

Chapter 4

Alcoholic Beverages

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Section 400 - Beer/Non-Intoxicating Malt Liquor/Intoxicating Liquor

400.01. Adoption of Statutes. All applicable provisions of Minn. Stat. § 340A are adopted by reference and incorporated herein as if set forth here in full.

400.02. Definitions.

Subd. 1. Alcoholic Beverage. Any beverage containing more than one-half of one percent alcohol by volume.

Subd. 2. Club. An incorporated organization organized under the laws of the State of Minnesota for civic, fraternal, social, or business purposes, for intellectual improvement, promotion of sports or congressionally chartered veteran's organizations.

Subd. 3. Intoxicating Liquor. Ethyl alcohol, distilled, fermented, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight.

Subd. 4. Malt Liquor. Any beer, ale, or other beverage made from malt by fermentation and containing less than one-half of one percent alcohol by volume.

Subd. 5. Minor. Any person who has not reached the legal drinking age as established by state law.

Subd. 6. Non-Intoxicating Malt Liquors. Any malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.

Subd. 7. Off-sale. The sale of alcoholic beverages in original packages for consumption off the premises only.

Subd. 8. On-sale. The sale of alcoholic beverages for consumption on the licensed premises only.

Subd. 9. Wine. Sparkling and carbonated wine, wine made from condensed grape, wine made from other agricultural products, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not less than seven percent nor more than 24 percent alcohol by volume for nonindustrial use.

400.03. License Required. No person, except a wholesaler or a manufacturer to the extent authorized by law, shall deal in or dispose of by sale, gift, or otherwise, or keep or offer for sale, any alcoholic beverage within the City unless a license shall first have been applied for and obtained from the Administrator as provided in Chapter 3, Section 300 of this Code. Each license shall be issued to the applicant only and shall not be transferable to another person without the approval of the Council. Each license shall be issued only for the premises described in the application. No license shall be transferred to another place without the approval of the Council.

400.04. Temporary License.

Subd. 1. 3.2 percent Malt Liquor.

- A. A club or charitable, religious, or nonprofit organization may be issued a temporary on-sale or off-sale license for sale of 3.2 or less percent malt liquor for such period as may be authorized by the Council.
- B. The temporary license may authorize the sale of 3.2 malt liquor in any school or school buildings.

Subd. 2. Intoxicating Beverages.

- A. A club, charitable, religious, or other nonprofit organization, in existence for at least three (3) years, may be issued a temporary license for on-sale of intoxicating liquor in connection with a social event within the City.
- B. The temporary license may authorize the on-sale of intoxicating liquor for not more than four (4) consecutive days.
- C. The temporary license may authorize the on-sale of intoxicating liquor on premises other than that the licensee owns or permanently occupies.
- D. The temporary license may authorize the licensee to contract for intoxicating liquor catering service with the holder of a full-year on-sale intoxicating liquor license.

400.05. Intoxicating liquor. On Sale. The City may issue on-sale intoxicating liquor licenses to the following establishments located within the City:

- A. Hotels or motels;
- B. Restaurants;
- C. Bowling centers;
- D. Clubs or chartered veteran's organizations;
- E. The Silver Bay Municipal Liquor Store;

- F. Resorts as defined in section 157.15, subdivision 11;
- G. Restaurants located within a brew pub;
- H. Brewer taprooms; and
- I. Microdistillery cocktail rooms.

400.06. Wine. Pursuant to the provisions of Minnesota Statutes § 340A.404, Subd. 5, the City may issue on-sale wine licenses to any restaurants or bed and breakfast facilities that meet the requirements set forth in the statute, permitting the sale of wine for consumption on the premises only.

400.07. Fees. The fee for licenses under this section shall be as established by resolution of the Council but not less than provided in Minnesota Statutes § 340A.408.

400.08. Conditions and Restrictions. All licenses issued shall be subject to the restrictions set for in Minnesota Statutes § 340A.402. The term alcoholic beverage as used in this subsection shall include nonintoxicating malt liquors.

Subd. 1. Age. No license shall be granted to any minor person.

Subd. 2. Intoxicated person. No alcoholic beverage shall be sold to any intoxicated person.

Subd. 3. Minors.

A. The licensee or the licensee's employees shall not sell or serve alcoholic beverages to any minor or permit any minor to consume alcoholic beverages on the licensed premises. It is unlawful for any person under the age of 21 years to enter an establishment licensed for the sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing or to be served or delivered any alcoholic beverage.

B. No person other than the parent or legal guardian shall procure an alcoholic beverage or induce any other person to procure any alcoholic beverage for any minor and then only for consumption in the parent's or legal guardian's household.

C. No person shall induce a minor to purchase or procure any alcoholic beverage.

D. No minor shall misrepresent his or her age to obtain an alcoholic beverage.

E. No minor shall have in his or her possession an alcoholic beverage with intent to consume the same at any place unless accompanied by his or her parent or guardian and in the parent's or guardian's household.

F. No minor under the age of eighteen (18) shall be allowed to serve or sell alcoholic beverages in any “on sale” or “off sale” establishment.

G. No person under the age of 21 shall be present in a premises licensed to sell alcohol for a purpose other than allowed by Minn. Stat. § 340A.503, Subd. 4, unless occupied by a parent or guardian and in no event past 10:00 p.m.

400.09. Responsibility. Every licensee shall be responsible for the conduct of the licensee's place of business and shall maintain conditions of sobriety and order. The act of any employee on the licensed premises authorized to sell alcoholic beverages shall be deemed the act of the licensee and the licensee shall be liable for all penalties provided in this Chapter equally with the employee.

400.10. Penalties. Any person who shall violate any of the provisions of this Chapter shall be guilty of a misdemeanor unless otherwise provided by law.

Section 410 - Municipal Liquor Store

410.01. Municipal Liquor Store Maintained. The established Silver Bay Municipal on-sale and off-sale Liquor Store shall be continued and maintained in the City.

410.02. Control and Operations. The operations of the Municipal Liquor Store shall be supervised and be subject to the control of the Council through the recommendations of the City Liquor Control Commission.

410.03. Hours and Restrictions. The hours of sale in the Municipal Liquor Store shall be those hours authorized by Minn. Stat. § 340A, as from time to time amended, subject to further restrictions established by the Council. No liquor shall be sold or furnished to any person except as allowed in Minn. Stat. § 340A.

410.04. Transfer of Funds. The Council may by resolution at the annual meeting every January set the percentage of funds that may be transferred from fifty per cent (50%) of the annual net profits of the Municipal Liquor Store to a City fund of its choosing.