ORDINANCE NO. 43

CITY OF NEVIS,
HUBBARD COUNTY, MINNESOTA

AN ORDINANCE AMENDING ORDINANCE NO. 13

AN ORDINANCE RELATING TO AND REGULATING THE LICENSE AND SALE OF NON-INTOXICATING MALT LIQUORS, PROHIBITING THE SALE THEREOF AT WHOLESALE OR RETAIL EXCEPT AS LICENSED BY THIS ORDINANCE, PROHIBITING THE SALE TO ANY PERSON UNDER THE AGE OF TWENTY-ONE, PROVIDING PENALTIES FOR VIOLATION THEREOF

The City Council of the City of Nevis, Hubbard County, Minnesota do ordain.

Section 1. It shall be unlawful to sell non-intoxicating malt liquors at wholesale or retail except when licensed as hereinafter provided. There shall be two types of licenses issued for the sale of non-intoxicating malt liquors as hereinafter set out, namely.

(a)

"On Sale" licenses shall permit the licensee to sell non-intoxicating malt liquors for consumption on the premises. "On Sale" licenses shall be granted only to restaurants, hotels, drug stores and bona fide clubs.

"Off Sale" license shall permit the licensee to sell non-intoxicating malt liquors in the original package for consumption off the premises only.

(b)

Section 2. Licenses hereunder shall be issued only to persons who are citizens of the United States and who are of good moral character and repute.

Section 3. The term "person" as used herein shall mean and include every person, persons, firm, association or corpora-tion.

Section 4. Any person desiring either of the licenses herein described shall first make application therefore to the City Council by applying in person at the regular City Council meeting.

Section 5. At the time of filing such application the licensee shall deposit with the City Clerk the sum of Twenty ($20.00) Dollars if the application is for an "On Sale" license and the sum of Five ($5.00) Dollars if the application is for an "Off

Sale" license, which sums shall be and constitute the annual license fee for such licenses respectively. No license shall be issued until the fee therefore shall have been paid. The license fee required to be paid herein shall be in addition to all other license fees required under any and all other ordinances of the City.

Section 6. The applicant, shall, at all times permit the health officers and representatives of the law enforcement and fire departments of the City to inspect and examine the place of business described in the application together with all appliances, instruments, or equipment used or to be used in the conduct of the business for which the license is sought, and any refusal on the part of the applicant to permit such inspection-or any false statement in the application shall be sufficient grounds for the refusal to issue such license or to revoke the same after issuance thereof.

Section 7. Licenses herein provided for expire December 31st of each year, but if issued after the first of the year, the license fee therefore may at the option of the Council, be prorated on a quarterly basis.

Section 8.

No license issued hereunder shall be transferable.

Section 9. All license holders hereunder except bona-fide clubs shall also hold a hotel, restaurant or foodstuff license.

Section 10. No licensee hereunder shall permit the practice of adding any alcohol, whiskey, moonshine or other intoxicating liquor to said non-intoxicating malt liquors, or to other soft drinks or beverages of any kind sold or consumed in his place of business, and if any such intoxicating liquor is added to such non-intoxicating malt liquor or beverages in said premises, it shall be deemed the act of said licensee and to have been done with his knowledge, acquiescense and consent, unless so licensed.

Section 11. No sale of non-intoxicating malt liquors shall be made on any Sunday between the hours of 1.00 o'clock A.M. and 12.00 o'clock noon nor between the hours of 1.00 o'clock A.M. and 8.00 o'clock A.M. on any weekday, Monday through Saturday, inclusive. No licensee shall permit any such non-intoxicating malt liquor to be consumed on his premises between the hours *in* this section specified.

Section 12 Any person violating the provisions of this ordinance shall be ~guilty of a misdemeanor, punishable by a fine not exceeding $1000.00 or by imprisonment in the County jail for a period of not exceeding ninety (90) days.

Section 14. Nothing contained herein shall apply to any non-intoxicating malt liquors containing less than one-half of one percent of alcohol by volume.

Section 15. The invalidity of any part of this ordinance shall not effect the validity of any other part thereof otherwise called.

Section 16. This ordinance shall take effect and be in force from and after its passage and publications.

Passed and adopted this 13 day of March, 2017.

Motion by: Jeanne Thompson, Second: Rich Johnson
Carried unanimously to pass Ordinance
#43

Jared Senger
Mayor

Attest:

Dawn Veit, Clerk