

CHAPTER 5. BEER AND LIQUOR LICENSING AND REGULATION

Section 500 – BEER LICENSING AND REGULATIONS

500.01 Definitions. As used in this Chapter, unless the context indicates otherwise, the following terms have the stated meanings:

Subd. 1 Application. A form with blanks or spaces thereon, to be filled in and completed by the applicant as the applicants request for a license, furnished by the City and uniformly required as a prerequisite to the consideration of the issuance of a license for a business.

Subd.2 Applicant. Any person making an application for a license under this Chapter.

Subd. 3 License. A document, issued by the City, to an applicant permitting the applicant to carry on and transact the business stated in this Section.

Subd. 4 Licensee. Ann applicant who pursuant to an approved application holds a valid, current, unexpired license, which has neither been revoked nor suspended, from the City for carrying on the business stated in the license.

Subd. 5 License Fee. The money paid to the City pursuant to an application and prior to issuance of a license to transact and carry on the business stated in the license.

Subd. 6 Intoxicating Liquor and Liquor. Ethyl alcohol and distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2% of alcohol by weight.

Subd. 7 Beer. Non-intoxicating malt liquor which contains not in excess of 3.2% alcohol by weight.

Subd. 8 Off-Sale. The retail sale of beer or liquor in original packages for consumption off or away from the premises where sold.

Subd. 9 On-Sale. The retail sale of beer or liquor, by the glass or by the drink, for consumption on the premises where sold only.

Subd. 10 Sale, sell and Sold. All barters and all manners or means of furnishing beer or liquor to persons, including such furnishing in violation or evasion of law.

Subd. 11 Manufacturer. Every person who, by any process prepares or produces liquor or beer for sale.

Subd. 12 Wholesaler. Any person engaged in the business of selling liquor or beer to retail dealers.

Subd. 13 Package and Original Package. Any container or receptacle holding liquor or beer, which container or receptacle is corker, capped or sealed by a manufacturer or wholesaler.

Subd. 14 Club. Any corporation duly organized under the laws of this State for civic, fraternal, social, or business purposes or for intellectual improvement or for the promotion of sports, or a congressionally chartered veterans' organization, which shall have more than fifty members; and shall for more than a year have owned, hired or leased a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable accommodation of its members; and shoes affairs and management are conducted by a Board of Directors, Executive Committee or other similar body chosen by the members at a meeting held for that purpose, non of whose members, officers, agents or employees are paid directly or indirectly any compensation by way of profit for the distribution or sale of beverages to the members of the club, or to its guests, beyond the amount of such reasonable salary or wages as may be fixed and voted each year by the members or other governing body.

Subd. 15 Fraternal Club. A club which serves only members and their guests and which uses any profits derived from liquor sales principally for sponsoring activities beneficial to the community and not for the profit of any individual; and which has been in existence for fifteen years or more; or to a congressionally chartered veterans' organization which has been in existence for ten years. Such club, either of which, in order to be eligible, must be incorporated to come within this definition.

Subd. 16 Restaurant. Any establishment, other than a hotel or motel, under the control of a single proprietor or manager; having appropriate facilities for the serving of meals, and where, in consideration of payment therefore, meals are regularly served at tables to the general public; which employs an adequate staff to provide the usual and suitable service to its guests; the principal part of the business being the serving of hot foods; and which shall have seating facilities for seating not less than thirty guests at one time.

Subd. 17 Hotel and Motel. Included any establishment having a resident proprietor or manager; where in consideration of payment thereof food and lodging are regularly furnished to transients; and which contains not less than ten guest rooms with bedding and other suitable lobby, desk and office for the registration of its guests at the main entrance and on the ground floor; which employs and adequate staff to provide suitable and usual service; and which maintains under the same management and control as the rest of the establishment and has an integral part thereof a dining room with appropriate facilities for seating nor less than thirty guests at one time, where the general public is, in consideration of payment therefore, served with meals at tables.

Subd. 18 Exclusive Liquor Store. An on-sale or off-sale, or combination (where applicable) on –sale and off-sale, establishment used exclusively for the sale of beer or liquor, at retail and under the control of an individual owner or manager, and as an incident thereof may also sell cigars, cigarettes, ice, allow forms of tobacco, and soft drinks at retail.

500.02 Applications and Licenses under this Chapter – Procedure and Administration.

Subd. 1 Application. All applications shall be made at the office of the City Clerk upon forms if prescribed by the proper Department of the State of Minnesota together with such additional information as the Council may desire. If not so prescribed, then upon forms furnished by the City. Information required may vary with the type of business organization making application. All questions asked or information required by the application forms shall be answered fully and completely by the applicant.

Subd. 2 False Statements. It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in such application, or any wilful omission to state any information called for on/such application form shall be cause for an automatic refusal of license. If the license is already issued, such false statement or omission will render any issued license void and of no effect to protect the applicant from prosecution for violation of this Chapter.

Subd. 3 Application and Investigation Fees. At the time of the initial application, an applicant for an on-sale or off-sale liquor or beer license shall pay to the City an application and investigation fee as established from time to time by a resolution of the Council. Such fee shall be considered an application and investigation fee to cover the costs of the City in processing and investigating the application and shall not be refundable to the applicant. No such fee shall be required of an applicant for a temporary beer license.

Subd. 4 Action

A. Granting. The Council may approve any application for the period of the remainder of the then current license year or for the entire license year. All applications including proposed license periods must be consistent with this Chapter. Prior to consideration of any application for a license, the applicant shall pay the license and investigation fee. Upon rejection of any application for a license, or upon withdrawal of an application before approval of the issuance by the Council, the license fee shall not be refunded to the applicant. Failure to pay any portion of a fee when due shall be cause for revocation.

B. Issuing. If an application is approved, the City clerk shall forthwith issue a license in the form prescribed by the City or the proper agency of the State of Minnesota,, as the case may be. All licenses shall be on a fiscal year basis, July 1 to June 30. For licenses issued and which are to become effective other than on the first day of the licensed year, the fee to be paid with the application shall be a pro ratta share of the annual license fee. Licenses shall be valid only at one location and on the premises described in the license.

C. License Refundment in Certain Cases. In the event that during the license year the licensed premises is destroyed or damaged by fire, or that otherwise the

licensee shall cease by reason of the licensee's illness or death, or it shall become unlawful for the licensee to carry on the licensed business under the license, except when such license is revoked; the City shall, upon the happening of any such event, refund to the licensee, or to the licensee's estate, such part of the license fee paid as corresponds to the time such license has yet to run. In the event of death of the licensee, there personal representative is hereby authorized to continue operation of the business for not more than ninety days after the death of such licensee.

D. Transfer. A license shall be transferable between persons upon consent of the Council and payment of the investigation fee. No license shall be transferable to a different location without prior consent of the Council and upon payment of the fee for a duplicate license. It is unlawful to make any transfer in violation of this Subparagraph.

E. Refusal and Termination. The Council may, in its sole discretion and for any reasonable cause, refuse to grant any application. No license shall be granted to a person of questionable moral character or business reputation. Licenses shall terminate only by expiration or revocation.

F. Revocation or Suspension. The Council may, in its sole discretion and for any reasonable cause, revoke or suspend for a period not to exceed sixty days, any license granted under the provisions of this Chapter. The Council shall revoke the license upon conviction of any licensee or agent or employee of a licensee for violating any law relating to the sale or possession of beer or liquor upon premises of the licensee, or if such revocation is mandatory by Statute. If at the hearing it appears that such violation was not wilful, the Council may order suspension; provided, that revocation shall be ordered upon the third such violation or offence. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing before the Council, a committee of the Council, or a hearing examiner, as may be determined by the Council in calling the hearing. Such hearing shall be called by the Council upon written notice to the licensee served in person or by certified mail not less than fifteen nor more than thirty days prior to the hearing date, stating the time, place and purpose of the hearing. As additional restrictions or regulations or licensees under this Chapter, and in addition to grounds for revocation or suspension stated in the City Code or Statute, the following shall also be grounds for such action: (1) that the licensee suffered or permitted illegal acts upon licensed premises unrelated to the sale of beer or liquor; (2) that the licensee had knowledge of such illegal acts upon licensed premises, but failed to report the same to police; or (3) that the licensee failed or refused to cooperate fully with police in investigating such alleged illegal acts upon licensed premises.

G. Corporate Applications and Licensees. A corporate applicant, at the time of application, shall furnish the City with a list of all persons that have an interest in such corporation and the extent of such interest. The list shall name all

shareholders and show the number of shares held by each, either individually or beneficially for others. It is the duty of each corporate licensee to notify the City Clerk of any change in legal ownership or beneficial interest in such corporation or in such shares. Any change in the ownership or beneficial interest in the shares entitled to be voted at a meeting of the shareholders of a corporate licensee, which results in the change of voting control of the corporation by the persons owning the shares, shall be deemed equivalent to a transfer of the license issued to the corporation, and any such license shall be revoked thirty days after any such change in ownership or beneficial interest of shares unless the Council has been notified of the changes in writing and has approved it by appropriate action. The Council, or any officer of the City designated by it, may at any reasonable time examine the stock transfer records and minute books of any corporate licensee in order to verify and identify the business records of any other licensee to the extent necessary to disclose the interest which persons other than the licensee have in the licensed business. The Council may revoke any license issued upon its determination that a change of ownership of shares in a corporate licensee or any change of ownership of any interest in the business of any other licensee has actually resulted in the change of control of the licensed business so as materially to affect the integrity and character of its management and its operation; but no such action shall be taken until after a hearing by the Council on thirty days notice to the licensee.

Subd. 5 Duplicate Licenses. Duplicates of all original licenses under this Chapter may be issued by the City Clerk, without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of a fee as established from time to time by a resolution of the Council for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.

Subd. 6 Posting. All licensees shall conspicuously post their licenses in their places of business.

Subd. 7 Resident Manager or Agent. Before a license is issued under this Chapter to an individual who is a non-resident of the City, to more than one individual whether or not they are residents of the City, or to a corporation, partnership, or association, the applicant or applicants shall, at the written request of the Council, appoint in writing a natural person who is a resident of the City as its manager or agent. Such resident manager or agent shall, by the terms of the written consent, (1) take full responsibility for the conduct of the licensed premises, and (2) serve as agent for services of notices and other process relating to the license. Such manager or agent must be a person who, by reason of age, character, reputation, and other attributes, could qualify individually as a licensee. If such manager or agent ceases to be a resident of the City or ceases to so act in such capacity for the licensee without appointment of a successor, the license issued pursuant to such appointment shall be subject to revocation or suspension.

Subd. 8 Persons Disqualified. In addition to any other provision of law, no person shall qualify for a license under this Chapter who has been convicted within the past five years

of violating any law relating to the manufacture, sale or distribution of beer or liquor, or whose license therefore has been revoked within such period of time. Nor shall any person qualify as a licensee who has not attained the age of twenty-one years or who is not a citizen of the United States.

500.03 Renewal of Licenses. Applications for renewal of all licenses under this Chapter shall be made at least sixty days prior to the date of expiration of the license, and shall contain such information as is required by the City. This time requirement may be waived by the Council for good and sufficient cause.

500.04 Delinquent Taxes and Charges. No license under this Chapter shall be granted for operation on any premises upon which taxes, assessments, or instalments thereof or other financial claims of the City, are owed by the applicant and are delinquent and unpaid.

500.05 Conditional Licenses. Notwithstanding any provision of law to the contrary, the Council may, place special conditions and restrictions in addition to those stated in this Chapter, upon any license. These conditions may be placed upon a finding of necessity and as the Council deems reasonable and justified.

500.06 Premises Licenses. Unless otherwise expressly stated in the license, a license issued under the provisions of this Chapter shall be valid only in the compact and contiguous building or structure situated on the premises described in the license, and all transactions relating to a sale under such license must take place within such building or structure.

500.07 Conduct on Licensed Premises. Except as otherwise provided in this Section, every licensee under this Chapter shall be responsible for the conduct of the place of business and shall maintain conditions of sobriety and order.

500.08 Sale by Employee. Any sale of beer or liquor in or from any premises licensed under this Chapter by any employee authorized to make such sale in or from such place, is the act of the employer as well as of the person actually making the sale. Every employer is liable to all of the penalties provided for bylaw for such sale, equally with the person actually making the sale.

500.09 License Condition and Unlawful Act.

Subd. 1 Open to Inspection. All premises licensed under this Chapter shall at all times be open to inspection by any police officer to determine whether or not this Chapter and all other laws are being observed. All persons, as a condition to being issued such license, consent to such inspection by law enforcement officers without a warrant for searches or seizures.

Subd. 2 Hindrance. It is unlawful for any licensee or agent or employee of a licensee, to hinder or prevent a police officer from making such inspection.

500.10 Unlawful Acts.

Subd. 1 Consumption. It is unlawful for any person to consume or any licensee to permit consumption of, beer or liquor on licensed premises more than thirty minutes after the hour when a sale of alcohol can legally be made.

Subd. 2 Closing. It is unlawful for any person, other than a licensee's bona fide employee actually engaged in the performance of work duties, to be on premises licensed under this Chapter more than thirty minutes after the legal time for making licensed sales, unless the licensed establishment is open to the public for serving food.

500.11 Beer License Required. It is unlawful for any person to sell, or keep or offer for sale, any beer without a license from the City. This Section shall not apply to sales by manufacturers to wholesalers or to sales by wholesalers to persons holding on-sale or off-sale beer licenses from the City.

500.12 Beer License Fees.

Subd. 1 On-sale Beer. The annual on-sale beer license fee shall be established from time to time by resolution of the Council.

Subd. 2 Off-sale Beer. The annual off-sale beer license fee shall be established from time to time by resolution of the Council.

Subd. 3 Daily Temporary On-sale Beer. The daily temporary on-sale beer license fee shall be as established from time to time by resolution of the Council.

500.13 Temporary Beer License.

Subd. 1 Applicant. A club or charitable, religious, or non-profit organization shall qualify for a temporary on-sale beer license, for serving beer on and off school grounds, and in and out of school buildings.

Subd.2 Conditions.

A. An application for a temporary license shall state the exact dates and place of proposed temporary sale.

B. No applicant shall qualify for a temporary license for more than a total of seven (7) days in any calendar year.

C. The Council may, but at no time shall it be under any obligation whatsoever to, grant a temporary beer license on premises owned or controlled by the City. Any such license may be conditioned, qualified or restricted as the Council sees fit. If the premises to be licensed are owned or under the control of the City, at the written request of the Council and prior to issuance of the license, the applicant shall file with the City a certificate of liability insurance coverage in at least the sum of \$50,000.00 for injury to any one person and \$100,000.00 for

injury to more than one person. The City shall be named as an insured during the license period.

500.14 Beer License Restrictions and Regulations.

Subd. 1 Gambling Prohibited. No gambling or gambling device shall be permitted on any licensed premises, except, such as are licensed under the City Code 600.19.

Subd. 2 Federal Retail Liquor Dealer's Tax Stamp. No licensee shall, during the effective period of the license, be the owner or holder of a Federal retail liquor dealer's tax stamp for the sale of intoxicating liquor, unless such owner or holder also holds a liquor license from the City. The ownership or holding of the Federal due stamp shall be grounds for immediate revocation, without a hearing.

Subd. 3 Financial Interest. No license shall be granted to a wholesaler or manufacturer of beer or to anyone holding a financial interest in such manufacture or wholesaling.

Subd. 4 Under Eighteen Years of Age. No person who has not attained the age of eighteen (18) years shall be employed to sell or serve beer in any on-sale establishment.

Subd. 5 Restaurants and Clubs for On-sale. On-sale licenses shall be granted only to restaurants and bona fide clubs.

Subd. 6 Other Provisions. Every license shall be granted subject to the provisions of this Chapter and all other applicable provisions of this Code and other laws relating to the operation of licensee's business.

500.15 Hours of Beer Sales. No sale of beer shall be made between the hours of 1:00 o'clock A.M. and 8:00 o'clock A.M. on the days of Monday through Saturday, nor between 1:00 o'clock A.M. on Sunday and 8: o'clock A.M. on Monday.

500.16 Unlawful Acts (Beer). For the purpose of this Section, any person under eighteen (18) years of age but under twenty-one (21) years of age shall be considered an underage person.

Subd. 1 Purchase for Minor or Underage Person. Person other than the parent or legal guardian to procure beer for any minor or underage person.

Subd. 2 Induce Minor or Underage Person to Purchase. Person to induce a minor or underage person to purchase or procure beer.

Subd. 3 Misrepresentation of age. Minor or underage person to misrepresent the minor's or underage person's age for the purpose of obtaining beer.

Subd. 4 Consumption. Minor or underage person to consume any beer unless in the company of a parent or guardian.

Subd. 5 Intent to Consume. Minor or underage person to have in the minor's or underage person's possession any beer with intent to consume the same at a place other than the household of a parent or guardian. Possession of such beer at a place other than the household of a parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of a parent or guardian.

Subd. 6 Serving a Minor or Underage Person. Licensee or an employee to sell or serve beer to any minor or underage person, or to permit any minor or underage person to consume beer on the licensed premises, or to permit any minor to loiter or to remain in the room where on-sale beer is being sold or served unless accompanied by a parent or legal guardian.

Subd. 7 Direct or Indirect Purchase. Minor or underage person to purchase beer either directly from a licensee, or to have another person other than a parent or guardian, to procure beer for the minor or underage person.

Subd. 8 Induce and Illegal Sale. Person to knowingly induce another to make an illegal sale or purchase of beer.

Subd. 9 Sale to Intoxicated Person. Licensee to sell or serve beer to any person who is obviously intoxicated.

Subd. 10 Fail to Require Proof of Age. Licensee to fail, where doubt could exist, to require adequate proof of age of a person upon the licensed premises. Proof of age for the purpose of consuming, purchasing, or procuring beer may be established only by a valid driver's license or current Minnesota identification card issued to Minn. Stat. Section 171.07.

Subd. 11 Sales Not Permitted by Law. Licensee to sell beer on any day, or during any hour, when such sales are not permitted by law.

Subd. 12 Consumption Not Permitted by Law. Licensee to allow consumption of beer on the licensed premises, during any time of day when sales of beer are not permitted by law.

Subd. 13 Purchase Not Permitted by Law. Person to purchase beer on any day, or during any hour, when sales of beer are not permitted by law.

Section 505 – LIQUOR LICENSING AND REGULATION

505.01 Liquor License Required. It is unlawful for any person to sell, or keep or offer for sale, any liquor without a license from the City. This Section shall not apply: (1) to possession or handling, for sale or otherwise, of sacramental wine; or to any representative of any religious order or for use in connection with a legitimate religious ceremony; (2) to such potable liquors as are prescribed by licensed physicians and dentists for therapeutic purposes; (3) to industrial alcohol and its compounds not prepared or used for beverage purposes; or (4) to sales by manufacturers to wholesales duly licensed as such by the State of Minnesota and to sales by wholesalers to persons holding on-sale or off-sale or off-sale licenses from the City.

505.02 Liquor License Fees.

Subd. 1 On-sale Liquor. The annual on-sale liquor license fee shall be as established from time to time by resolution of the Council.

Subd. 2 Off-sale Liquor. The annual off-sale liquor license fee shall be as established from time to time by resolution of the Council.

Subd. 3 Fraternal Club On-sale. The annual fraternal club on-sale liquor license fee shall be as established from time to time by resolution of the Council.

Subd. 4 Sunday Liquor. The annual Sunday liquor license fee shall be as established from time to time by resolution of the Council.

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Subd. 4 Sunday Liquor. The annual Sunday liquor license fee shall be as established from time to time by resolution of the Council.

505.03 Liquor License Restrictions and Regulations.

Subd. 1 Bond or Insurance Required. Prior to issuance of any liquor license, the applicant for an off-sale license shall file with the City a corporate surety bond, or a liability insurance policy, or in lieu thereof cash or United States government bonds in a sum of not less than \$1,000.00. The bond or policy must be approved by the City Attorney. The applicant for an on-sale license shall file with the City, such approved

security, in a sum of at least \$3,000.00. In lieu of such corporate or cash bond the applicant may file with the City Clerk a liability insurance policy in the amount of \$50,000.00 coverage for one person and \$100,000.00 coverage for more than one person. The insurance coverage shall specifically provide for the payment by the insurance company, on behalf of the insured, of all sums which the insured shall become obligated to pay by reason of liability imposed upon the insured by law for injuries or damage to persons, other than employees, including the liability imposed upon the insured by reason of Minn. Stat. Section 340A.801. Such liability insurance policy shall further provide that no cancellation of the policy for any cause, can be made either by the insured or the insurance company without first giving ten (10) days' notice to the City Clerk in writing of intention to cancel the policy. Sales by a licensee without such liability insurance coverage shall be grounds for immediate revocation of the license.

Subd. 2 Financial Interest. No license shall be granted to a wholesaler or manufacturer of liquor, or to anyone holding a financial interest in such manufacturing or wholesaling.

Subd. 3 United States Permit. No license shall be effective until a permit shall be issued to a licensee under the laws of the United States, if such permit be required under such laws of the State of Minnesota.

Subd. 4 Other Provisions. Every license shall be granted subject to the provisions of this Chapter and all other applicable provisions of the City Code and other laws relating to the operation of the licensed business.

Subd. 5 Gambling Restricted. No gambling or gambling device shall be permitted on any licensed premises, except such as are licensed under the City Code.

Subd. 6 Persons Under Eighteen. No person under the age of eighteen (18) years shall be employed upon premises, or in any rooms constituting the same, except that persons under the age of eighteen (18) years may be employed as musicians or to perform the duties of a busboy or dishwashing services in places defined as a restaurant, hotel or motel.

Subd. 7 Refilled or Partly Refilled Liquors. No licensee shall sell, offer for sale, or keep for sale, liquor in any original package which has been refilled or partly refilled.

Subd. 8 Display. No licensee shall display liquor to the public during hours when the sale of liquor is prohibited.

Subd. 9 Off-Sale Licenses. The only off-sale or combination of off-sale and on-sale liquor licenses issued under this Section shall be to persons for sales within an establishment defined as an exclusive liquor store.

Subd. 10 On-Sale Licenses. On-sale licenses shall be granted only to exclusive liquor stores, hotels, motels, restaurants and bona fide clubs.

505.04 Hours and Days of Liquor Sales. No sale of intoxicating liquor for consumption on the licensed premises may be made between 1:00 o'clock A.M. and 8:00 o'clock A.M. on the days of Monday through Saturday; after 1:00 o'clock A.M. on Sundays, except as provided by Subdivision 505.05.

505.05 Intoxicating Liquor; Sunday Sales; On-Sale. A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 12:00 o'clock noon on Sundays and 1:00 o'clock A.M. on Mondays.

A. For the purpose of this Section, any person under eighteen (18) years of age shall be considered a minor and anyone (18) years of age but under twenty-one (21) years of age shall be consider an underage person.

B. The voters of the City of Kilkenny by previous referendum have approved the Sunday sale of intoxicating liquor by on-sale licensees. In conjunction with said referendum the Kilkenny City Council has previously enacted an ordinance permitting Sunday intoxicating liquor sales by a licensed on-sale liquor establishment with the City limits and this ordinance shall replace and amend the previous ordinance. The purpose of this paragraph is to specifically extend to all establishments within the City of Kilkenny holding intoxicating liquor licenses from the City the right to sell intoxicating liquor on premises on Sundays in conformance with the time frames set out in ordinance numbers 505.04 and 505.05(A).

C. An establishment serving intoxicating liquor on Sundays must obtain a Sunday license in conformance with this Chapter. The fee for the Sunday intoxicating liquor license shall be set by the City Council annually by resolution but shall not exceed any amount set as a maximum under state law.

505.055 Intoxicating Liquor; Off-Sale. No sale of intoxicating liquor may be made by an off-sale licensee:

- (1) on Sundays;
- (2) before 8:00 o'clock A.M. on Monday through Saturday;
- (3) after 8:00 o'clock P.M. on Monday through Thursday and after 10:00 o'clock P.M. on Friday and Saturday as well as December 31, July 3, and the day preceding Thanksgiving Day, unless otherwise prohibited under clause (1);
- (4) on Thanksgiving Day;
- (5) on Christmas Day, December 25; or
- (6) after 8:00 o'clock P.M. on Christmas Eve, December 24.

505.06 Unlawful Acts (Liquor). For the purpose of this Section, any person under eighteen (18) years of age shall be considered a minor and anyone eighteen (18) years of age but under twenty-one (21) years of age shall be considered an underage person. It is unlawful for any:

Subd. 1 Age Misrepresentation. Minor or underage person to misrepresent the minor's or underage person's age for the purpose of obtaining liquor.

Subd. 2 Consumption. Minor or underage person to consume liquor.

Subd. 3 Possession. Minor or underage person to have liquor in the minor's or underage person's possession.

Subd. 4 Purchase or Procurement. Minor or underage person to enter licensed premises for the purpose of purchasing or procuring liquor.

Subd. 5 Induce to Purchase. Person to knowingly induce another to make an illegal sale or purchase of liquor.

Subd. 6 Illegal Sale. Licensee to sell liquor on any day, or during any hour, when sales of liquor are not permitted by law.

Subd. 7 Illegal Purchase. Person to purchase liquor on any day, or during any hour, when sales of liquor are not permitted by law.

Subd. 8 Entering Licensed Premises. Minor to be in or upon licensed premises except a restaurant, hotel or motel, and then only if accompanied by a parent or guardian; and it is unlawful for the licensee to permit such person to remain upon the licensed premises.

Subd. 9 Sale to Intoxicated Person. Licensee to sell or serve liquor to any person who is obviously intoxicated.

Subd. 10 Sale or Service. Licensee to sell or serve liquor to any minor or underage person.

Subd. 11 Proof of Age. Licensee to fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises. Proof of age for the purpose of consuming, purchasing, or possessing liquor may be established only by a valid driver's license or current Minnesota identification card issued pursuant to Minn. Stat. Section 171.07.

Subd. 12 Purchase for Minor or Underage Person. Person to furnish, purchase or procure liquor for a minor or underage person.

Subd. 13 Purchase by Minor or Underage Person. Minor or underage person to purchase liquor, or procure another to purchase liquor for the minor or underage person.

Section 510 – CONSUMPTION AND DISPLAY

510.01 Consumption and Display.

Subd. 1 Definition. For purposes of this Section, the term “bottle club” is a “club” as defined in this Chapter, or an unincorporated society which, except for its lack of incorporation, otherwise meets the requirements of a club, and which is not otherwise licensed for the sale of liquor, either on-sale or off-sale or both.

Subd. 2 Consumption and Display License Required. It is unlawful for any bottle club or for any business establishment to allow the consumption or display of liquor or the serving of any liquid for the purpose of mixing liquor without a license from the City. However, a bottle club which is licensed may permit its members to bring and keep a personal supply of liquor in lockers assigned to such members.

Subd. 3 Consumption and Display License Fee. The annual consumption and display license fee shall be as established from time to time by resolution of the Council.

Subd. 4 Consumption and Display Restrictions and Regulations.

A. Every bottle, container or other receptacle containing liquor stored by a member of a bottle club shall have attached to it a label signed by the member of the club; shall be kept in a locker designated to the use of such member; and no other liquor shall be on bottle club premises.

B. It is unlawful for any club member under twenty-one (21) years of age to be assigned a locker for the storage of liquor, or to consume or display liquor on any premises under control by such club.

C. It is unlawful to consume or allow consumption or display of liquor in any bottle club or business establishment between the hours of 12:45 o'clock A.M. and 8:00 o'clock A.M.; or between the hours of 12:45 o'clock A.M. and 3:00 o'clock P.M. on Memorial Day; or between the hours of 12:45 o'clock A.M. and 8:00 o'clock P.M. on any primary, special, or general election day held in the City.

D. No license shall be issued to any bottle club when a member of the board, management, executive committee or other similar body chosen by its members, or when a business establishment or the owner thereof holds a Federal retail liquor dealer's special tax stamp for the sale of liquor.

E. Liquor sold, served or displayed in violation of this Section shall be subject to seizure for purposes of evidence.

Subd. 5 Other Licenses. Any on-sale liquor licensee may also be licensed for consumption and display.

Section 511 – Effective Date of Chapter 5

511.01 The effective date for Chapter 5 of the Kilkenny City Code, Sections 500 through 511 shall be December 1, 1997.