

**CHAPTER 4  
LIQUOR AND BEER**

**Section 400 - Intoxicating Liquor Licensing**

**400.01 Provisions of State Law Adopted.** The provisions of Minnesota Statute Chap. 340A, relating to the definition of terms, licensing, consumption, sales, financial responsibility of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor are adopted and made a part of this Section as if set out in full.

**400.02 License Required.**

**Subd. 1 General Requirement.** No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell or keep for sale in the City any intoxicating liquor without a license to do so as provided in this Section. Liquor licenses shall be of five kinds: on-sale, temporary on-sale, on-sale wine, off-sale and club licenses.

**Subd. 2 On-Sale Licenses.** On-sale licenses shall be issued only to hotels, clubs, restaurants and exclusive liquor stores and shall permit on-sale of liquor only.

**Subd. 3 On-Sale Wine Licenses.** On-sale wine licenses shall be issued only to restaurants meeting the qualifications of Minnesota Statute §340A.404, Subd. 5, and shall permit only the sale of wine not exceeding 14 percent alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food.

**Subd. 4 Temporary On-Sale Licenses.** Subject to the approval of the commissioner of public safety, temporary on-sale licenses shall be issued only to clubs or charitable, religious or other non-profit organizations in existence for at least three years. A temporary license authorizes the on-sale of intoxicating liquor in connection with a social event within the City sponsored by the licensee and subject to restrictions imposed by the state liquor act.

**Subd. 5 Off-Sale Licenses.** Off-sale licenses shall be issued only to drug stores and exclusive liquor stores and shall permit off-sale of liquor only.

**Subd. 6 Special Club Licenses.** Special club licenses shall be issued only to incorporated clubs or congressionally chartered veterans' organizations which have been in existence at least three years.

**400.03 Application for License.**

**Subd. 1 Form.** Every application for a license to sell liquor shall state the name of the applicant, the applicant's age, character references as the Council may require, citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long the applicant has been in that business at that place and such other information as the Council may require from time to time. Every application shall also include a copy of each summons received by the applicant under Minnesota Statute §340A.802 during the preceding year. In addition to containing such information, the application shall be in the form prescribed by the bureau of criminal apprehension and shall be verified and filed with the City Clerk-Treasurer. No person shall make a false statement in an application.

**Subd. 2 Financial Responsibility.** No liquor license may be issued, maintained or renewed unless the applicant demonstrates proof of financial responsibility as defined in Minnesota Statute §340A.409 with regard to liability under the statutes, §340A.801. This proof shall be filed with the commissioner of public safety. (Applicants for liquor licenses to whom the requirement for proof of financial responsibility applies include applicants for wine licenses with sales of less than \$10,000 of wine per year.) Any liability insurance policy filed as proof of financial responsibility under this subdivision shall conform to Minnesota Statute §340A.409.

**Subd. 3 Approval of Security.** The security offered under Subd. 2 shall be approved by the Council. Liability insurance policies required by this Section but not by state law and surety bonds required under Subd. 2 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 and 3 is a cause for revocation of the license.

#### **400.04 License Fees.**

**Subd. 1 Fees.** The annual fee for a liquor license shall be as established in Section 305.05 for an on-sale license, a temporary on-sale license, an on-sale wine license, an off-sale license, Sunday On-Sale license, and/or a special club license.

**Subd. 2 Payment.** Each application for a license shall be accompanied by a receipt from the City Clerk-Treasurer for payment in full of the license fee and the fixed investigation fee as set forth in Section 305.05, Subd. 1, if any. All fees shall be paid into the general fund. If an application for a license is rejected, the Clerk-Treasurer shall refund the amount paid as the license fee.

**Subd. 3 Term; Pro Rata Fee.** Each license shall be issued for a period of one year except that if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of December each year.

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

#### **400.05 Granting of Licenses.**

**Subd. 1 Preliminary Investigation.** On an initial application for an on-sale license and on application for transfer of an existing on-sale license, the applicant shall pay with the application an investigation fee as set forth in Section 305.05 and the City shall conduct a preliminary background and financial investigation of the applicant. The application, in such case, shall be made on a form prescribed by the state bureau of criminal apprehension and with such additional information as the Council may require. The Council may require, if it is in the public interest, an investigation made on a particular application for renewal of an on-sale license. In any case, if the Council determines that a comprehensive background and financial investigation of the applicant is necessary, it may conduct the investigation itself or contract with the bureau of criminal investigation for the investigation. No license shall be issued, transferred or renewed if the results show, to the satisfaction of the Council, that issuance would not be in the public interest. If an investigation outside the state is required, the applicant shall be charged the cost, not to exceed \$10,000, which shall be paid by the applicant after deducting any initial investigation fee already paid. The fee shall be payable by the applicant whether or not the license is granted.

**Subd. 2 Hearing and Issuance.** The Council shall investigate all facts set out in the application and not investigated in the preliminary background and financial investigation conducted pursuant to Subd. 1. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the Council shall, in its discretion, grant or refuse the application. No on-sale wine license or off-sale license shall become effective until it, together with the security furnished by the applicant, has been approved by the commissioner of public safety.

**Subd. 3 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 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.

**400.06 Persons Ineligible for License.** No license shall be granted to any person ineligible for a license by state law. No more than one intoxicating liquor license shall be directly or indirectly issued within the City to any one person.

**400.07 Places Ineligible for License.**

**Subd. 1 General Prohibition.** No license shall be issued for any place or any business ineligible for 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.

**Subd. 3 Distance from School or Church.** No license shall be granted within 300 feet of any school or within 300 feet of any church.

**400.08 Conditions of License.**

**Subd. 1 In General.** Every license is subject to the conditions in the following subdivisions and all other provisions of this Section and of any other applicable ordinance, state law or regulation.

**Subd. 2 Insurance.** Compliance with financial responsibility requirements of state law and of this Section is a continuing condition of any license granted pursuant to this Section.

**Subd. 3 Licensee's Responsibility.** Every licensee is responsible for the conduct in the licensed establishment, and any sale of alcoholic beverages by any employee authorized to sell such beverages in the establishment is the act of the licensee.

**Subd. 4 Inspections.** Every licensee 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. 5 Display During Prohibited Hours.** No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

**400.09 Restrictions on Purchase and Consumption.**

**Subd. 1 Liquor in Unlicensed Places.** No person shall mix or prepare liquor for consumption in any public place or place of business unless it has a license to sell liquor on-sale or a permit from the commissioner of public safety under Minnesota Statute §340A.414 and no person shall consume liquor in any such place.

**Subd. 2 Consumption in Public Places.** No person shall consume liquor on a public highway, public park or other public place.

**400.10 Hours of Operation.** Hours of operation for on and off sale of intoxicating liquor shall conform with the provisions of Minnesota Statute Sec. 340A.504, as amended. It shall be the responsibility of the licensee to have all patrons removed from the premises no later than fifteen minutes after the closing times as stated in this Section. Only the licensee or employees of the licensee shall be in the premises beyond one-half hour after the closing time stated in this Section.

**400.11 Suspension and Revocation.** The Council shall either suspend for up to 60 days or revoke any liquor license or impose a civil fine not to exceed \$2,000, for each violation upon a finding that the licensee has failed to comply with any applicable statute, regulation or ordinance relating to alcoholic beverages. Except in cases of failure of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statute §14.57 to 14.69 of the administrative procedure act.

Lapse of required dram shop insurance or bond, or withdrawal of a required deposit of cash or securities, shall effect an immediate suspension of any license issued pursuant to this Section without further action of the Council. Notice of cancellation, lapse of a current liquor liability policy or bond, or withdrawal of deposited cash or securities shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or bond, or withdrawal of a required deposit, or of suspension or revocation of a license, may request a hearing. If a request is made in writing to the Clerk-Treasurer a hearing shall be granted within 10 days or such longer period as may be requested. Any suspension under this paragraph shall continue until the Council determines that the financial responsibility requirements of this Section have again been met.

**400.12 Intoxicating Liquor; Non-Intoxicating Malt Liquor Penalties.**

**Subd. 1 Purpose.** The purpose of this Section is to establish a standard by which the Council determines the length of license suspensions and the propriety of revocations and shall apply to all on-sale and off-sale licensed premises for both non-intoxicating and intoxicating liquor under this Section. These penalties are presumed to be appropriate for every case, however, the Council may deviate from these penalties in an individual case where the Council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the Council shall provide written reasons that specify why the penalty selected was more appropriate.

**Subd. 2 Penalties.** The following is a guideline of penalties for violations; however, the City Council has complete discretion to set fines and/or penalties for violations, and may deviate from these guidelines. (Unless specified, numbers below indicate consecutive days' suspension):

Type of Violation	APPEARANCE			
	1st	2nd	3rd	4th
A. Commission of a felony Related to the licensed activity				
				IMMEDIATE REVOCATION
B. Sale of alcoholic beverages while license is suspended				
				IMMEDIATE REVOCATION
C. Refusal to allow City inspectors or police admission to inspect premises				
				IMMEDIATE REVOCATION
D. Failure to comply with statutory, and ordinance requirements for liability insurance	10 days			
		REVOCATION		
E. Sale of alcoholic beverages to under-age person	\$200.00	\$500.00	14 days	REVOCATION
F. Sale of alcoholic beverage to intoxicated person	\$200.00	\$500.00	14 days	REVOCATION
G. After-hours sale of alcoholic beverages	\$200.00	\$500.00	14 days	REVOCATION
H. After-hours display or con- sumption of alcoholic beverages	\$200.00	\$500.00	14 days	REVOCATION
I. Illegal gambling on premises	\$200.00	\$500.00	14 days	REVOCATION
J. Failure to take reasonable steps to stop person from leaving premises with alcoholic beverage	\$200.00	\$500.00	14 days	REVOCATION
K. Failure to make application for license renewal prior to license expiration date	\$200.00	\$500.00	14 days	REVOCATION
L. Sale of intoxicating liquor where only license is for non-intoxicating liquor	\$200.00	\$500.00	14 days	REVOCATION

**Subd. 3 Multiple Violations.** At a licensee's first appearance before the Council, the Council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The Council, in that case, shall consider the penalty for each such violation under the "1st Appearance" column in Section 400.11, Subd. 2. The occurrence of multiple violations shall be grounds for departure from such penalties in the Council's discretion.

Violations occurring after the date of the notice of hearing that are brought to the attention of the City attorney prior to the hearing date before an administrative law judge (or before the Council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts and shall, in that case, be treated as though part of the "1st Appearance". In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the Council.

The same procedures shall apply to a second, third or fourth appearance before the Council.

**Subd. 4 Computation of Time.**

- A. If a licensee appears before the Council for any violation in Section 400.11, Subd. 2 where that violation has occurred within eighteen (18) calendar months after the first appearance of the same licensee a violation listed in Section 400.11, Subd. 2, the current appearance shall be treated as a second appearance for the purpose of determining the penalty.
- B. If a licensee has appeared before the Council on two (2) previous occasions, both for violations listed in Section 400.11, Subd. 2, and if said licensee again appears before the Council for a violation listed in Section 400.11, Subd. 2, and if the current violation occurred within thirty (30) calendar months of the violation that gave rise to the first appearance before the Council then the current appearance shall be treated as a third appearance for the purpose of determining penalty.
- C. If a licensee has appeared before the Council on three (3) previous occasions, each for violations listed in 400.11, Subd. 2, and if licensee again appears before the Council for a violation listed in Section 400.11, Subd. 2, and if the current violation occurred within forty-eight (48) calendar months of the violation that gave rise to the first appearance, then the current appearance shall be treated as a fourth appearance for the purpose of determining the penalty.
- D. Any appearance not covered by Section 400.11, Subd. 5 shall be treated as a first appearance. In case of multiple violations in any appearance, the date to be used to measure whether eighteen (18), thirty (30) or forty-eight (48) months has elapsed shall be the date of the violation last in time at the first appearance and the date of the violation first in time at any subsequent appearance.

**Subd. 5 Other Penalties.** Nothing in this Section shall restrict or limit the authority of the Council to suspend up to sixty (60) days, revoke the license or impose a civil fine not to exceed two thousand dollars (\$2,000.00), to impose conditions or take any other adverse action in accordance with law, provided, that the license holder has been afforded an opportunity for a hearing in the manner provided for in Section 100.05 of this Code.

**Subd. 6 Effect of Responsible Business Practices in Determining Penalty.** In determining the appropriate penalty, the Council may, in its discretion, consider evidence submitted to it in the case of uncontested adverse actions or submitted to a hearing examiner in a contested hearing upon which

findings of fact have been made that a licensee has followed or is likely to follow in the future responsible business practices in regard to sale to intoxicated persons and sales to minors.

A. For the purposes of service to intoxicated persons, evidence of responsible business practices may include, but is not limited to, those policies, procedures and actions that are implemented at time of service and that:

1. Encourage persons not to become intoxicated if they consume alcoholic beverages on the defendant's premises.
2. Promote availability of non-alcoholic beverages and food;
3. Promote safe transportation alternatives other than driving while intoxicated;
4. Prohibit employees and agents of defendant from consuming alcoholic beverages while acting in their capacity as employee or agent;
5. Establish promotions and marketing efforts that publicize responsible business practices to the defendant's customers and community;
6. Implement comprehensive training procedures;
7. Maintain an adequate, trained number of employees and agents for the type and size of defendant's business;
8. Establish a standardized method for hiring qualified employees; and
9. Reprimand employees who violate employer policies and procedures.

B. For the purposes of service to minors, evidence of responsible business practices may include, but is not limited to, those listed in Section 400.11, Subd. 7 A, and the following:

1. Management policies that are implemented at the time of service and that ensure the examination of proof of identification (as established by state law) for all persons seeking service of alcoholic beverages who may reasonably be suspected to be minors;
2. Comprehensive training of employees who are responsible for such examination regarding the detection of false or altered identification.

## **Section 405 - Beer Licensing**

### **405.01 Definition of Terms.**

**Subd. 1 Beer.** As used in this Section, beer or non-intoxicating malt liquor means any malt beverage with an alcoholic content of more than one-half of one percent by volume and not more than three and two-tenths percent by weight.

**Subd. 2 Beer Store.** Beer store means an establishment used exclusively for the retail sale of beer, with the incidental sale of tobacco and soft drinks.

#### **405.02 License Required.**

**Subd. 1 Licenses.** No person, except wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale or otherwise, or keep or offer for sale, any beer within the City without first having received a license as it is, in this Section, provided. Licenses shall be of three kinds: 1) regular on-sale; 2) temporary on-sale; 3) off-sale.

**Subd. 2 Regular On-Sale.** Regular on-sale licenses shall be granted only to clubs, beer stores, exclusive on-sale liquor stores, drug stores, restaurants, hotels and bowling centers where food is prepared and served for consumption on the premises. On-sale licenses shall permit the sale of beer for consumption on the premises only.

**Subd. 3 Temporary On-Sale.** Temporary on-sale licenses shall be granted only to clubs or charitable, religious or non-profit organizations for the sale of beer for consumption on the premises only.

**Subd. 4 Off-Sale.** Off-sale licenses shall permit the sale of beer at retail, in the original package for consumption off the premises only.

#### **405.03 License Applications.**

**Subd. 1 Form.** Every application for a license to sell beer shall be made to the Clerk-Treasurer on a form supplied by the City and containing information that the Clerk-Treasurer or the Council may require. It shall be unlawful to make any false statement in an application. Every application for the issuance or renewal of a license shall include a copy of each summons received by the applicant under Minnesota Statute §340A.802 during the preceding year.

**Subd. 2 Proof of Financial Responsibility.** Prior to the issuance of a beer license, the applicant shall demonstrate proof of financial responsibility as defined in Minnesota Statute §340A.409, Subd. 1, with reference to liability under the Minnesota Statute §340A.801. The proof shall be filed with the commissioner of public safety except that if a license involves sales of beer of a prospective vendor who is not required by law to file such proof with the commissioner of public safety. The proof shall be filed with the Clerk-Treasurer. Any liability insurance policy filed as proof of financial responsibility under this subdivision shall conform to Minnesota Statute §340A.409.

**Subd. 3 Approval of Security.** Liability insurance policies required by this Section, but not by state law, shall be approved as to form by the City attorney. Operation of a business licensed by this Section without having on file with the state insurance commissioner or the City at all times effective security as required in Subd. 2 is a cause for revocation or suspension of the license.

#### **405.04 License Fees.**

**Subd. 1 Payment Required.** Each application for a license shall be accompanied by a receipt from the City Clerk-Treasurer for payment in full of the required fee pursuant to Section 305.50. All fees shall be paid into the general fund of the City. Upon rejection of any application for a license, the Clerk-Treasurer shall refund the amount paid.

**Subd. 2 Expiration; Pro Rata Fees.** Every license, except a temporary license, shall expire on the last day of December in each year. Each license, except a temporary license, shall be issued for a

period of one year, except that if a portion of the license year has elapsed when the license is granted, the license shall be issued for the remainder of the year for a pro rata fee. In computing the fee, any unexpired fraction of a month shall be counted as one month. A temporary license shall be issued for a specific period in which a special event to which the sale is incident is being held and this period shall be stated on the license.

**Subd. 3 Fees.** The annual fee for a regular on-sale license is as set forth in Section 305.05. The annual fee for an on-sale licenses, off-sale licenses, temporary licenses, and all other beer and liquor licenses are set forth in Section 305.05.

**Subd. 4 Refunds.** No part of the fee paid for any license issued under this Section shall be refunded except in the following instances upon application to the Council within 30 days from the happening of the event. There shall be refunded a pro rata portion of the fee for the unexpired period of the license, computed on a monthly basis, when operation of the licensed business ceases not less than one month before expiration of the license if:

- A. The business ceases to operate because of destruction or damage;
- B. The licensee dies;
- C. The business ceases to be lawful for a reason other than a license revocation; or
- D. The licensee ceases to carry on the licensed business under the license.

#### **405.05 Granting of License.**

**Subd. 1 Investigation and Hearing.** The Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing, the Council shall grant or refuse the application in its discretion.

**Subd. 2 Transfers.** Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another place without the approval of the Council.

#### **405.06 Persons Ineligible for License.** No license shall be granted to or held by any person who:

- A. Is under 21 years of age;
- B. Has, within five years prior to the application for such license, been convicted of a felony or of violating any law of this state or local ordinance relating to the manufacture, sale, distribution or possession for sale or distribution of intoxicating liquors and cannot show competent evidence under Minnesota Statute §364.03 of sufficient rehabilitation and present fitness to perform the duties of a beer licensee;
- C. Is not a U.S. citizen or resident alien, or
- D. Is not the proprietor of the establishment for which the license is issued.

#### **405.07 Places Ineligible for License.**

**Subd. 1 Conviction or Revocation.** No license shall be granted for sale on any premises where a licensee has been convicted of the violation of this Section, or of the state beer or liquor law, or where any license has been revoked for cause until one year has elapsed after such conviction or revocation.

**Subd. 2 Distance from Schools and Churches.** No license shall be granted for any place within 300 feet of any public school or within 300 feet of any church. In applying this restriction, the distance shall be measured between the main front entrances following the route of ordinary pedestrian travel.

#### **405.08 Conditions of License.**

**Subd. 1 General Conditions.** Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this Section and of any other applicable ordinance of the City or state law.

**Subd. 2 Insurance.** Compliance with financial responsibility requirements of state law and of this Section is a continuing condition of any license granted pursuant to this Section.

**Subd. 3 Sales to Minors or Obviously Intoxicated Persons.** No beer shall be sold or served to any obviously intoxicated person or to any person under 21 years of age.

**Subd. 4 Consumption by Minors.** No person under the age of 21 years shall be permitted to consume beer on the licensed premises.

**Subd. 5 Employment of Minors.** No person under the age of 18 years shall be employed on the premises of a beer store.

**Subd. 6 Gambling.** No illegal gambling or illegal gambling device shall be permitted on any licensed premises.

**Subd. 7 Interest of Manufacturers or Wholesalers.** No manufacturer or wholesaler of beer shall have any ownership of, or interest in, an establishment licensed to sell at retail contrary to the provisions of Minnesota Statute §340A.301, Subd. 7. No retail licensee or wholesaler of beer shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a wholesaler of beer and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.

**Subd. 8 Sales of Intoxicating Liquor.** No licensee who does not hold a consumption and display permit shall sell or permit the consumption or display of intoxicating liquors on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquor. The presence of intoxicating liquors on the premises of such a licensee shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale; and the serving of any liquid for the purpose of mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this Section.

**Subd. 9 Searches and Seizures.** Any peace officer may enter, inspect and search the premises of a licensee during business hours without a search and seizure warrant and may seize all intoxicating liquors found on the licensed premises in violation of Subd. 8.

**Subd. 10 Licensee's Responsibility.** Every licensee is responsible for the conduct in the licensed establishment and any sale of alcoholic beverages by any employee authorized to sell such beverages is the act of the licensee.

**405.09 Closing Hours.** No sale of beer shall be made on any Sunday between the hours of 1:00 a.m. and 10:00 a.m., nor between the hours of 1:00 a.m. and 8:00 a.m. on any other day of the week.

**405.10 Clubs.** No club shall sell beer except to members and to guests in the company of members.

**405.11 Restrictions on Purchase and Consumption.**

**Subd. 1 Consumption.** It is unlawful for any person under the age of 21 years to consume beer.

**Subd. 2 Purchasing.** It is unlawful for any person:

- A. To sell, barter, furnish or give beer to a person under 21 years of age;
- B. Under the age of 21 years to purchase or attempt to purchase beer; or
- C. To induce a person under the age of 21 years to purchase or procure beer.

**Subd. 3 Possession.** It is unlawful for a person under the age of 21 years to possess beer.

**Subd. 4 Entering Licensed Premises.** It is unlawful for a person under the age of 21 years to enter an establishment licensed under this Section in order to purchase beer or have beer served or delivered.

**Subd. 5 Misrepresentation of Age.** It is unlawful for a person under the age of 21 years to misrepresent his or her age for the purpose of purchasing beer.

**Subd. 6 Proof of Age.** Proof of age for purchasing or consuming beer may be established only by a valid driver's license or Minnesota identification card, or in the case of a foreign national by a valid passport.

**Subd. 7 Consumption Prohibited--Where.** It shall be unlawful for any person to consume beer in any theater, recreation hall or center, dance hall, ball park or other place of public gathering used for the purpose of entertainment, amusement or playing of games. No liquor shall be sold or consumed on any public street, public highway, public parking lot or private parking lot that is generally open to and used by the public within the City.

**Subd. 8 Liquor Consumption and Display.** No person shall consume or display any intoxicating liquor on the premises of a licensee who does not hold a consumption and display permit.

**Subd. 9 Inducing Minors.** No persons shall induce a minor to purchase or procure liquor.

**Subd. 10 Special Permits.** Upon application and approval of the Chisago County Sheriff's Department and the Council, the Council may issue a permit to non-profit corporations and organizations for consumption of non-intoxicating or intoxicating malt beverages for a specific occasion. In granting such permit, the Council may impose such conditions and restrictions as they deem proper to preserve the public peace and safety.

**405.12 Suspension and Revocation.** The Council shall either suspend for up to 60 days or revoke any beer license or impose a civil fine not to exceed \$2,000, for each violation upon a finding that the licensee has failed to comply with any applicable statute, regulation or ordinance relating to alcoholic beverages. Except in cases of failure of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statute §14.57 to 14.69 of the administrative procedure act. The lapse of required dram shop insurance or bond or withdrawal of a required deposit of cash or securities, shall effect an immediate suspension of any license issued pursuant to this Section without further action of the Council. Notice of cancellation, lapse of a current liquor liability policy or bond or withdrawal of deposited cash or securities shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or bond, or withdrawal of a required deposit, or of suspension or revocation of a license, may request a hearing thereon, and if such a request is made in writing to the Clerk-Treasurer, a hearing shall be granted within 10 days or such longer period as may be required. Any suspension under this paragraph shall continue until the Council determines that the financial responsibility of this Section has again been met.

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