

ORDINANCE NO 44: An Ordinance licensing and regulating the sale of intoxicating liquor, repealing inconsistent ordinances, and providing a penalty for the violation thereof.

The Council of the Village of Hokah does ordain:

SECTION 1. 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 them by the context hereof or otherwise.

SECTION 2 License required

No person shall, directly or indirectly, upon any pretense or by any devise, 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 of two kinds: "on sale" and "off sale". There shall not e more than one "off sale" nor more than three "on sale" licenses granted, as provided in the state law pertaining thereto.

SECTION 3. Application for license.

Every person desiring a license for "off sale" shall file a verified application therefore in writing with the clerk of the municipality in the form to be prescribed by the state liquor commissioner and with such additional information as the council of the municipality may require. Application for an "on sale" license shall be in such form and shall require such information as the council shall determine. Before any license shall become effective a bond must also be filed with the village clerk and approved by the council in an amount of \$3000.00 for the "on sale" license, and \$1,000.00 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 4. Fees

All applications for licenses shall be accompanied by a receipt from the Village Treasurer for the required annual fee for respective license. Al such fees shall be paid into the general fund of the numicipality. Upon the 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 fee for an "on sale" license shall be \$100.00

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All licenses shall expire on the 7th day of April in each year. For licenses issued hereunder for a part of a year the fee whall be a pro rata share of the annual license fee.

SECTION 5.

The Village Council shall cause an investigation to be made of all the representations set forth in the application. Opportunity shall be given at a regular or a 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 Village 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 ina conspicuous place therein at all times. No license shall be transferable either as to licensee or premises without the approval of the council and also the Liquor Control Commissioner in the case of "off sale" licenses.

ORDINANCE NO 44. Cont'd

SECTION 6. Condition of license.

All licenses granted hereunder shall be granted subject to the following conditions, and all other considerations of this ordinance, and subject to all other ordinances of the Village applicable thereto and to all regulations promulgated by the Liquor Control Commissioner applicable thereto:

Every licensee shall be responsible for the conduct of his place of business and the conditions of sobriety and order therein. No "on sale" dealer shall sell liquor by the bottle or container for removal from the premises. No dealer of "off sale" only shall permit the consumption of any liquor on such licensed premises.

No "off sale" license shall be issued for any place where non-intoxicating malt beverages shall be sold for consumption on the premises.

No liquor shall be sold to any minor. No license shall be granted to a minor, and no minor shall be employed in any rooms constituting the place in which intoxicating liquors are sold retail at "on sale". No sale of liquor shall be made to any one on credit or to be paid for at some future date.

No pool or billiard table shall be kept in any "on sale" premises except a club as defined hereunder. No licensee shall keep, possess, or operate, or permit the keeping, possession, or operation of, on the premises, or in any room adjoining the licensed premises controlled by him, any slot machine, dice or other gambling device or apparatus, nor permit any gambling therein, nor permit the licensed premises or any room in the same or in any adjoining building directly or indirectly under his control to be used as a resort for prostitutes or other disorderly persons.

No license shall be issued to any person not a citizen of the United States, or to any person not of good moral character and repute, nor to any person who shall hereafter be convicted of any willful violation of any law of the United States or the State of Minnesota or of any local ordinance with regard to the manufacture, sale, distribution or possession for sale or distribution of intoxicating liquor, nor to any person whose license under this ordinance shall be revoked for any willful violation of any such laws or ordinances.

No license shall be granted to any manufacturer or distiller of intoxicating liquor, nor to any one interested in the ownership or operation of any such place, nor to a person operating a licensed place owned by a manufacturer, distiller, or exclusive wholesale distributing agent unless such interest was acquired at least six months prior to January 1, 1934; and no equipment or fixture in any licensed place shall be owned in whole or in part by any such manufacturer or distiller.

Not more than one license of either class shall be granted to one person or to one management, except in the case of exclusive liquor stores, as defined herein.

All premises where any license hereunder is granted shall be open to inspection by an police or health officer or other properly designated officer or employee of the village at any time during which the place so licensed shall be open to the public for business.

No license shall be granted within two hundred and fifty (250) feet of any school nor within two hundred and fifty (250) feet of any church.

SECTION 7. Hours of Operation

No sale of intoxicating liquor shall be made on Sunday or before 3 o'clock P.M. on any memorial Day or before 8 o'clock P.M. on any Election Day in the village. No "on sale" shall be made before 8 o'clock A.M. or after 12 o'clock midnight on any day.

No "off sale" shall be made before 8 o'clock A.M. or after 8 o'clock P.M. of any day except Saturday on which day "off sales" may be made until 10 o'clock P.M.

SECTION 8. Restrictions of Consumption

In any place licensed for "on sale" the liquor sold may be served and consumed at a bar or counter and at tables equipped with chairs at which customers may sit within the premises designated in the license granted. All windows in the front 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 partition, box stall, screen, curtains or other device which shall obstruct the view of any part of said room from the general observation of persons in said room. Such license shall entitle the holder thereof operating a hotel to serve liquors in a separate room, being a part thereof, such as a dining room or part of such dining room at which a banquet, dinner or meal is being had.

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 liquor in such place. No liquor shall be sold or consumed on a public highway or in an automobile.

SECTION 9. Revocation

Any license granted hereunder may be revoked by the council with notice to the grantee, and a hearing shall first be held by the 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 ground for revocation of the license. No portion of the license fee paid into the village treasury shall be returned upon revocation.

SECTION 10 Repeal

All ordinances of this village or any provisions thereof in conflict with this ordinance or any of its provisions are hereby repealed. No provision hereof shall affect Ordinance No. 43, licensing and regulating the sale of non-intoxicating malt liquor, adopted pursuant to Ch. 116, Laws of Minnesota, 1933, or any license granted thereunder.

SECTION 11. Provisions Separable

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

SECTION 12 Penalty

Any person violating any provisions 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 dollars (\$100.00), 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 on any case.

SECTION 13. Effect.

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

Passed by the Council this 15th day of June, 1936.

Approved:

John GStalder,
President of Village Council

Attest:

R.J. Horihan,
Clerk

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