

Chapter 7.02

Howard Lake Municipal Liquor On And Off Sale Dispensary

Section 1. Definition of Terms. As used in this ordinance, the terms:

Subdivision 1. Intoxicating Liquor. "Intoxicating liquor" and "liquor" mean distilled, vinous and fermented beverages containing more than 3.2 percent of alcohol by weight.

Subdivision 2. Beer. "Beer" means any malt beverage with alcoholic content of more than one-half of one percent by volume and not more than 3.2 percent by weight.

Subdivision 3. On Sale. "On Sale" means sale by the drink for consumption in the dispensary.

Subdivision 4. Off Sale. "Off Sale" means retail sale in the original package for consumption away from the dispensary.

Subdivision 5. Sell. "Sell" includes all barter, gifts and other means of furnishing intoxicating liquor or beer in violation or evasion of this ordinance.

Subdivision 6. Minor. "Minor" means any person under 21 years of age.

Section 2. Dispensary Establishment.

Subdivision 1. There is hereby established a municipal liquor dispensary for the on and off sale of intoxicating liquor. Unless authorized by a special written permit issued by the Howard Lake City Council, no liquor may be sold at retail elsewhere in the City or by anyone not employed in the dispensary.

Section 3.

Subdivision 1. Location. The dispensary shall be located at such suitable place in the city as the council determines by motion. However, no premises upon which taxes or other public levies are delinquent shall be leased for dispensary purposes.

Subdivision 2. Operation. The dispensary shall be in the immediate charge of a liquor store manager selected by the council and paid such compensation as is fixed by the Council.

The manager shall operate the dispensary under the council's direction and shall perform such duties in connection with the dispensary as may be imposed upon that manager by the city council. The manager shall be responsible to the council for the conduct of the dispensary in full compliance with this ordinance and with the laws relating to the sale of liquor and beer.

Subdivision 3. Other Employees. The council shall also appoint such additional employees as may be required for the dispensary and shall set their compensation. All employees including the manager shall hold their positions at the pleasure of the council.

Section 4.

Subdivision 1. Dispensary Fund Created. A municipal liquor dispensary fund is hereby created in which all revenues received from the operation of the dispensary shall be deposited and from which all ordinary operating expenses shall be paid. Any amounts that may be necessary to borrow from the general fund of the city for fixtures, stock or for operating expenses shall be reimbursed to that fund out of the first available funds coming into the dispensary fund or may be transferred to the general fund or to any other appropriate fund of the city by resolution of the council and expended for any municipal purpose.

Subdivision 2. Handling Receipts and Disbursements. The handling of municipal liquor dispensary receipts and disbursements shall comply with the procedure prescribed by law for the receipts and disbursements of city funds generally.

Section 5. Hours of Operation. The dispensary shall observe the following restrictions upon hours of operation.

Subdivision 1. No off-sale of intoxicating liquor shall be made in the municipal liquor dispensary between 1:00 A.M. and 9:00 A.M. No on-sale shall be made in the municipal liquor dispensary between 1:00 A.M. and 9:00 A.M. No off-sale shall be made on New Year's Day, January 1; Memorial Day, May 30; Thanksgiving; or Christmas Day, December 25.

Subdivision 2. Cigars, cigarettes, all forms of tobacco, beer and soft drinks may be sold in the dispensary at on-sale and off-sale, except between the hours of 1:00 A.M. and 9:00 A.M.

Section 6. Conditions of Operation and Restrictions of Consumption.

Subdivision 1. No business other than the sale of liquor shall be carried on in the dispensary except the retail sale of cigars, cigarettes, all forms of tobacco, beer and soft drinks, both on-sale and off-sale.

Subdivision 2. Gambling. No person shall keep, possess or operate in any part of the dispensary any slot machine, dice or other gambling device or permit the same to be kept or used. No person shall gamble on such premises and no gambling of any character shall be permitted except as authorized by the State of Minnesota and the City of Howard Lake.

Subdivision 3. Credit. No liquor or beer shall be sold on credit.

Subdivision 4. Minors. No minor shall be permitted to remain on the dispensary premises.

Subdivision 5. Minors. No liquor or beer shall be sold or served to a minor, directly or indirectly.

Subdivision 6. Minors. No minor shall misrepresent his age for the purpose of obtaining liquor or beer.

Subdivision 7. Intoxicated Person. No liquor or beer shall be sold or served to an intoxicated person.

Subdivision 8. Loiter. No person shall be permitted to loiter about the dispensary.

Subdivision 9. No person of a known immoral character and no disorderly person shall be permitted on the dispensary premises.

Subdivision 10. Inappropriate Behavior. The city does not tolerate behavior deemed inappropriate. This includes loud and obnoxious language argumentative and disturbing to other customers/employees. No fighting is permitted. If a violation of this subdivision is found to have occurred the following timetable for removal of the offending person shall be enforced as follows:

FIRST OFFENSE	-	90 DAYS
SECOND OFFENSE	-	180 DAYS
THIRD OFFENSE	-	ONE (1) YEAR

If, after going through the appropriate steps, the offended still persists in disruptive actions, that person or persons shall be barred from the municipal on and off sale dispensary permanently.

Section 7. Enforcement and Penalty. It shall be the duty of all Howard Lake police officers to enforce the provisions of this ordinance and to search premises and seize evidence of violations and preserve the same as evidence against any person alleged to be violating this ordinance and to prepare the necessary court documents.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor. Provided also, that any employee of the dispensary willfully violating any provision hereof or any provision of the laws of Minnesota relating to gambling or the sale of intoxicating liquor or beer shall be discharged.