Swedberg, President

Published in the Star Gazette on April 6th, 1933.

(Seal)

REVISION OF SECTION & ORDINANCE NO. 24

The Village Council of the Village of Moose Lake, Carlton County, Minnesota, do ordain as follows:-

Section 7. Closing Hours.

No sales of any non-intoxicating malt liquor shall be made between the hours of 6:00 o'clock A.M. and noon on Sundays, nor on any primary general or special election day between 6:00 o'clock A.M. and the hours .. of closing polls.

Passed by the Council this 6th day of June, 1933.

F. A. Schweiger, Clerk

P. W. Swadberg, President

Published in the Star Gazette on the 29th day of June, 1933.

(Seal)