

TITLE 4. ALCOHOLIC BEVERAGES

Chapter 400	Liquor Dispensary and Sports and Convention Facilities
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Chapter 400 - Liquor Dispensary and Sports and Convention Facilities

400.01 Definition of Terms. As used in this chapter, the terms shall mean as follows unless the context clearly requires or indicated a different meaning.

- (A) “Intoxicating liquor” and “liquor” mean ethyl alcohol, distilled, fermented, spiritous, vinous and malt beverages containing more than 3.2% of alcohol by weight.
- (B) “Beer” means any malt beverage with an alcoholic content of more than .5% by volume and not more than 3.2% by weight.
- (C) “On-sale” means sale by the drink for consumption in the Dispensary.
- (D) “Off-sale” means retail sale in the original package for consumption away from the Dispensary.
- (E) “Sell” means all barter and all manners or means of furnishing intoxicating liquor or beer, including such furnishing in violation or evasion of law or this chapter.
- (F) “Minor” means any person under 21 years of age.
- (G) "Restaurant" - a stand alone retail establishment under the control of a single proprietor or manager, where meals are regularly prepared on the premises (as opposed to frozen or pre-packaged food) and served at tables to the general public and having seating capacity for a minimum of 30 customers.
- (H) “Sports and convention facility” means the Princeton Civic Center, the Princeton Depot Center and the Princeton Youth Hockey Arena.
- (I) “The sale or dispensing of set ups” means the sale, serving or dispensing of liquids for the purpose of mixing the intoxicating liquor but not the sale of intoxicating liquor.

400.02 Dispensing Established. There is hereby established a municipal liquor dispensary for the on-sale and off-sale of intoxicating liquor. The municipal on-sale dispensary is further authorized to sell and dispense intoxicating liquor at any convention, banquet, conference, meeting or social affair conducted on the premises of a sports and convention facility, as defined in §400.01(G) hereof. The operation of the Dispensary shall continue to be discontinued or be re-opened at the discretion of the City Council. No liquor may be sold at retail elsewhere in the city, except at such locations, establishments and clubs as may be lawfully licensed to do so, pursuant to this code.

400.03 Location and Operation.

- (A) **Location.** The Dispensary shall be located at such suitable places in the city as the Council determines, but no premises upon which taxes, assessments or other public charges are delinquent shall be leased for Dispensary purposes.
- (B) **Manager.** The Dispensary shall be in the immediate charge of a liquor store manager selected by the Council and paid such compensation as is fixed by the Council. He or she shall furnish a surety bond to the municipality, conditioned upon the faithful discharge of his or her duties, in such sum as the Council specifies. The bond premium shall be paid by the city. The Manager shall operate the Dispensary under the Council's direction and shall perform such duties in connection with the Dispensary as may be imposed upon him or her by the Council. He or she shall be responsible to the Council for the conduct of the Dispensary in full compliance with this chapter and with the laws relating to the sale of liquor and beer.

400.04 Dispensary Fund Created.

- (A) **Fund established.** A Municipal Liquor Dispensary Fund is hereby created in which all revenues received from the operation of the Dispensary shall be deposited and from which all ordinary operating expenses shall be paid. Any amounts it may be necessary to borrow from the General Fund of the city for initial costs of rent, fixtures and stock or for operating expenses shall be reimbursed to that Fund out of the first available moneys coming into the Dispensary Fund thereafter. Surpluses accumulating in the Dispensary Fund may be transferred to the General Fund or to any other appropriate fund of the city by ordinance of the Council and expended for any municipal purpose.
- (B) **Receipts and disbursements.** The handling of Municipal Liquor Dispensary receipts and disbursements shall comply with the procedure prescribed by law for the receipts and disbursements of city funds generally.

400.05 Hours of Operation. No on-sale intoxicating liquor shall be made in the Municipal Liquor Dispensary or at a sports and convention facility after 1:00 a.m. on Sunday nor until 8:00 a.m. on Monday. No sale shall be made between the hours of 1:00 a.m. and 8:00 a.m. on any other day. No on-sale shall be made after 8:00 p.m. on December 24. No off-sale shall be made before 8:00 a.m. or after 10:00 p.m. of any day. No off-sale shall be made on Sundays or on New Year's Day, January 1; Thanksgiving Day; or Christmas Day, December 25; and no off-sale shall be made after 8:00 p.m. on December 24. The Dispensary shall not open for business of any kind during the hours when sale of intoxicating liquors are prohibited.

400.06 Conditions of Operation and Restrictions on Consumption.

- (A) No business other than the sale of liquor shall be carried on in the Dispensary, except the retail sale of cigars, cigarettes, all forms of tobacco, food and soft drinks and both on-sale and off-sale.

- (B) The Dispensary may offer recorded or live entertainment and make available coin operated amusement devices.
- (C) No person shall keep, possess or operate in any part of the Dispensary any slot machine, dice or other gambling device or permit the same to be kept or used. No person shall otherwise gamble on such premises, and no gambling of any character shall be permitted thereon except as authorized herein.
- (D) No minor except an employee or accompanied by an adult shall be permitted to remain on the Dispensary premises. No liquor or beer shall be sold or served to a minor, directly or indirectly. No minor shall misrepresent his or her age for the purpose of obtaining liquor or beer.
- (E) No liquor or beer shall be sold or served to an intoxicated person.
- (F) No person shall be permitted to loiter about the Dispensary habitually.

400.07 Conditions of Operations and Restrictions on Consumption at Sports and Convention Facilities.

- (A) In addition to the conditions and restrictions on consumption provided in § 400.06 hereof, the sale and dispensing of intoxicating liquors at a sports and convention facility is further subject to the restrictions described herein.
- (B) No liquor, beer or set-ups shall be sold except at a convention, banquet, conference, meeting or social affair conducted on the premises of the sports and convention facility.
- (C) The Dispensary may be engaged to dispense intoxicating liquor at such an event described in division (B) of this section by such person or organization permitted by the Council to use the facility, and intoxicating liquor, beer or set-ups may only be dispensed to persons attending the event.
- (D) No liquor, beer or set-ups shall be dispensed to any person attending or participating in any amateur athletic event held on the premises.
- (E) The dispensing of intoxicating liquor shall be subject to all laws and ordinances governing the dispensing of intoxicating liquor not inconsistent herewith and upon such terms and conditions as the Council may from time to time prescribe, and such terms and conditions may limit the dispensing of intoxicating liquor to designated areas of the facility.
- (F) The Council may fix and assess a fee to be paid to the city by a person or organization engaging the Dispensary to dispense liquor, beer or set-ups at an event permitted by the Council and described in division (B) of this section.

400.08 Set-Ups. The Municipal Liquor Dispensary is authorized to sell set-ups at the Dispensary or at a sports and convention facility between the hours of 12:00 noon and 12:00 midnight on Sundays upon such terms and conditions as the Council and the Department of Public Safety of the State of Minnesota may prescribe.

400.09 Enforcement. It shall be the duty of all police officers of the city to enforce the provisions of this chapter, to search premises and seize evidence of law violation and preserve the same as evidence against any person alleged to be violating this chapter and to prepare the necessary processes and papers therefor.

400.99 Penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon convictions thereof, shall be punished as provided in § 100.99.

CHAPTER 405 - OFF-SITE DELIVERY OF LIQUOR

405.01 Authority. This ordinance is enacted pursuant to Minn. Stat. Chapters 145A and 340A.

405.02 Definitions. For purposes of this ordinance, the following terms have the following meanings:

- (A) “Alcoholic beverage” means any beverage containing more than one-half of one per cent alcohol by volume.
- (B) “Person” means any off-sale retail liquor store licensee, and any individual, partnership, corporation, or any association of one or more individuals employed or assisting such licensee.
- (C) “Premises” means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, place, dwelling unit, a hall, meeting room, park, place of assembly, business, whether retail, manufacturing, industrial, public or private, whether occupied or unoccupied, on a temporary or permanent basis.

405.03 Prohibited Acts.

- (A) It is unlawful for any person to deliver alcoholic beverages by or on behalf of any off-sale retail liquor store not physically located within the corporate boundaries of the City of Princeton to any premise within the corporate boundaries of the City of Princeton.
- (B) A person is criminally responsible for violating this Ordinance if such person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

405.04 Enforcement. This ordinance shall be enforced by any duly licensed law enforcement officer.

- 405.05 Severability.** If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.
- 405.06 Penalty.** Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in §100.99.

Chapter 410 - Liquor Licensing Regulations

- 410.01 Provisions of State Law Adopted.** The provisions of M.S. Ch. 340A, as it may be amended from time to time, 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, wine and 3.2% malt liquor are adopted and made a part of this chapter as if set out in full.
- 410.02 License Required.**
- (A) **General requirements.** 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 or 3.2% malt liquor without a license to do so as provided in this chapter. Licenses shall be of seven kinds: “on-sale,” temporary “on-sale,” “on-sale” wine, 3.2% malt liquor “on-sale,” 3.2% malt liquor “off-sale,” 3.2% malt liquor temporary and special club licenses.
 - (B) **On-sale licenses.** “On-sale” licenses shall be issued only to hotels, clubs and restaurants and shall permit “on-sale” of liquor only. The holder of a retail on-sale intoxicating liquor license may dispense intoxicating liquor at any convention, banquet, conference, meeting or social affair conducted on the premises of the Princeton Civic Center, the Princeton Depot Center and the Princeton Youth Hockey Arena, as provided in M.S. §340A.404, Subd. 4, as it may be amended from time to time, and any such dispensing of intoxicating liquor shall be done in accordance with all applicable state statutes.
 - (C) **On-sale wine licenses.** Subject to the approval of the Department of Public Safety, “on-sale” wine licenses shall be issued only to restaurants meeting the qualifications of M.S. §340A.404, Subd. 5, as it may be amended from time to time, and shall permit only the sale of wine not exceeding 14% alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food. The holder of an on-sale wine license who is also licensed to sell 3.2% malt liquor, pursuant to M.S. §340A.411, as it may be amended from time to time, and §410.02(D) and whose gross receipts are at least 60% attributable to the sale of food may sell intoxicating malt liquor at on-sale without additional license.

- (D) **3.2% malt liquor “on-sale.”** “On-sale” licenses for the sale of 3.2% malt liquor shall be issued only to drug stores, restaurants, hotels, clubs and bowling centers for the sale of 3.2% malt liquor with the incidental sale of tobacco and soft drinks.
- (E) **Temporary on-sale licenses.** Subject to the approval of the Department 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 and such further conditions as the Council may from time to time prescribe. A temporary on-sale license can only be issued for not more than three days per event and no more than three events per year by any one group.
- (F) **3.2% malt liquor off-sale.** Off-sale licenses for the sale for 3.2% malt liquor may be issued for the sale of 3.2% malt liquor in its original package and only for consumption off the premises.
- (G) **3.2% malt liquor temporary on-sale license.** Temporary on-sale licenses for the sale of 3.2% malt liquor shall be issued only to a club or charitable, religious or other non-profit organization, organized for social purposes, business purposes, for intellectual improvement or for promotion of sports where the serving of 3.2% malt liquor is incidental to and not the main purpose of the club. The license may authorize the on-sale of 3.2% malt liquor for not more than three consecutive days. A temporary license under this division shall be subject to restrictions imposed by the State Liquor Act and such further conditions as the Council may from time to time prescribe.
- (H) **Special club licenses.** Special club licenses shall be issued to incorporated clubs or congressionally chartered veterans organizations which have been in existence for at least three years, where liquor sales will only be to members and bona fide guests of a member.

410.03 Applications.

- (A) **General.** Applications for licenses described in § 410.02 shall contain the information and be in the form described in division (B) of this section.
- (B) **Form.**
 - (1) Applications for on-sale, on-sale wine, 3.2% malt liquor on-sale, 3.2% malt liquor off-sale and special club licenses shall state the name of the applicant, the applicant's age, representations as to the applicant's character with such references as the Council may require, applicant's citizenship, with type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is the 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 M.S. §340A.802 (dram shop law), as it may be amended from time to time, 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 Administrator. No person shall make a false statement in an application. Applications for the licenses described above shall be filed with the City Administrator on or before December 10 of the year prior to the calendar year for which the license is sought.

- (2) Every application for a temporary on-sale license to sell intoxicating liquor and/or 3.2% malt liquor shall be on a form or forms supplied by the city and may require such information as the Council deems advisable, but in all cases shall contain information relative to the area of sale, hours of sale and dates of sale. The application for such temporary license shall be filed with the City Administrator for at least 30 days prior to the first date for which the license is sought.

410.04 Financial Responsibility.

- (A) **Insurance on-sale and off-sale.** The license described in §410.02 shall not be issued, maintained or renewed unless the applicant/licensee demonstrates proof of financial responsibility as defined in M.S. §340A.409, as it may be amended from time to time, with regard to liability under M.S. §340A.801 (dram shop laws), as it may be amended from time to time. Such proof shall be filed with the Department of Public Safety and the City Administrator. Any liability insurance policy filed as proof of financial responsibility under this section shall conform to M.S. §340A.409, as it may be amended from time to time. Notwithstanding the foregoing, this section shall not apply to licensees who by affidavit establish that:
 - (1) They are on-sale 3.2% malt liquor licensees with sales of less than \$10,000.00 of 3.2% malt liquor for the preceding year;
 - (2) They are off-sale 3.2% malt liquor licensees with sale of less than \$20,000.00 of 3.2% malt liquor for the preceding year; or
 - (3) They are holders of on-sale wine licenses with sales of less than \$10,000.00 for wine for the preceding year.
- (B) **Temporary licenses.** An applicant for a temporary license under §410.02 shall provide such liability insurance for the sale of intoxicating liquor or 3.2% malt liquor as the city through its agent shall require. Proof of insurance coverage shall be supplied by applicant, providing a copy of the policy or certificate of insurance from the insurer.

410.05 Approval of Security. The bond required must be approved by the City Council and, in the case of applications for on-sale wine licenses, by the State Department of Public Safety.

410.06 License Fees.

- (A) **Schedule of fees.** The license fees for the licenses described in §410.02 shall be as established from time to time by ordinance of the Council.
- (B) **Payment.** Each application for a license shall be accompanied by a receipt from the City Treasurer for payment in full of the license fee and the fixed investigation fee required under §410.07, if any. All fees shall be paid into the General Fund. If an application for a license is rejected, the Treasurer shall refund the amount paid as the license fee.
- (C) **Term - pro rata fee.** All licenses, except temporary licenses, 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. All licenses, except temporary licenses, shall expire on the last day of December.
- (D) **Refunds.** No refund of any fee shall be made except as authorized by state statute.

410.07 Granting of Licenses.

- (A) **Investigation fee.** On an initial application for any of the licenses described in §410.02, and on application for transfer of existing license, the applicant shall pay with the application the following investigation fees:
 - (1) On-sale: minimum \$50.00, plus any costs over for investigation within the state. All costs for investigation outside the state;
 - (2) On-sale wine: minimum \$50.00, plus any costs over for investigation within the state. All costs for investigation outside the state;
 - (3) On-sale 3.2% malt liquor: minimum \$50.00, plus any costs over for investigation within the state. All costs for investigation outside the state;
 - (4) Temporary on-sale liquor: minimum \$50.00, plus any costs over for investigation within the state. All costs for investigation outside the state. Fee waived if applicant already possesses an on-sale liquor license for that current year;
 - (5) Off-sale 3.2% malt liquor: all costs on an annual basis;
 - (6) Temporary on-sale 3.2% malt liquor: all costs on an annual basis; and
 - (7) Special club licenses: all costs on an annual basis.

- (B) **Background and financial investigation.** The City shall conduct a preliminary background and financial investigation of each application. The application shall be in the form prescribed in §410.03 and shall contain such additional information as the Council may require. If the Council deems it in the public interest to have an investigation made on an individual named on a particular application for renewal of a license, it shall so determine. 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 the 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 \$10,000.00, 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. All information resulting from a MN Computerized Criminal History Check will be maintained at the Princeton Police Department.
- (C) **Hearing and issuance.** The City Council shall investigate all facts set out in the application and not investigated in the preliminary background and financial investigation conducted pursuant to division (B) of this section. 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 temporary on-sale license shall be effective until it, together with the security furnished by the applicant, has been approved by the Department of Public Safety.
- (D) **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 City Council approval. Any transfer of stock of a corporate licensee is deemed a transfer of the license, and a transfer of stock without Council approval is grounds for revocation of the license.

410.08 Persons Ineligible for License. No license shall be granted to any person made ineligible for such license by state law. No more than one intoxicating liquor license shall be directly or indirectly issued within the city to any one person.

410.09 Places Ineligible for License.

- (A) **General prohibition.** No license shall be issued for any place or any business ineligible for such a license under state law.
- (B) **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.

410.10 Conditions of License.

- (A) **In general.** Every license is subject to the conditions in the following divisions of this section and all other provisions of this chapter and of any other applicable chapter, state law or regulation.
- (B) **Insurance.** Compliance with financial responsibility requirements of state law and of this chapter is a continuing condition of any license granted pursuant to this chapter.
- (C) **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 beverage in the establishment is the act of the licensee.
- (D) **Clean up - temporary licensees.** The holder of a temporary license described in §410.02 shall be required to police the sale and cleanup of the sale area of all debris left in the sale area after each day of operation. The Council may require a deposit not exceeding \$1,000.00 to ensure proper cleanup of the premises which deposit will forfeit to the city at the discretion of the Council or its agents, if the area is not properly policed and cleaned up immediately after the license expires.
- (E) **Inspections.** Every licensee shall allow any police 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.
- (F) **Display during prohibited hours.** No “on-sale” establishment shall display liquor to the public during hours when the sale of liquor is prohibited.
- (G) **Practices which increase consumption.** The holder of a temporary license, pursuant to §410.02 shall be prohibited from participating in activities which may tend to increase the consumption of alcoholic beverages. The prohibited practices include but shall not be limited to: serving free alcoholic beverages; sale of unlimited alcoholic beverages during a period of time for a fixed price; sale of pitchers of alcoholic beverages, except to groups of two or more persons; increasing the volume of intoxicating or 3.2% malt liquor without proportionately increasing the price regularly charged for such beverage; games or contests which enhance drinking; awarding of alcoholic beverages as prizes, offering free food or entertainment or other prizes.
- (H) **Minors on premises.**
 - (1) No person under the age of 18 years shall be employed in any rooms constituting the place in which intoxicating liquors or 3.2% malt liquor are sold at retail on sale, except that persons under the age of 18 may be employed as musicians or to perform the duties of a bus person or dishwashing services in places defined as a restaurant, hotel, motel or other multi-purpose building serving food in rooms in which intoxicating liquors or 3.2% malt liquor are sold at retail on sale.
 - (2) No person under the age of 21 years may enter a licensed establishment except

to work, consume meals on premises that qualify as a restaurant, or attend social functions that are held in a portion of the premises where liquor is not sold.

- (3) No person under the age of 18 shall enter or be permitted to enter any establishment holding any on-sale or club license without being accompanied by their parent, grandparent, or legal guardian.
- (I) **Compliance checks.** Every licensee shall allow any peace officer, health officer, city employee, or any other person designated by the Council to conduct compliance checks and to otherwise enter, inspect, and search the premises of the licensee during business hours and after business hours during the time when customer remain on the premises without a warrant.

From time to time, but at least once per year, the City shall conduct compliance checks by engaging underage individuals in an attempt to purchase intoxicating liquor, wine, or 3.2% malt liquor. Individuals who are 18, 19, or 20 years old and used for the purpose of compliance checks shall be supervised by City designated law enforcement officers or other designated City personnel. The individuals used for compliance checks shall not be guilty of unlawful possession of intoxicating liquor, wine, or 3.2% malt liquor when these items are obtained as part of a compliance check. No individual used in compliance checks shall attempt to use a false identification misrepresenting their age, and all individuals lawfully engaged in a compliance check shall answer all questions about their age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes or required for the enforcement of a particular state or federal law.

410.11 Restrictions on Purchase and Consumption. *Amended 10-25-12 Ord #693*

- (A) **Liquor and 3.2% malt liquor in unlicensed places.** No person shall mix or prepare liquor or 3.2% malt liquor for consumption at any public place or place of business unless it has a license to sell liquor or 3.2% malt liquor “on-sale” or a permit from the Department of Public Safety under M.S. §340A.414, as it may be amended from time to time, and no person shall consume liquor or 3.2% malt liquor in any such place.
- (B) **Consumption in public places.** No person shall consume liquor or 3.2% malt liquor on any public highway, alley, sidewalk, parking area, vacant lot, public park (except the softball area and Solheim Field area of Mark Park and the camping area of Riverside Park) or other public place except as hereinafter permitted. Possession of open containers, glasses or other receptacles containing intoxicating liquor or 3.2% malt liquor shall be prima facie evidence of consumption. The consumption herein prohibited does not apply to consumption in places of business duly licensed to sell either intoxicating liquor or 3.2% malt liquor or on any public property described in this division when an organization has been temporarily licensed to sell intoxicating liquor or 3.2% malt liquor at a defined location under this chapter and pursuant to applicable

state law.

- (C) **Hours and days of sale.** No sale of intoxicating liquor or 3.2% malt liquor shall be made during the hours or days when such sale is prohibited by M.S. §340A.504, as it may be amended from time to time.
- (D) **Establishment to be closed.** Entryways into licensed establishments shall be locked and secured no later than the closing time required in M.S. §340A.504, as it may be amended from time to time. No person or customer shall be permitted to enter said premises after the required hour of closing unless it is a law enforcement officer or public safety officer conducting an inspection of said premises.
- (E) **Customers to be off -premises.** All licensees shall require that all customers shall be off of licensed premises not more than 30 minutes following the required closing time established by M.S. §340A.504, as it may be amended from time to time, and all entryways shall be locked and secured. Only licensees and their employees shall be authorized to remain in the licensed premises after 30 minutes following the required closing of the licensed premises. Not more than 30 minutes following the required closing, all shades, drapes, curtains or other objects that may interfere with the view of the inside premises are to be removed or opened in such a way that a complete survey of the inside of the licensed premises may be accomplished by any law enforcement officer wishing to inspect said premises.

410.12 Suspension and Revocation.

- (A) The Council may either suspend for up to 60 days or revoke any license granted pursuant to this chapter or impose a civil fine not to exceed \$2,000.00 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 hearing pursuant to M.S. §§ 14.57 through 14.70 of the Administrative Procedure Act, as it may be amended from time to time.
- (B) Lapse of required dram shop insurance or bond or withdrawal of the required deposit of cash or securities shall effect an immediate suspension of any license issued pursuant to this chapter without further action of the City 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 suspension of the license. The holder of the license who has received notice of lapse of required insurance or bond or withdrawal of the required deposit or of suspension or the revocation of the license may request a hearing thereon, and if such request is made in writing to the City Administrator, a hearing shall be granted within ten days or such longer period as may be requested. Any suspension under this division shall continue until the City Council determines that the financial responsibility requirements of this chapter have again been met.

410.13 Bottle Clubs.

- (A) **Permit required.** No person, business establishment or club which does not hold a license described in §410.02 may directly or indirectly allow the consumption and display of intoxicating liquor or knowingly serve any liquid for the purpose of mixing with intoxicating liquor without first having obtained a permit from the Department of Public Safety as provided in M.S. §340A.414, as it may be amended from time to time, and the approval of the City Council.
- (B) **Permit fee.** Every establishment or club desiring to allow consumption or display of intoxicating liquor, as provided in division (A) of this section, shall on or before December 10 of the year prior to the calendar year for which the permit is sought, pay to the City Treasurer an annual fee in the amount of \$300.00 and shall be issued a written receipt therefore. The written receipt shall be posted in some conspicuous place upon the premises alongside the permit issued by the Department of Public Safety.

410.14 Sunday licenses. By authorization of a special election held on September 12, 1995, the governing body of the City of Princeton may by this chapter authorize a holder of an on-sale intoxicating liquor license to apply for a special license allowing the sale of intoxicating liquor on Sunday for consumption on premises in accordance with M.S. §340A.504, Subd. 3, as it may be amended from time to time.

Chapter 411 - Consumption of Liquor – Social Hosting

411.01 Authority. This ordinance is enacted pursuant to Minn. Stat. §145A.05 Subdivision 1.

411.02 Definitions. For purposes of this ordinance, the following terms have the following meanings:

- (A) “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled or fermented spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- (B) “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- (C) “Event or gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- (D) “Host or Allow” means to aid, conduct, entertain, organize, supervise, control, or permit a gathering or event.

- (E) “Parent” means any person having legal custody of a juvenile:
 - (1) As natural, adoptive parent, or step-parent;
 - (2) As a legal guardian; or
 - (3) As a person to whom legal custody has been given by order of the court.
- (F) “Person” means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.
- (G) “Residence” or “premises” means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for an event, gathering, party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
- (H) “Underage person” is any individual under twenty-one (21) years of age.

411.03 Prohibited Acts.

- (A) It is unlawful for any person(s) to:
 - (1) host or allow an event or gathering;
 - (2) at any residence, premises, or on any other private or public property;
 - (3) where alcohol or alcoholic beverages are present;
 - (4) when the person knows or reasonably should know that an underage person will or does:
 - (i) consume any alcohol or alcoholic beverage; or
 - (ii) possess any alcohol or alcoholic beverage with the intent to consume it; and
 - (5) the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
- (B) A person is criminally responsible for violating Chapter 411.03, (A) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

- (C) A person who hosts an event or gathering does not have to be physically present at the event or gathering to be liable for prosecution under this Ordinance, provided their conduct falls within Section 411.03 (A) or (B).

411.04 Exceptions.

- (A) This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.
- (B) This ordinance does not apply to legally protected religious observances.
- (C) This ordinance does not apply to duly licensed on-sale or off-sale liquor licensees, 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. §340A.503 Subd.1 (a) (1).
- (D) This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and within the scope of his or her employment.

411.05 Enforcement. This ordinance shall be enforced by any duly licensed law enforcement officer.

411.06 Severability. If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

411.07 Penalty.

- (A) Violation of Subdivision 411.03 is a misdemeanor, punishable by up to 90 days in jail and a fine in the amount of \$1,000.00, and
- (B) A social host shall be liable for the costs of providing enforcement services in response to an event in which minors have obtained, possessed, or consumed alcoholic beverages. Such costs include, but are not limited to, attorney's fees in the event of litigation.

CHAPTER 412 – SALE OF LIQUOR BY CATERERS

412.01 Illegal Sale. It shall be unlawful for the holder of a Caterer's Permit to sell alcoholic beverages off the holder's licensed premises in the City of Princeton, except as an incidental part of the service of prepared meals at an event sponsored by a person with whom the holder has contracted for such prepared meal service.

- 412.02** **Illegal Interest.** It shall be unlawful for the person who has contracted with the holder for prepared meal service to have any legal, equitable or pecuniary interest in the holder, or the holder's compensation from the catered event.
- 412.03** **Information Required.** Except for holders who also hold an on-sale intoxicating liquor license issued by the City of Princeton, it is unlawful for any person holding a Caterer's Permit to sell or otherwise provide alcohol to any individual or group located within the corporate boundaries of the City of Princeton unless said person has first provided the Police Chief for the City of Princeton with the following:
1. A copy of their valid caterer's permit as issued by the State of Minnesota, and
 2. A copy of their valid on-sale liquor license as issued by the city where their primary on-sale liquor premises is located, and
 3. A copy of their dram shop insurance policy clearly indicating that dram shop coverage is currently in force, and
 4. A completed caterer's permit application form, and
 5. Payment of an application fee as set by resolution by the City Council of Princeton.
- 412.04** **Aiding and Abetting.** It is unlawful for any person to intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another to commit the prohibited act.
- 412.05** **Enforcement.** This ordinance shall be enforced by any duly licensed law enforcement officer.
- 412.06** **Severability.** If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.
- 412.07** **Penalty.** Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in §100.99.