

## CHAPTER XIV

### WINE CONSUMPTION ORDINANCE

#### Section 1400 - Licensing & Regulations

1400.01 Provisions of State Law. The provisions of Minnesota Statutes, chapter 340, relating to the consumption and sale of intoxicating liquor are adopted and made a part of this ordinance as if set out in full.

1400.03 Wine Licenses. An On-sale Wine License authorizes the sale of wine not exceeding 14% alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food. An On-sale wine license may be issued only to a restaurant having facilities for seating not fewer than 50 guests at one time. For purposes of this Ordinance, a restaurant means an establishment, under the control of a single proprietor or manager, having appropriate facilities for serving meals, and where, in consideration of payment therefore, meals are regularly served at tables to the general public and which employs an adequate staff to provide the usual and suitable service to its guests.

1400.05 License Required. A license is required for On-sale of Wine. No person shall sell any wine not exceeding 14% by alcohol by the glass without an On-sale Wine license, as provided herein, or an On-sale intoxicating liquor license, as provided in Chapter 21 of the City of Rice Ordinances.

1400.07 Application for License. Subdivision 1. Form. Every application for an On-sale Wine License shall state the name of the applicant, his age, representations as to his character, with such references as the City Council may require, his citizenship, the restaurant in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the restaurant, how long he has been in the restaurant business at that place and such other information as the Council may require from time to time. In addition to containing such information, the application shall be in a form prescribed by the Liquor Control Director and shall be verified and filed with the City Clerk. No person shall make a false statement in an application.

Subd. 2 Bond. Each application for a license shall be accompanied by a surety bond or, in lieu thereof, cash or United States Government bonds of equivalent market value as provided in Minnesota Statutes, Section 340.12. Such surety bond or other security shall be in the sum of \$3,000.00 for an application for an "On-sale" Wine License.

Subd. 3 Liability Insurance. Prior to the issuance of a wine license, the applicant shall comply with the provisions of Minnesota Statutes, Section 340.12 relating to liability insurance policies. If a liability insurance policy is

made subject to all the conditions of a bond under that statute, the policy may be accepted by the Council in lieu of the bond required under Subd. 2.

Subd. 4 Approval of Security. The security offered under Subd. 2 or 3 shall be approved by the City Council and the State Liquor Control Director. Surety bonds and liability insurance policies shall be approved as to form by the City Attorney. Operation of a licensed business without having on file with the City at all times effective security as required in Subd. 2 or 3 is a cause for revocation of the license.

1400.09 License Fees. Subdivision 1. Amount. The annual fee for a Wine License shall be in the amount duly established by the Council from time to time.

Subd. 2 Payment. Each application for a Wine License shall be accompanied by a receipt from the City Clerk for payment in full of the license fee. All fees shall be paid into the General fund. If an application for a license is rejected, the Clerk shall refund the amount due.

Subd. 3 Term. Each license shall be issued for a period of one year. Every license shall expire on the last day of June.

Subd. 4 Refunds. No refund of any fee shall be made except as authorized by Statute.

1400.11 Granting of Licenses. Subdivision 1. Investigation and Issuance. The City Council shall investigate all facts set out in the application. After the investigation, the Council shall, in its discretion, grant or refuse the application. No Wine License shall become effective until it together with security furnished by the applicant, has been approved by the State Liquor Control Director.

Subd. 2 Person and Premises Licensed; Transfer. Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without City Council approval. Any transfer of stock of a corporate licensee is deemed a transfer of the license and a transfer of stock without prior Council approval is a ground for revocation of the license.

1400.13 Persons Ineligible for License. No Wine License shall be granted to any person made ineligible for such a license by State Law.

1400.15 Places Ineligible for License. Subdivision 1. General Prohibition. No Wine License shall be issued for any restaurant ineligible for such a license under State Law.

Subd. 2 Delinquent Taxes and Charges. No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims

of the City are delinquent and unpaid.

1400.17 Conditions of License. Subdivision 1. In General. Every license is subject to the conditions in the following subdivisions and all other provisions of this Ordinance and of other applicable Ordinances, State Law, or Regulations.

Subd. 2 Licensee's Responsibility. Every Licensee is responsible for the conduct of his place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the license as well, and the licensee shall be liable to all penalties provided by this Ordinance and the law equally with the employees.

Subd. 3 Inspections. Every license shall allow any peace officer, health officer, or properly designated officer or employee of the City to enter, inspect, and search the premises of the licensee during business hours without a warrant.

Subd. 4 Display During Prohibited Hours. No licensee shall display wine to the public during hours when the sale of wine is prohibited.

Subd. 5 Federal Stamps. No licensee shall possess a federal wholesale liquor dealers special tax stamp or a federal gambling stamp.

1400.19 Hours of Sale. No sale of wine under this license shall be made:

- (a) Between 1:00 a.m. and 8:00 a.m. on any Tuesday through Sunday.
- (b) Between midnight Sunday and 8:00 a.m. Monday.
- (c) Between 1:00 a.m. and 8:00 p.m. on the day of any State wide election.

1400.21 Suspension and Revocation. The Council may either suspend for not to exceed 60 days or revoke any On-sale Wine License upon a finding that the licensee has failed to comply with any applicable statute, regulation or Ordinance relating to intoxicating liquor, or any of the provisions of this Ordinance. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statutes, Section 15.0418 and 15.0426.

1400.23 Penalty. Any person violating any provision of this Ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$700.00 and/or imprisonment for not more than ninety (90) days.

1400.25 Effective Date. This Ordinance becomes effective upon its passage and publication according to law.