

**ORDINANCE NO. 60**

**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 Lamberton does ordain:

**Sec. 1.—**That licenses for the Sale of intoxicating liquors shall be issued by the Village Council of the Village of Lamberton, in the manner and under the provisions as hereinafter set out. That the term "intoxicating liquor" and "liquor" wherever used in this ordinance shall mean and include ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 per cent alcohol by weight.

**Sec. 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 therefor as hereinafter provided. Licenses shall be of two kinds: "On Sale," meaning sale of liquor by the glass or consumption on the premises only, and "off sale," meaning sale of liquor in original packages in retail stores for consumption off or away from the premises where sold, which "package" or "original package" shall mean and include any container, or receptacle holding liquor which container and receptacle is corked or sealed.

"On Sale" licenses shall be granted only to hotels, clubs, and/or exclusive liquor stores. Not more than three (3) such licenses shall be granted at any one time.

"Off Sale" license shall be granted only to a drug store or to an exclusive liquor store, and only one (1) such license shall be issued.

**Sec. 3.—Application for License.** Every person desiring a license for either on or off sales shall file a verified application therefor in writing with the clerk of the village in the form to be prescribed by the state commissioner of liquor control, and with such additional information

as the council shall require. A surety shall accompany each application for a license. In the case of an application for an on sale license, such bond shall be in the sum of \$3,000.00 to be approved as to legal form by the village attorney, and as to sufficiency by the council. In the case of an application for an off sale license, such bond shall be in the sum of \$1,000.00 and shall be approved by the said state commissioner. In lieu of either of said bonds, cash or bonds of the United States of a market value of \$3,000.00 and \$1,000.00 respectively, may be posted. Such bonds shall run to the Village of Lamberton and shall be conditioned as set out under Chapter 46, Special Laws of Minnesota, 1933-34.

**Sec. 4.—Fees.** The annual fee for an "on sale" license shall be \$400.00.

The annual fee for an "off sale" license shall be \$100.00.

All such fees shall be paid into the general fund of the village and collected in accordance with resolution of the council. Upon rejection of any application for a license, the treasurer shall refund the amount paid by applicant and the bond shall be returned to him.

All licenses shall expire on the last day of January of each year. For licenses issued hereunder subsequent to January of any year, the fee shall be a prorated share of the annual license fee.

**Sec. 5.—Granting of Licenses.** The Village Council shall cause an investigation to be made of all representations set forth in the application, and following such investigation and approval of bond, the 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 State Liquor Commissioner. All licensed premises shall have the license posted in a conspicuous place therein at all times. No license shall be transferable without the approval of the council and also of the Liquor Control Commissioner in case of off sale licenses.

**Sec. 6.—Conditions of License.** No license shall be granted for operation of any premises upon which taxes or assessments or other financial claims of the village are delinquent and unpaid.

All licensed premises shall be open to inspection by any police or health officer, or other properly designated officer or employee of the village at any time during which such licensed place shall be open to the public for business.

**Sec. 7.—Hours for Operation.** No sale of intoxicating liquor shall be made on Sunday nor before 3 o'clock P. M. on any Memorial Day nor before 8 o'clock P. M. on any election day in this village.

No on sale shall be made before 8 o'clock A. M. or after 11 o'clock P. M., of 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 shall be made until 10 o'clock P. M.

**Sec. 8.—Restriction on Consumption.** In any place licensed for on sale, 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, stall, screen, curtain or other device which shall obstruct the view of any part of said room from the general observation of persons in said room; provided, however, that partitions, subdivisions or panels not higher than 42 inches from the floor shall not be constructed as in conflict with the foregoing.

**Sec. 9.—Revocation.** Any license granted hereunder may be revoked by the council without notice to the grantee, who shall be granted a hearing 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. Any such license shall be revoked automatically upon the conviction of the license of a felony. No portion of the license fee paid into the village treasury shall be returned upon revocation.

**Sec. 10.—Repeal.** All ordinances of this village or any provision thereof in conflict with this ordinance or any of its provisions are hereby repealed. No provision hereof shall affect Ordinances No. 56 and 57, licensing and regulating sale of non-intoxicating malt liquor, adopted pursuant to Chapter 115, Laws of Minnesota, 1933, or any license granted thereunder.

**Sec. 11.—Provisions Separable.** Every section, provision or part of this ordinance is declared separable from every other section, provision or part; and if any section, provision or part hereof shall be declared invalid, it shall not affect any other section, provision or part.

**Sec. 12.—Penalty.** Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$100.00 or in default of such payment, shall be imprisoned in the village lockup, or county jail, for not to exceed ninety (90) days, plus the costs of prosecution in any case.

**Sec. 13.—Effect.** This Ordinance shall take effect and be in force from and after its passage and publication.

Approved:

CHRIS RONGSTAD,

President of Village Council.

Attest:

F. A. BEIERSDORF,

Village Clerk.

**AMENDMENT TO ORDINANCE  
NUMBER 60**

**The Council of the Village of Lamberton Does Ordain:**

That Section VII, Ordinance Number 60, be amended so that the first sentence in the second paragraph thereof, to-wit: "No on sale shall be made before 8 o'clock A. M. or after 11 o'clock P. M. of any day," shall hereafter and henceforth read and be, as follows, to-wit: "No on sale shall be made before 8 o'clock A. M. or after 12 o'clock P. M. of any day."

Approved:

CHRIS RONGSTAD,

President of Village Council.

Attest:

F. A. BEIERSDORF,

Village Clerk.