

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 110: ALCOHOLIC BEVERAGES

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INTOXICATING LIQUOR

§ 110.01 PROVISIONS OF STATE LAW ADOPTED.

The provisions of M.S. Chapter 340A, as it may be amended from time to time, relating to the definition of terms, licensing, consumption, sale, financial responsibility of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2% malt liquor are adopted and made a part of this subchapter as if fully set out in full herein.

§ 110.02 INTOXICATING LIQUOR LICENSE REQUIRED.

A. General Requirement. No person, except a wholesale 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 without a license to do so as provided in this subchapter. Liquor licenses shall be of two kinds: “on-sale,” and retail “off-sale.”

B. On-Sale Licenses. On-sale intoxicating liquor licenses shall be issued only restaurants and shall permit on-sale of liquor only. On-sale licenses shall include Sunday sales. The sale of intoxicating liquor on Sundays shall be between 12:00 noon and 12:00 a.m. midnight. No sale of intoxicating liquor for consumption on the licensed

premises may be made between 12:00 a.m. and 8:00 a.m. on Mondays and 1 :00 a.m. and 8:00 a.m. on Tuesday through Saturday.

C. Off-Sale Licenses. "Off-sale" licenses shall permit the sale of intoxicating liquor at retail, in the original package for consumption off the premises only. No sale of intoxicating liquor may be made by an off-sale licensee:

On Sundays;
Before 8:00 a.m. on Monday through Saturday;
After 10:00 p.m. on Monday through Saturday;
On Thanksgiving Day;
On Christmas Day, December 25th, and
After 8:00 p.m. on Christmas Eve, December 24th.

§ 110.03 APPLICATION FOR LICENSE.

A. Form. Every application for a license to sell intoxicating liquor, shall state the name of the applicant, his or her age, representations as to his or her character (with such references as the Council may require), his or her citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he or she 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 Minnesota Statutes Section 340A.802 during the preceding year. In addition to containing the information, the application shall be in the form prescribed by the Commissioner of Public Safety and/or Bureau of Criminal Apprehension and shall be verified and filed with the City Clerk. No person shall make a false statement in an application.

B. Financial Responsibility.

No liquor license may be issued, maintained, or renewed unless the applicant 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, as it may be amended from time to time. Such proof shall be filed with the Commissioner of Public Safety. Any liability insurance policy filed as proof of financial responsibility under this subdivision shall conform to Minnesota Statutes Section 340A.409.

§ 110.04 LICENSE FEES.

A. Fees. The annual fee shall be for an on-sale intoxicating liquor license shall be as established by City Council resolution from time to time. The annual fee for any off-sale license shall be as established by City Council from time to time.

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, if any, required under § 110.05. 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. Each license shall be issued for a period of one (1) 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 1 month. Every license shall expire on the last day of December.

D. Refunds. No refund of any fee shall be made except as authorized by Minnesota Statutes.

§ 110.05 GRANTING OF LICENSES.

A. Preliminary Investigation. On an initial application for a license and on application for transfer of an existing license, the applicant shall pay with his application an investigation fee of Five Hundred Dollars (\$500.00), and the City shall conduct a preliminary background and financial investigation of the applicant. No investigation fee shall be refunded. The application in such case shall be made on a form prescribed by the Commissioner of Public Safety and with such additional information as the Council may require. 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 Commissioner of Public Safety for the investigation. No license shall be issued, transferred or renewed if the results show to the satisfaction of the Council that 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 Ten Thousand Dollars (\$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 any license is granted. At any time that an additional investigation is required because of a change in the ownership or control, or because of enlargement, alteration or extension of premises previously licensed, the Licensee shall pay an additional investigation fee of Five Hundred Dollars (\$500.00).

B. Hearing and Issuance. The City Council shall investigate all facts set out in the application. The Council shall instruct the City Clerk to cause to be published in the official newspaper, ten (10) days in advance, a Notice of Hearing to be held by the City Council, setting forth the day, time and place when the hearing will be held, the name of the applicant, the premises where the business is located, and such other information as the City Council may direct. At the hearing, the opportunity shall be given to any person to be heard, for or against the granting of the license. A license, other than renewal, shall not be approved or refused before the next regular meeting of the City Council following such hearing. No license shall become effective until said application has been approved by the Commissioner of Public Safety.

C. Person and Premises Licensed; Transfer. Each license shall be issued only to the applicant and only for the premises described in the application. The licensee

shall be the owner and operator of the business. 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 prior Council approval is ground for revocation of the license.

D. Renewal Applications. Applications for the renewal of an existing license shall be made by October 15th of each year and shall be made in such abbreviated form as the City Council may approve. Proposed enlargement, alteration or extension of the premises previously licensed shall be reported to the City Clerk at or before the time application is made. If, in the judgment of the City Council, good and sufficient cause is shown by an applicant for his or her failure to file for a renewal within the time provided, the City Council may, if the other provisions of this Ordinance are complied with, grant the application.

§ 110.06 PERSONS INELIGIBLE FOR LICENSE.

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

§ 110.07 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. No license shall be issued for any place within one thousand five hundred (1,500) feet of a school.

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.

§ 110.08 CONDITIONS OF LICENSE.

A. In General. Every license is subject to the conditions in this section and all other provisions of this subchapter and of any other applicable ordinance, state law, or regulation and of any Conditional Use Permit issued for the premises.

B. Insurance. Compliance with financial responsibility requirements of state law and of this subchapter is a continuing condition of any license granted pursuant to this subchapter.

C. Licensee's Responsibility. Every licensee is responsible for the conduct in the licensed establishment, the conditions of sobriety, order of it, and any sale of alcoholic beverages by any employee authorized to sell the beverages in the establishment is the act of the licensee.

D. Inspections. Every licensee shall allow any peace officer, health officer,

or property designated officer or employee of the City to enter, inspect and search the premises of the licensee during business hours without a warrant.

E. Nudity and Sexual Conduct Prohibited. The City Council finds that the sale or presence of alcoholic beverages and adult entertainment occurring on the same premises can increase disorderly conduct and can result in incidents of prostitution, public masturbation, indecent exposure, or sexual assault. In order to protect the health, safety and welfare of City residents, and pursuant to the City's statutory and constitutional authority to regulate alcoholic beverages, no licensee within the City shall permit the following kinds of conduct on the licensed premises or in any area adjoining the licensed premises where such conduct may be seen by patrons of the licensed premises:

- (1) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation or flagellation;
- (2) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus, or genitals;
- (3) The actual or simulated display of the pubic hair, anus, vulva or genitals;
- (4) The display of films, videos, still pictures, electronic reproduction, or any other visual reproduction or image depicting the acts described in A through C above;
- (5) The presentation of any female in such manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof; or
- (6) No licensee or agent or employee of a licensee shall allow or permit to remain in or about the licensed premises any person who performs any act set forth in 1 through 6 above.

§ 110.09 RESTRICTIONS ON PURCHASE AND CONSUMPTION

A. Liquor in Unlicensed Places. No person shall mix or prepare liquor for consumption in any public place or place of business unless it has a license to sell liquor "on-sale" or a permit from the Commissioner of Public Safety under Minnesota Statutes Section 3-WA.41-1 and no person shall consume liquor in any such place.

B. Consumption in Public Places. No person shall consume liquor on a public highway, public park or other public place.

§ 110.10 SUSPENSION AND REVOCATION.

The City Council may suspend or revoke and impose a civil fine not to exceed Two Thousand Dollars (\$2,000.00) for any violation of any applicable statute, regulation or ordinance regulating the sale of intoxicating liquor. The Council may from time to time adopt by resolution a schedule of penalties for various violations. Except in cases of failure of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statutes Section 1-1.57 to 1-1.70 of the Administrative Procedure Act.

§ 110.11 PENALTY.

Any person who shall do or commit any act that is forbidden by the provisions of this subchapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided by State law for misdemeanor offenses. Each day that a violation of this subchapter is allowed to continue shall constitute a separate violation.

SALE OF INTOXICATING LIQUOR ON SUNDAYS

§ 110.12 PROVISIONS OF STATE LAW ADOPTED.

The provisions of M.S. Chapter 340A, as it may be amended from time to time, with reference to the sale of intoxicating liquors on Sundays are hereby adopted and made a part of this subchapter as if fully set out herein.

§ 110.13 SPECIAL LICENSE REQUIRED.

No establishment to which on-sale licenses have been issued or hereafter may be issued for the sale of intoxicating liquors, which are hotels or restaurants as defined in Minnesota Statutes Chapter 340A may serve intoxicating liquors on Sundays without first having received a special license to do so as provided in this subchapter.

§ 110.14 ANNUAL FEES.

The annual fee for a special license to sell intoxicating liquor on Sundays in the City of Lakeland Shores shall be established by Council resolution from time to time.

§ 110.15 PENALTY.

Any person who shall do or commit any act that is forbidden by the provisions of this subchapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided by State law for misdemeanor offenses.

**CHAPTER 111: GENERAL LICENSING PROVISIONS ESTABLISHING
NATURAL GAS FITTING STANDARDS**

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§ 111.01 LICENSE REQUIRED.

No person shall carry on the business of natural gas installations within the City of Lakeland Shores nor make any connections whatever of natural gas appliances in said City without first having obtained a license to do so in the manner prescribed herein; and no permit for doing any such work shall be issued except to natural gas fitters who have obtained such a license.

§ 111.02 APPLICATION.

Any person desiring to secure a license for doing any of the work described in this subchapter shall make application therefore to the Council. Upon being satisfied that the applicant is skilled in the planning, superintending and the practical installation of natural gas fittings and otherwise qualified to contract for natural gas fitting installations and conduct business of natural gas fitting, and familiar with the laws, rules and regulations governing the same, the Council may direct that such license be issued to him or her by the Clerk, upon complying with the requirements in the following sections.

§ 111.03 NATURAL GAS FITTERS BOND, INSURANCE FEES.

Before a natural gas fitters license shall be granted to any person, he or she shall execute and deposit with the Clerk a bond in the sum of Two Thousand and No/100 Dollars (\$2,000.00) executed by a surety company authorized to do business in the State of Minnesota. Such bond shall be conditioned such that the applicant shall, in all respects, well and faithfully perform all things undertaken by him or her in the making of connections, repairs or taps of any kind with the natural gas system in the City and shall carry Property Damage and Public Liability Policies in the amount of \$100,000.00 to protect others against damages consequent thereto or by reason of any opening in any

street, lane or avenue made by him or by any person in his employ. The applicant shall also, before such license be issued, pay to the Clerk a license fee of \$2.00.

§ 111.04 DURATION OF LICENSES.

Every License so issued shall expire one year after the date thereof, or it may be suspended or revoked at any time by the Council on satisfactory proof of any failure or neglect of the licensee to observe the rules and regulations prescribed by any ordinance or resolution passed by the Council relating to natural gas fitting.

§ 111.05 LICENSES TO FIRMS OR CORPORATIONS.

Whenever two or more persons are to be engaged in the business of natural gas fitting as a co-partnership or corporation, the natural gas fitters license shall be issued only to the person or persons in charge of the natural gas fitting work or such person's firm or corporation.

§ 111.06 USE OF LICENSEE'S NAME BY ANOTHER.

No person who has obtained any such license shall allow his name to be used by any other person, either for the purpose of obtaining permits, or doing any work under the license; and every person licensed shall have recorded in the Clerk's office his place of business, and the name under which the business is transacted and shall immediately notify the Clerk of any change.

§ 111.07 NATIONAL BOARD OF FIRE UNDERWRITERS STANDARDS

The National Fire Underwriters Standards is hereby adopted and shall be in full force and effect in this City insofar as applicable to gas fitters and installations therein. All work done hereafter in this City shall be done in accordance with the provisions thereof.

§ 111.08 COPIES OF STANDARDS TO BE FILED.

Three copies of the above standards as aforesaid shall be filed by the Clerk in his office for inspection and use of the public and shall be marked by the Clerk with the words "Official Copy".

§ 111.09 INSPECTION REQUIRED.

It shall be unlawful to allow the flow of natural gas into any natural gas appliance within the City of Lakeland Shores until the same has been inspected and approved. Said inspection shall be made by Central Natural Gas Company or its duly authorized agent or a duly appointed inspector of the City of Lakeland Shores, whichever the City Council may designate.

§ 111.10 PERMIT FEES.

A. No device, appliance, machine, heating device or apparatus using natural gas shall be installed, altered, repaired or serviced without first securing a permit therefore except minor repair work. Applications for permits shall be filed with the Clerk accompanied by a fee as follows: \$2.00 for one or more of such machines, devices, ranges, refrigerators or other appliances except furnaces being installed in one house or other non-residential building at one time.

B. A permit will be required to begin the installation, alteration or repair (except such minor repair not involving the removal of the burner from its application) or any gas burner or any gas burner equipment.

C. Any person who shall commence work of any kind for which a permit is required under the provisions of this Chapter without having first received the necessary permit therefore shall, when subsequently receiving such permit, be required to pay double the fees provided for in this Chapter for such permit and shall be subject to all the penal provisions of this Chapter.

D. All permits issued shall expire ninety (90) days after the date thereof and, unless the work contemplated and authorized thereby is in actual progress, all fees shall be forfeited.

§ 111.11 ENFORCEMENT

All natural gas fitting work hereafter constructed shall be inspected and, if found not to be in accordance with the said National Board of Fire Underwriters Standards, shall be corrected. If, after written Notice to the person installing work requiring correction thereof, such person neglects or refuses to conform to such order, the City or any duly appointed inspector may remove such work and charge the cost thereof to the person installing the same. No person shall cover any such natural gas installation or connection until it has been inspected and any such covering shall be a violation of this subchapter.

§ 111.12 PENALTY.

Any person who shall do or commit any act that violates the provisions of this subchapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided by State law for misdemeanor offenses.

CHAPTER 112 GAMBLING

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GAMBLING

§ 112.01 PURPOSE.

The purpose of this subchapter is to regulate and control the conduct of gambling, to insure integrity of operations and to provide for the use of net profits only for lawful purposes.

§ 112.02 PROVISIONS OF STATE LAW ADOPTED

The provisions of Minnesota Statutes Chapter 349 are hereby adopted and made a part of this subchapter as if set out in full.

§ 112.03 LAWFUL GAMBLING

There shall be no gambling in the City except as authorized pursuant to the provisions of Minnesota Statutes, Chapter 349, and the rules adopted pursuant to the authority contained in the statutes. Gambling shall be operated in accordance with the terms and conditions specified in this division, other applicable Lakeland Shores City Ordinances and state and federal laws and regulations.

§ 112.04 PERMIT REQUIRED.

Except for an organization licensed by the Board, no person may conduct a gambling event which would otherwise be allowed pursuant to the exclusions and exemptions set forth in Minnesota Statutes 349.166, without first securing a permit from the City and paying a permit fee in the amount of \$100.00.

§ 112.05 CITY APPROVAL REQUIRED/PREMISES PERMIT.

No person may conduct a gambling event within the City of Lakeland Shores without first securing a premises permit from the Board and a resolution from the City Council approving the premises permit. The Owner of the premises for which a premises permit is issued must comply with the requires of Minnesota Statutes 349.318 in renting or using the premises for lawful gambling.

§ 112.06 APPLICATION, REPORTING REGULATIONS, INVESTIGATION

A. Application and Investigation. Each organization licensed to conduct lawful gambling in the City of Lakeland Shores shall complete the City's investigation form and submit copies of all State gambling forms, all records and reports to be filed within the State Gambling Control Board, pursuant to Minnesota Statutes, Chapter 349, and the rules and regulations promulgated thereunder and submit any additional information required by the City.

B. Leasing Premises. Any organization leasing premises for the conduct of lawful gambling shall, upon the request from the City, file with the City a copy of the lease within one (1) week after execution of the lease. The lease shall not provide for rental payments based on a percentage of receipts or profits from lawful gambling.

C. Inspection. Every gambling event in the City of Lakeland Shores conducted by an organization under State license shall be open to inspection by the City and the County Sheriff's Department.

D. Records Inspection. The City may inspect, at any reasonable time without notice or search warrant, all records of a licensed organization required to be maintained by the State Gambling Control Board.

§ 112.07 NOTICE, APPROVAL OR DISAPPROVAL OF PERMIES PERMITS.

A. Notice. The Board shall notify the City Council, pending application or renewal for a premises permit. The applicant shall cooperate fully with the City in supplying all information provided for in this subchapter. The City Council shall determine whether the organization meets all criteria provided for in this subchapter necessary to approve a premises permit.

B. Approval or Disapproval. Each pending application for a premises permit shall be approved or disapproved by resolution of the City Council within sixty (60) days or receipt of a complete application.

§ 112.08 AUTHORIZED ORGANIZATIONS.

An organization shall not be eligible to conduct lawful gambling in the City of

Lakeland Shores unless it meets the qualifications in Minnesota Statutes §349.16, subd. 2.

§ 112.09 QUALIFICATIONS

The City Council shall not adopt a resolution approving a premises permit from any applicant who:

A. Has an officer, director or other person in a supervisory or management position that:

1. Has ever been convicted of a felony;
2. Has ever been convicted of a crime involving gambling;
3. Is not of good moral character and repute; or
4. Has ever been convicted of:
 - (a) assault,
 - (b) a criminal violation involving the use of a firearm; or
 - (c) making terroristic threats.

B. Which owes, or has an officer, director or other person in a supervisory or management position who owes, delinquent local, state or federal taxes, or is delinquent on any other City bill.

§ 112.10 LOCATION CRITERIA FOR PREMISES PERMITS.

All organizations applying for a premises permit must meet criteria set forth herein relating to location of lawful gambling activities, as follows.

A. An organization may conduct lawful gambling only on premises it owns or leases, except as authorized by Minnesota Statutes §349.18.

B. Gambling in the City of Lakeland Shores may be conducted only in the licensed organization's hall where it has its regular meetings or in a licensed on-sale liquor, wine and beer establishment.

C. No location shall be approved unless it complies with the applicable zoning, building, fire and health codes of the City of Lakeland Shores and other regulations contained in this subchapter.

§ 112.11 DISTRIBUTION OF PROCEEDS

Each organization licensed to conduct gambling within the City shall contribute to a fund administered and regulated by the City for distribution by the City for purposes authorized under Minnesota Statute §349.213, subd. 1, an amount equal to ten percent (10%) of the organization's net profits derived from lawful gambling. For purposes of this section, net profits are profits less amounts expended for allowable expenses.

Payments to the fund shall be calculated for quarterly periods ending on the last day of March, June, September and December of each year. Quarterly installment payments shall be submitted, together with verifiable supporting documentation, not later than the twentieth day of the month following the end of the quarterly period.

Each organization conducting lawful gambling within the City must expend 100% of its lawful purpose expenditures on lawful purposes conducted or located within the trade area of the City, which shall be limited to the corporate limits of the City or any municipality contiguous to the City. This section applies only to lawful purpose expenditures of gross profits derived from lawful gambling conducted at premises within the City. Annually, each organization must file with the City a report prepared by an independent certified public accountant documenting compliance with this section. In addition, each organization must submit a report to the City each January listing all lawful purpose expenditures from January 1 through December 31 of the preceding year.

The report shall identify the name of the entity to whom the check was written, the City location of the recipient and the amount of the donation.

§ 112.12 PENALTIES.

A. Violation. Violation of any provision of this subchapter shall be a misdemeanor. Nothing in this subchapter shall preclude the City from enforcing this subchapter by means of any appropriate legal action. Additionally, a violation of this Chapter shall be reported to the Board and a recommendation shall be made for the suspension, revocation or cancellation of an organization's license.'

B. Suspension and Revocation. Any permit may be suspended or revoked for any violation of this subchapter. A permit shall not be suspended or revoked until the procedural requirements of subsection C have been complied with, provided that, in cases where probable cause exists as to an ordinance violation, the City may temporarily suspend, upon service of notice of the hearing provided for in subsection C. Such temporary suspension shall not extend for more than two (2) weeks.

C. Procedure. A permit shall not be revoked until notice and an opportunity for a hearing have first been given to the permittee. The notice shall be personally served and shall state the subchapter provision reasonably believed to be violated. The notice shall also state that the permittee may demand a hearing on the matter, in which case the permit will not be suspended until after the hearing is held. If the permittee requests a hearing, one shall be held on the matter by the Council at least one week after the date on which the request is made. If, as a result of the hearing, the Council finds that an ordinance violation exists the Council may then suspend or terminate the permit.

§ 112.13 ENFORCEMENT RESPONSIBILITY.

Nothing in this subchapter shall be construed to require the City to undertake any responsibility for enforcing compliance with Minnesota Statutes § 349, other than those

provisions related to the issuance of permits as required in Minnesota Statute §349.213, as may be amended from time to time.