

X. ALCOHOLIC BEVERAGES

1001. Malt Liquor

§1001.010 MALT LIQUOR; DEFINITIONS. For the purpose of this chapter, certain words and terms are defined as follows:

Subd. 1. Commissioner. The Commissioner of Public Safety.

Subd. 2. Malt Liquor. Any malt liquor containing not less than one-half (1/2) of one (1%) percent alcohol by volume nor more than three and two-tenths (3.2%) percent alcohol by weight.

Subd. 3. "Off-sale". Any sale of malt liquor to be consumed off the premises.

Subd. 4. "On-sale". Any sale of malt liquor to be consumed on the licensed premises.

Subd. 5. "Restaurant". A business establishment designed and operated for the principle purpose of serving prepared food to guests, providing seating for not less than 25 guests and deriving not less than fifty (50) percent of its revenue from the sale of prepared food. (Ref. Ord. 08-05-1050, 5/27/08)

§1001.020 MALT LIQUOR; LICENSE REQUIRED. No person shall sell malt liquors at retail without a license. There shall be two (2) types of licenses issued for the sale of malt liquor:

1. "On-sale" licenses shall permit the licensee to sell malt liquors on the premises. "On-sale" licenses shall be granted only to restaurants, and hotels. (Ref. Ord. 699, 10/8/85)

2. "Off-sale" licenses shall permit the licensee to sell malt liquors in original packages for consumption off the premises only. No "off-sale" malt liquor license shall be granted to a holder of an "on-sale" license. (Ref. §801.010, Code 1966)

§1001.030 MALT LIQUORS; LICENSE APPLICATION FEE. Any person desiring a license shall file an application with the City Clerk which shall set forth the name and place of residence of the applicant, the exact location of the place at which the applicant proposes to carry on the business of selling malt liquors and whether or not she or he has ever engaged in a similar business or in the business of selling foodstuffs in the City, and if so, when and where. An investigation will be required of all applicants for a fee set forth by City Council resolution, with the exception of off-sale applicants who by affidavit establish that they will sell less than \$50,000 of malt liquor per year. The application shall be signed by the applicant in person or by an officer of the club seeking the license or by an officer of the corporation seeking the license, it shall be placed on file by the City Clerk and the name of the applicant shall be registered in a book of registration to be kept for that purpose; provided, however, that the Clerk shall not receive any application nor register the name of any applicant unless the application is accompanied by a receipt from the Clerk as provided for in section 1001.040 of the Code. (Ref. §801.020, Code 1966; Ord. No. 1015, 1/13/04; Ord. No. 1072, 11/9/10)

§1001.040 MALT LIQUOR; FEES. Upon filing an application for a license, the applicant shall pay the City Clerk a fee which shall be set by City Council resolution. The Clerk shall give the applicant a receipt for such payment stating the purpose of the deposit. A copy of the receipt shall be filed with the application. (Ref. §801.030, Code 1966; Ord. Nos. 570, 2/11/75; 648, 1/13/81; 967, 1/12/99; 1015, 1/13/04)

§1001.050 MALT LIQUOR; INSPECTION OF PREMISES. The applicant shall permit the Code Enforcement Officers and the representatives of the Police and Fire Departments to inspect and examine the place of business described in the application, together with all the appliances and instruments to be used in the transaction of the business for which the license is sought. Refusal by the applicant to permit such inspection shall be grounds for the City Council to deny the license. (Ref. §801.040, Code 1966)

§1001.060 MALT LIQUOR; RECOMMENDATIONS TO COUNCIL. The City Manager shall present his recommendations to the City Council, together with any reports from the Code Enforcement, Police and Fire Departments, and the Council shall grant or deny the application. (Ref. §801.050, Code 1966)

§1001.070 MALT LIQUOR; LICENSE EXPIRATION. A license shall run from its date of issuance to the following March thirty-first (31st) unless otherwise revoked. (Ref. §801.060, Code 1966)

§1001.080 MALT LIQUOR; SALE TO MINORS. It shall be unlawful for any: (Ref. Ord. 802, 3/1/90)

1. Licensee or his employee to sell or serve malt liquor to any person under the age of twenty-one (21) years or to permit any person under the age of twenty-one (21) years to consume malt liquor on the licensed premises;

2. Person other than the parent or legal guardian to procure malt for any person under the age of twenty-one (21) years;

3. Person to induce a person under the age of twenty-one (21) years to purchase or procure malt liquor;

4. Person under the age of twenty-one (21) years to consume any malt liquor unless in the company of his parent or guardian;

5. Person under the age of twenty-one (21) years to have in his possession any malt liquor, with intent to consume same at a place other than the household of his parent or guardian. Possession of such malt liquor at a place other than the household of his parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his parent or guardian. (Ref. Ord. 802, 3/1/90)

§1001.090 MALT LIQUOR; PROHIBITED SALES. It shall be unlawful for any person, to sell, give, barter, furnish, deliver or dispose of, in any manner, either directly or indirectly, any spirituous, vinous, malt or fermented liquors in any quantity, for any purpose whatever, to any person under the age of twenty-one (21) years, or to any intoxicated person.

It shall be unlawful for any person to sell, give, barter, furnish or dispose of, in any manner, either directly or indirectly, any spirituous, vinous, malt or fermented liquors in any quantity, for any purpose whatever, to any spendthrift, habitual drunkard or improvident person, within one (1) year after written notice by any law enforcement officer, parent, guardian, master, employer, relative or by any person annoyed or injured by the intoxication of such spendthrift, habitual drunkard or improvident person, forbidding the sale of liquor to any such spendthrift, habitual drunkard or improvident person.

Whoever shall in any way procure liquor for the use of any person named in this section shall be deemed to have sold it to such person. (Ref. §§801.080, 802.160, Code 1966; Ord. No. 578, 9/9/75)

§1001.100 MALT LIQUOR; ACTS OF AGENTS. Any sale of liquor in any public drinking place by any clerk, barkeep or other employee authorized to sell liquor in such place is the act of the employer as well as that of the person actually making the sale and such employer and licensee shall be equally liable for violations of this chapter. (Ref. §801.090, Code 1966)

§1001.110 MALT LIQUOR; HOURS AND DAYS OF SALE. The hours for the sale of malt liquor shall be set by Minnesota Statutes subject to the City of White Bear Lake Charter and supplementary ordinances. (Ref. 801.100, Code 1966; Ord. No. 529, 5/9/72; Ord. No. 676, 7/10/84)

§1001.120 MALT LIQUOR; SALE AND DELIVERY PERMITTED. Nothing in this chapter shall be construed to prohibit the sale and delivery in the original package of malt liquors direct to the consumer by the manufacturer or distributor. (Ref. §801.110, Code 1966)

§1001.130 MALT LIQUOR; CONSUMPTION IN PUBLIC PLACES. It shall be unlawful for any person to consume malt liquor or possess an open bottle, can or other container of such on any public street, sidewalk, alley, parking lot on City-owned property, or in the public park in the blocks bounded by Washington Square, Washington Avenue, State Highway 61 and Third (3rd) Street unless specific permission to do so is granted by resolution of the City Council. (Ref. Ord. Nos. 578, 9/9/75; 579, 12/9/75; 886, 2/9/93)

