

ORDINANCE NO. 28

An Ordinance Establishing a Liquor Dispensary (On-Sale, Off-Sale, or Both) and Providing Certain Regulations Therefor:

The council of the municipality of Village of New Munich does ordain:

Section 1. Dispensary Established. A municipal liquor dispensary is hereby established to be operated within this municipality for the sale of liquor potable as a beverage and containing more than 3.2% of alcohol by weight, both for consumption at such dispensary and on such premises by the drink and in the sealed or closed receptacle or retainer for removal from the premises. No person shall sell, barter, or otherwise dispose of intoxicating liquor, nor shall a sale be made by any one outside of said dispensary or not employed in and by said dispensary. It shall be unlawful for any person or persons to mix or prepare liquor for consumption in any public place or place of business or to consume liquor in such places outside of the dispensary. No liquor shall be sold or consumed on a public highway or in an automobile.

Section 2. Location and Operation. The said dispensary shall be at such place as the council shall determine by motion and may be either leased or owned by the municipality. It shall be in charge of a person known as the Operator, who shall also be selected by the city (village) council and who shall be paid such compensation as the council shall determine. Said operator shall have full charge of the operation of such dispensary, and shall have authority to purchase supplies as are necessary and employ such additional help as he may need at a rate of compensation to be approved by the council and under rules to be determined by the council. All employees including operator shall hold their positions at the pleasure of the council. No minor person shall be employed in the municipal dispensary.

Section 3. Dispensary Fund Created.—A liquor dispensary fund is hereby created into which all revenues received from the operation of the dispensary shall be paid, and from which all operating expenses shall be paid, provided that the initial costs of rent, fixtures and stock may be paid for out of the general fund of the municipality, but such amounts shall be reimbursed to the said general fund out of the first moneys coming into the liquor dispensary fund needed for carrying on the said business. Any surplus accumulating in this fund may be transferred to the general fund by resolution of the council and expended for any municipal purpose.

Section 4. Hours of Operation.—The municipal dispensary shall at all times observe the following restrictions upon the hours of operation: No sale of intoxicating liquor shall be made on Sunday nor before three o'clock P. M. on any Memorial Day (meaning Decoration Day) nor before eight o'clock P. M. on any Election Day in the municipality. No On-sale shall be made before eight o'clock A. M. or after twelve o'clock midnight of any day. No Off-sale shall be made before eight o'clock A. M. or after eight o'clock P. M. of

any day except Saturday, on which day Off-sales may be made until ten o'clock P. M.

Section 5. Conditions of Operation and Restrictions on Consumption.—No pool or billiard table shall be kept in the dispensary or any rooms connecting therewith; nor shall any one on such premises keep, possess or operate on such premises or in any rooms adjoining or connected therewith any slot machine, dice or any other gambling device or permit the same to be kept or used. No gambling shall be permitted on such premises, nor shall any person of a known immoral character or any disorderly person be permitted on such premises.

No liquor shall be sold either for consumption upon the premises or for removal therefrom to a person who is in an intoxicated condition.

No liquor shall be sold to a minor.

The premises occupied by the dispensary shall be duly inspected by the health officer of the city (village) at least once a month and as many other times as he deems necessary to see that said premises are in a sanitary condition.

Section 6. Repeal.—All ordinances of the municipality or any provisions thereof in conflict with this ordinance or any of its provisions are hereby repealed. No provision hereof shall affect Ordinance No. 20 and 24, licensing and regulating the sale of non-intoxicating malt liquors adopted pursuant to Chapter 116, Laws of Minnesota 1933, or any license granted thereunder.

Section 7. Enforcement and Penalty.—It shall be the duty of all police officers and constables of the municipality to enforce the provisions of this ordinance and to search premises and seize evidence of law violation and preserve the same as evidence against any person alleged to be violating this ordinance, and to prepare the necessary processes and papers therefor.

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 one hundred dollars (\$100.00), or in default of such payment shall be imprisoned in the city or village lockup (or county jail) for not to exceed ninety (90) days, plus the costs of prosecution in any case.

Section 8. Effect.—This ordinance shall take effect and be in force from and after its passage and publication.

Passed by the council this 28 day of June, 1938.

Approved Ben Humbert
(Seal) President of Council

Attest: A. A. Brandt
Recorder

Published in Melrose Beacon on
30th day of June, 1938.