

or when children are present or within 100 feet of any religious structure, unless approved by Council. This Section shall not apply to a building that houses a licensee with a license for the building that pre-dates the arrival of a elementary or secondary school structure within 300 feet of the building or any religious structure within 100 feet of the building.

- D. Except as otherwise provided in this Chapter, no license shall be granted for operation on any premises upon which taxes, assessments, or installments thereof or other financial claims of the City are owed by the applicant and are delinquent and unpaid. A license may be issued if said taxes, assessments, installments, or financial claims are the subject of a pending legal challenge pursuant to Minnesota Statute § 278.01.
- E. No person shall be granted a license under this Chapter at more than one location.
- F. The Council may issue the number of licenses authorized by Minn. Statute § 340A.413 or restrict such number from time-to-time as it may, in its discretion, deem proper.

SECTION 507.01. LICENSEE RESTRICTIONS AND REQUIREMENTS.

Subd. 1. No licensee shall:

- A. Sell, barter or furnish any alcoholic beverages to anyone under the age of 21 years or permit anyone under the age of 21 years to consume alcoholic beverages on the licensed premises.
- B. Fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises for the purpose of consuming, purchasing or procuring any alcoholic beverage. Such proof of age may be established only by a valid driver's license or current Minnesota identification card issued pursuant to State law, or a valid alien passport.
- C. Hinder or prevent an officer of the law from making an inspection to determine whether or not the provisions of this Chapter and all laws are being observed.
- D. Permit consumption of any alcoholic beverages on licensed premises more than 20 minutes after the hour when a sale thereof can legally be made.
- E. Permit any glass, bottle or other container, containing an alcoholic beverage in any quantity, to remain upon any table, bar stool or other place where customers are served, more than 20 minutes after the hour when a sale thereof can legally be made.
- F. Permit any gambling or gambling device upon the licensed premises except such as are licensed by the State of Minnesota or permitted by the City.
- G. Sell any alcoholic beverage to any person who is obviously intoxicated.

- H. Sell, offer for sale, or keep for sale, any alcoholic beverage in any original package which has been refilled or partly refilled. No licensee shall directly or through any other person dilute or in any manner tamper with the contents of any original package so as to change its composition or alcoholic content while in the original package. Possession on the premises by the licensee of any alcoholic beverage in the original package differing in composition or alcoholic content from the composition or alcoholic content when received from the manufacturer or wholesaler from whom it was purchased, shall be prima facie evidence that the contents of the original package have been diluted, changed or tampered with.
- I. Sell, offer for sale, or display any alcoholic beverage during the times when such sale is prohibited by State law or by this Chapter.
- J. Employ anyone under the age of 18 years to serve or sell alcoholic beverages or permit anyone under the age of 18 to serve or sell alcoholic beverages as a volunteer.
- K. Permit any club or any other business establishment to allow the consumption or display of liquor or the serving of any liquid for the purposes of mixing liquor therewith, unless duly licensed under the provisions of this Chapter.

Subd. 2. **Nudity and obscenity prohibited.**

- A. Definition. For the purpose of this Section the following definitions apply unless the context clearly indicates or requires a different meaning.
 - 1. “Nudity.” Uncovered, or less than opaquely covered, human genitals, pubic areas, and the post-pubertal human female breast below a point immediately above the top of the areola or the covered human male genitals in the discernably turgid state. For purposes of this definition, any female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.
 - 2. “Sado-masochistic Abuse.” Flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
 - 3. “Sexual Conduct.” Human masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of female, whether alone or between members of the same or opposite sex or between humans and animals, and an act of apparent sexual stimulation or gratification.
 - 4. “Sexual Excitement.” The condition of human male or female genitals or the breasts of the female when in the state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

B. **Unlawful Act.** It is unlawful for any person issued a license provided for in this Chapter to permit upon licensed premises any nudity sado-masochistic abuse or sexual contact by any agent, employee, patron, or other person.

Subd. 3. Posting. All licensees shall conspicuously post their licenses in their places of business.

Subd. 4. Premises Licensed. Unless expressly stated therein, 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.

Subd.5. Principal Part of Business. A licensed restaurant shall be conducted in such manner that the principal part of the business for a license year is the serving of foods. A hotel shall be conducted in such manner that, of that part of the total business attributable to or derived from the serving of foods and intoxicating liquors, the principal part of the business for a license year is the serving of foods.

Subd. 6. Premises Subject to Inspection. All premises licensed under this Chapter shall at all times be open to inspection by any officer of the law 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 such officers and without a warranty for searches or seizures.

Subd. 7. Conduct on Licensed Premises. Except as herein provided, every licensee under this Chapter shall be responsible for the conduct of the licensed place of business and shall maintain conditions of sobriety and order therein.

Subd. 8. Transfer. No license shall be transferable between persons or locations without the consent of the Council.

Subd. 9. Termination. Licenses shall terminate only upon expiration, revocation or change of ownership of the licensed premises or business.

Subd. 10. Hours and Days of Sale.

A. The sale of intoxicating liquor and 3.2 malt liquor is prohibited between 1:00 a.m. and 8:00 a.m. Monday through Saturday.

B. The sale of intoxicating liquor is prohibited after 1:00 a.m. on Sundays, except as provided by Section 503.01, Subd. 10.

C. The sale of 3.2 malt liquor is prohibited between 1:00 a.m. and 10:00 a.m. on Sundays.

D. No establishment holding a valid bottle club license may permit a person to consume or display intoxicating liquor and no person may consume or display intoxicating liquor

between 1:00 a.m. and 12:00 noon on Sundays, and between 1:00 a.m. and 8:00 a.m. on Monday through Saturday.

SECTION 508.01. CLUB LICENSEE RESTRICTIONS.

Subd. 1. The following are in addition to all other restrictions contained in this Chapter relating to sales and purchases of alcoholic beverages.

- A. No club licensee shall sell any alcoholic beverage to any non-member of the licensed club unless such non-member is a guest of a member.
- B. No person who is not a member of the licensed club shall purchase any alcoholic beverage from the club, unless such non-member is a guest of a member.
- C. No club licensee shall hinder or prevent an officer of the law from determining compliance with this Section and Chapter and all other laws.
- D. No person shall refuse, upon request of a licensee or officer of the law, to provide information as to whether he or she is a member, guest, or host member or to give false, fraudulent, or misleading information in response to such request.

SECTION 509.01. MUNICIPAL DISPENSARIES.

Subd. 1. Establishment. The City may establish a municipal on-sale facility, a municipal off-sale facility, and any subsidiaries and affiliates thereof within the City for the sale of alcoholic beverages. The facilities shall be at such places as the Council shall determine and may be either leased or owned by the City. The Council shall employ a person known as the Liquor Manager and the Council may employ assistants to the Manager, as it deems necessary.

Subd. 2. Liquor Fund. A Liquor Fund is hereby created into which all revenues received from the operation of the liquor facilities shall be paid and from which all operating expenses shall be paid. Any surplus accumulating in this Fund may, from time to time, be transferred to the general fund by resolution of the Council and expended for any municipal purpose.

SECTION 510.01. GENERAL RESTRICTIONS.

Subd. 1. No person under the age of 21 years shall:

- A. Consume any alcoholic beverage unless in the household of his or her parent or guardian and with the consent of the parent or guardian.
- B. Possess any alcoholic beverage with the intent to consume it at a place other than the household of his or her parents or guardian. Possession at a place other than the household of the parents or guardian is prima facie evidence of intent to consume it at a place other than the household of the parent or guardian.