

ORDINANCE 54

AN ORDINANCE LICENSING AND REGULATING THE SALE OF INTOXICATING LIQUOR, REPEALING INCONSISTENT ORDINANCES AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF

The Village Council of the Village of Bird Island do hereby Ordain:

Section 1. Definition of Terms: All the meaning of the words, construction and definition of terms in this Ordinance shall be interpreted as defined in Chapter 46, Extra-Session Laws of Minnesota, 1933-1934.

Section 2. License Required. No person, or persons, shall directly or indirectly, thru or upon any pretense, or by any devise, manufacture, import, sell, vend, exchange, barter, or dispose of, by gift or otherwise, any intoxicating liquor without first having obtained a license therefore as hereinafter provided. There shall be two kinds of licenses: "On Sale" and "Off Sale".

(a) "On Sale" license shall permit the licensee to sell such intoxicating liquor for consumption on the licensed premises only. Such licenses shall be granted only to Hotels, Clubs, and/or "Exclusive Liquor Stores". Not more than three (3) such licenses shall be granted at any one time to persons applying therefore in the Village of Bird Island.

(b) "Off Sale" license shall permit the licensee to sell intoxicating liquor in the original package only, for removal from and consumption off the licensed premises. The number of such "Off Sale" license to be issued at any one time shall be optional with the Village Council. Such licenses shall be issued only to Drug Stores and "Exclusive Liquor Stores".

Section 3. Application for License. Every person desiring a license for either "On Sale" or "Off Sale" shall file a verified application therefore in writing with the Village Recorder in the form to be prescribed by the Liquor Control Commissioner of the State of Minnesota, with such other additional information as the Village Council may require. Such application shall set forth the name of the person or persons asking for such license, whether such application is for an "On Sale" or "Off Sale" license; provided that no license shall be issued until the Village Council has investigated the truth of the matters contained in said application, and considered the appropriateness of the location of the premises, as well as the character and reputation of the applicant. A surety bond shall accompany each application for a license. In case of an application for an "On Sale" license the application shall be accompanied by a corporate surety bond in the sum of Three Thousand (\$3000.00) Dollars, to be approved as to the legal form by the Village Council, or in lieu thereof, cash or bonds of a market value of Three Thousand (\$3000.00) Dollars may be posted. In case of an application for an "Off Sale" license, a similar surety bond shall be required, but the amount thereof shall be One thousand (\$1000.00) Dollars, and shall be approved by the Liquor Commissioner of the State of Minnesota. All of such bonds shall be conditioned as provided by Section 6, of Chapter 46, of the Extra-Session Laws of the State of Minnesota, 1933-1934, as applying to "On Sale" and "Off Sale" dealers.

Section 4. Fees. All applications for licenses shall be accompanied by a receipt from the Village Treasurer for the required annual fee for the respective licenses. All such fees shall be paid into the general fund of the Village. Upon rejection of any application for a license, the Village Treasurer shall refund the amount paid, and the bond of the applicant shall be returned to him. The annual fee for an "On Sale" License shall be Three Hundred (\$300.00) Dollars. The annual fee for and "Off Sale" license shall be One Hundred (\$100.00) Dollars. Where such licenses are issued for less than one year, the fee therefore shall be a pro rata shall of the annual fee.

Section 5. Expiration of License. All licenses shall expire on the 1st day of July in each year.

Section 6. Granting of License. The Village Council shall have the full power and authority to grant or deny a license, either "On Sale" or "Off Sale" to any person or persons.

Section 7. Conditions of License. All licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this Ordinance.

(a) All premises where any license hereunder is granted shall be open to inspection by any police or health officer, or any other properly designated or authorized agent or employee of the Village at any time during which the place so licensed is open to the Public for business.

(b) All licensed premises shall have the license therefore posted in conspicuous place at all times.

(c) 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 transferable to any other place without the approval and written consent of the Village Council, and no license shall be transferred to any other person or persons.

(d) No sale of intoxicating liquor shall be made to any person or persons under guardianship, nor to any person under Twenty-one (21) years of age.

(e) No Manufacturer of such intoxicating liquor shall have any interest, or ownership, direct or indirect, in whole or in part, in any business of any licensee holding an "Off Sale" license.

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

(g) No license shall be granted within 300 feet of any school.

Section 8. Citizenship, Residence and Character of Licensee. Licenses hereunder shall be granted only to persons who are citizens of the United States, and resident of the Village of Bird Island, and to person of good moral character and repute.

Section 9. Gifts to, and Purchasing for Certain Persons. It shall be unlawful for any person or persons to give, procure or purchase intoxicating liquor for any person under guardianship, or for any person under Twenty-one (21) years of age.

Section 10. Hours of Operation. No sale of intoxicating liquor shall be made on Sunday, nor before 3 P.M. on any Memorial Day, nor before 8 P.M. on any election Day in the Village. No "On Sale" shall be made before 8A.M., or after 2 P.M. of any day. No "Off Sales" shall be made before 8P.M. or after 8 P.M. of any day, except Saturday, on which day "Off Sales" may be made until 10 P.M.

Section 11. Not to be Sold or Consumed in Public Gatherings. No sale of intoxicating liquor shall be made, nor shall any such liquors be consumed in any dance hall, fair ground, ball park, or any other place of public gathering for amusement.

Section 12. No Bar, Partition, Box or Screen Permitted. In any place licensed for "On Sale", the liquor sold shall be served and consumed at tables equipped with chairs, at which customers much sit to be served. All windows in from of any such place shall be of clear glass, and the view of the whole interior shall be unobstructed by screens, curtains or partitions. There shall be no partitions, box stall, screen, curtain or other devise which shall obstruct the view of any part of the said room from the general observation of persons in said room; provided, however, that partitions, subdivisions or panels not higher than forty-eight inches from the floor shall not be constructed as in conflict with the foregoing; provided, however, that such license shall entitle

the holder thereof operating a Hotel of Club to serve liquors in separate rooms, a part of such dining room, at Banquets or dinners, at which are present not less than six persons, or in Hotel rooms to guests in connection with meals.

Section 13. Consumption of Liquor on Premises not Licensed. It shall be unlawful for any person or persons to mix or prepare liquor for consumption in any public place or place of business, where no "On Sale" license is held, or to consume intoxicating liquor in such places of business.

Section 14. Congregating in Front of Licensed Premises. It shall be unlawful for any person or persons to collect, gather, loiter, or assemble, or congregate in front of any licensed premises, or place of business selling intoxicating liquor under a license, so as to block, hinder or otherwise obstruct the free passageway of any person or persons using the sidewalk past such premises or place of business.

Section 15. Revocation of License. Any license granted under this ordinance may be revoked by the Village Council without notice to the grantee, and a hearing shall first be had by the Council and a revocation then made for cause. Any violation of any provision or condition of this Ordinance shall be ground for revocation. No portion of the license fee paid into the Village Treasury shall be returned upon revocation.

Section 16. Penalty. Any person or persons 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 (\$100.00) Dollars, or in default thereof shall be imprisoned in the County of City Jail for not to exceed Ninety (90) days, plus the cost of the prosecution in any case.

Section 17. This Ordinance shall take effect and be in force from and after its first publication.

Passed by the Village Council this 13th day of February, 1934.

P.J. Schmelz, Mayor

William H. Fewer, Clerk

Published in the Bird Island Union on the _____ day of February, 1934.