

ORDINANCE NO. 2017-10

AN ORDINANCE PERTAINING LICENSING AND REGULATING THE SALE OF  
INTOXICATING LIQUOR, INCORPORATING STATE LAWS AND PROVIDING FOR  
PENALTIES FOR VIOLATIONS, THE CITY OF RUTLEDGE, MN

The City Council of the City of Rutledge does ordain as follows:

Section I. Definition of Terms:

As used in this ordinance all terms shall have the same meaning that is given them in Chapter 46, Laws of Minnesota, 1933-1934, except where a different meaning is given to them by the context hereof or otherwise.

Section II. License Required:

No person shall, directly or indirectly, upon any pretenses or by any device, manufacture, import, sell, exchange, barter, dispose of or keep for sale, any intoxicating liquor, without first having obtained a license therefore as hereinafter provided. Licenses shall be granted only to exclusive liquor stores and there shall not at any time be more than one Off Sale and one On Sale license granted per establishment.

Section III. Application for License:

Every person desiring a license for Off Sales shall file a verified application therefore in writing with the City Clerk of Rutledge in the form to be prescribed by the State Liquor Commissioner and with such additional information as the City Council of Rutledge may require. Application for an On Sale license shall be in such form and shall require such information as the City Council shall determine. Before any license shall become effective a bond must also be filed with the City Clerk and approved by the City Council in an amount as deemed by the State of Minnesota for the On Sale license and for the Off Sale license. The bond of the Off Sale license shall also be submitted to and approved by the Liquor Control Commissioner and bonds in both cases shall be conditioned as provided in the state law pertaining thereto.

Section IV- Fees:

All applications for licenses shall be accompanied by a receipt from the City Treasurer for the required annual fee for the respective licenses. All such fees shall be paid into the general fund of the City. Upon rejection of any application for a license, the Treasurer shall refund the amount paid and the bond of said applicant shall be returned to him.

The annual fees for "On Sale" and "Off Sale" shall be equal to the State Mandated amounts.

All licenses shall expire on the last day of February in each year.

Section V- Granting of Licenses:

The City Council of Rutledge shall cause an investigation to be made of all the representations set forth in the application. Opportunity shall be given at a regular or special meeting of the Council to

any person to be heard for or against the granting of any license. After such investigation and approval of the required bond, the City Council shall grant or refuse such license in its discretion; provided that no Off Sale license shall become effective until it, together with the bond has the approval of the Liquor Control Commissioner. All licensed premises shall have the license posted in a conspicuous place therein at all times. No license shall be transferable either as to licensee or premises without the approval of the City Council and the Liquor Control Commissioner in the case of Off Sale licenses.

Section VI- Conditions of License:

All licenses granted hereunder shall be granted only to persons eligible under the state law to receive the same, and shall be subject to all state laws and local ordinances applicable thereto and subject to revocation for a material violation thereof or for the falsification of an application for said license.

Section VII- Hours of Operation:

All hours of operation will comply with State of Minnesota regulations.

Section VIII- Revocation:

Any license granted hereunder may be revoked by the City Council with notice to the grantee and a hearing shall first be held by the City Council and the revocation then made for cause. Any violation of any provision or condition of this ordinance or the state licensing law or any falsification of any statement in the application shall be grounds for revocation. No portion of the license fee paid into the City Treasury shall be returned upon revocation.

Section IX- Provisions Separable:

Every section, provision or part of this ordinance is declared separable from every other section, provision or part; and if any section, provision or part hereof shall be declared invalid, it shall not affect any other section, provision or part.

Section X- Penalty:

A. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor unless a greater punishment is provided by Minnesota Statutes, and upon conviction thereof, shall be punishable according to state law. Further, imposition of a penalty shall not in any way limit the right of the City of Rutledge to suspend or revoke a license.

This ordinance shall take effect and be in force from and after passage and publication.

Rick Holm, Mayor

Passed: June 7, 2017

Attest: Lynnette Hischer, Clerk

Published in Askov American July 20 & 27, 2017