

ORDINANCE 73

AN ORDINANCE ESTABLISHING A MUNICIPAL LIQUOR DISPENSARY

The Council of the Village of Bird Island, Minnesota, does hereby ordain:

Section 1. Establishment of Dispensary: A Municipal Liquor Dispensary is hereby established to be operated within the Village of Bird Island for the sale of liquor potable as a beverage and containing more than 3.2 per cent of alcohol by weight, both for consumption at such Dispensary and on such premises, by the drink and in the sealed or closed receptacle or container for removal from the premises. No person shall sell, barter, or otherwise dispose of intoxicating liquor, nor shall a sale be made by anyone outside of said dispensary or by anyone, or persons, to mix or prepare liquor for consumption in any public place of business or to consume liquor in such place of business outside of the Dispensary.

Section 2. Location and Operation: Said Dispensary shall be located at such place as the Village Council shall determine by motion and may be either leased or owned by the municipality as the council shall determine. Such dispensary shall be in charge of a person known as the operator-manager, who shall also be selected by the Village Council and who shall be paid such compensation as the Council shall determine. Such operator-manager shall furnish Bond to the Village in the penal sum of not less than Two Thousand and no/100 (\$2000,00) Dollars, conditioned upon the faithful discharge of his duties as operator-manager and the faithful accounting of all funds and moneys received by him as operator-manager and the faithful accounting of all funds and moneys received by him as such operator-manager. The premium on such Bond shall be paid by the municipality. Such operator-manager shall have full charge of the operation of such dispensary, and shall have authority to purchase supplies as are necessary under rules to be determined by the Council. The Council shall employ such additional help as may be needed at a rate of compensation to be approved by it. All employees, including the operator-manager, shall hold their positions at the pleasure of the Council. No minor shall be employed in the Municipal Dispensary.

On the last day of each month, the operator-manager and the Village Recorder shall make a complete inventory of all stock and supplies on hand, the original of which is to be filled with the Village Clerk and submitted to the Village Council at its next regular meeting, and a copy thereof to be retained by the operator-manager.

Section 3. Creation of Dispensary Fund: A liquor dispensary fund is hereby created in which all revenues received from the operation of the dispensary shall be paid, and from which all operating expenses shall be paid, provided that the initial costs of the rent, fixtures and stock may be paid for out of the general fund of the municipality but such amounts shall be reimbursed to the said general fund out of the first moneys coming into the liquor dispensary fund not needed for carrying on the said business. Any surplus accumulating in this fund may be transferred to the general funds by resolution of the Council and expended for any municipal purpose.

Section 4. Hours of Operation: The Municipal Dispensary shall, at all times, observe the following restrictions upon the hours of operation: No sale of intoxicating liquors shall be made on Sunday; New Year's Day, January 1st; Memorial Day; Independence Day, July 4th; Thanksgiving Day; Christmas Day, December 25; or on any election day within said Village, provided, however, that on any election day sale of intoxicating liquors may be had after the polls close, if the sale of the same is not otherwise prohibited hereunder; and provided further that on the evening preceding such days, except election day, if the sale of liquor is not otherwise prohibited on such evenings, "off sales" may be made until 10:00 P.M., except, however, that no "on sales" or "off sales" shall be made after 6:00 P.M. on Christmas Eve, December 24th.

No "on sales" shall be made before 8:00 A.M. or after 11:00 P.M. on any day; no "off sales" shall be made before 8:00 A.M., or after 8:00 P.M. on any day, except Saturdays, on which day "off sales" may be made until 10:00 P.M. and as otherwise provided herein.

The Municipal Dispensary shall be cleared of all patrons and customers and all doors closed and locked by 11:30 P.M.

Section 5. Conditions of Operation and Restrictions on Consumption: No pool or billard table shall be kept in the dispensary or any rooms connecting therewith; nor shall anyone on such premises keep, possess or operate on such premises or in any rooms adjoining or connected therewith any slot machine, dice or any other gambling device or permit the same to be kept or used. No gambling shall be permitted on such premises, nor shall any person of a known immoral character or any disorderly person be permitted on such premises.

No other business than the sale of liquor shall be carried on by the dispensary or by any person employed therein during the time so employed and conjunction therewith.

No liquor shall be sold to a minor.

The premises occupied by the dispensary may be inspected by the health officer of the village at such times as he deems necessary to see that said premises are in a sanitary condition.

No premises shall be leased for a dispensary upon which taxes, assessments or other legal public levies are delinquent and unpaid.

Section 6. Repeal: All Ordinances of the Village, or any provisions thereof, in conflict with this Ordinance are hereby repealed. No provision hereof shall affect Ordinance No. 52, licensing and regulating the sale of non-intoxicating male liquor, adopted pursuant to Chapter 116, Laws of Minnesota 1933, and acts amendatory thereof, nor any license granted thereunder.

Section 7. Enforcement and Penalty: Any person violating any provision of this Ordinance shall be guilty of misdemeanor, and upon conviction thereof shall be punished by a fine of not more than One Hundred and no/100 (\$100.00) Dollars, 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. 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, shall be discharged.

Section 8. Effect: This Ordinance shall take effect and be in force from and after July 2, 1945.

Passed by the Village Council this 7th day of June, 1945.

M.P. Sanger, President of Village Council

Gustave Steffen, Village Clerk

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