

**AN AMENDMENT TO SECTION 5.70 OF THE CITY CODE REGULATING
THE MUNICIPAL DISPENSARY
WITHIN THE CITY OF VESTA, MINNESOTA**

THE CITY COUNCIL OF THE CITY OF VESTA, MINNESOTA DOES ORDAIN THE FOLLOWING AMENDMENT TO SECTION 5.70, MUNICIPAL DISPENSARY, AS FOLLOWS:

Subd. 1. Establishment. A Municipal Dispensary is hereby established to be operated within the City for the sale of alcoholic beverages. The Municipal Dispensary shall be at such place or places as the Council shall determine and may be either leased or owned by the City. It shall be in the charge of a person known as the Manager who shall have such assistants and employees as may be necessary.

Subd. 2. Dispensary Fund. 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. 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.

Subd. 3. Manager. The Council shall hire a Manager to manage and operate the Municipal Dispensary pursuant to the City and Municipal Dispensary's personnel policies, ordinances, and resolutions. The Manager shall be responsible to the Council for the conduct of the Municipal Dispensary in full compliance with this Section and with the state laws relating to the sale of liquor or beer. The Manager shall hold his/her position at the pleasure of the Council and may be terminated by the Council pursuant to the City and Municipal Dispensary's personnel policies, ordinances, and resolutions. The Manager shall furnish a surety bond to the City, conditioned upon the faithful discharge of his/her duties, in such sum as the Council specifies. The bond premium may be paid by the City or by the Manager in the discretion of the Council.

Subd. 4. Employees. The Manager shall select and hire additional employees as may be required for the Municipal Dispensary, shall fix and adjust their hours of work, and shall make recommendations to the Council on their rate of compensation. In the discretion of the Council, after consideration of the Manager's recommendation, such employees may be required to furnish surety bonds conditioned for the faithful discharge of their duties, in such sums as the Council may specify. The bond premium may be paid by the City or by the Manager in the discretion of the Council.

Subd. 5. Regulations.

- A. The Dispensary shall not have swinging doors. All windows in the front of the Dispensary shall be of clear glass and the public view of the whole interior shall be unrestricted.
- B. No business other than the sale of liquor, the retail sale of cigars, cigarettes, all forms of tobacco, beer, soft drinks, and quick foods, both on-sale and off-sale shall be carried on in the Dispensary.
- C. Except for the conduct of lawful pull-tab games, no person shall keep, possess, or operate in any part of the Dispensary any slot machines, dice or other gambling or permit the same to be kept or used. No person shall gamble on such premises and no gambling of any character shall be permitted thereon.
- D. Liquor or beer or other merchandise may be sold on credit with the manager's approval.
- E. Minors are allowed on Dispensary premises up until 10:00 P.M. if accompanied by an adult.
- F. No liquor or beer shall be sold or served to a minor, directly or indirectly.
- G. No minor shall misrepresent his/her age for the purpose of obtaining liquor or beer.
- H. No liquor or beer shall be sold or served to an intoxicated person.
- I. No person shall be permitted to loiter about the Dispensary habitually.
- J. The Dispensary shall be inspected by a Health Board member of the City at least once a month and at any other times as he/she may deem necessary to ensure that the premises are maintained in a sanitary condition.

Subd. 6. Ejection of Persons From Dispensary. The manager of the Dispensary or any person who is in effective charge of the Dispensary may require persons who have been excluded from -the Dispensary pursuant to provisions of this Section, or who are engaging in disorderly conduct or conduct that unreasonably annoys or endangers the safety of other people on the premises to leave the Dispensary. If necessary, the manager or any person in effective charge may request the assistance of local law enforcement officers.

Subd. 7. Procedure for Exclusion of Persons From Dispensary.

- A. If, in the opinion of the manager, a person has demonstrated the propensity to engage in disorderly conduct or conduct that unreasonably annoys or endangers the safety of other people in the Dispensary, the manager may file a written complaint with the City Clerk briefly reciting the facts which support that opinion.
- B. In addition to the procedure provided in Subparagraph A above, the Council may on its own motion begin proceedings to exclude any person from the Dispensary. Such motion shall state the complaint against the individual.
- C. Upon such filing of a complaint by the manager pursuant to Subparagraph A, above, or passage of a Council motion pursuant to Subparagraph B, above, that person's privilege to enter the Dispensary or to buy or be served intoxicants in the Dispensary shall be provisionally terminated. The City Clerk shall give written notice to the individual named in the complaint and that notice shall be described in the complaint and state that the individual may request a hearing concerning the complaint as provided for in Subparagraph D, below.
- D. Any individual named in exclusion proceedings begun under Subparagraphs A or B, above, may request a hearing before the Council by filing a written request for such a hearing within 10 days after the day of service of the notice of exclusion from the Dispensary. The City Clerk shall then set a time and place for the hearing and shall notify the Council members and the individual in whatever manner the City Clerk deems practical. The hearing shall be held not less than 3 days and no more than 15 days after the request is filed. The hearing shall be held at the time and place designated before the Council. The Dispensary manager and the individual named in the complaint may call any person to testify at the hearing under oath. The Council may also, at its discretion, hear testimony from other interested persons. The Council shall determine if the individual named in the complaint has demonstrated the propensity to engage in disorderly conduct or conduct that unreasonably annoys or endangers the safety of other people in the Dispensary.
- E. If the Council determines after the hearing that the individual named in the complaint has demonstrated the propensity to engage in such conduct or if the individual fails to request a hearing, the Council may order the individual to be excluded from the Dispensary for an indefinite period or for a set period of time. The Council may upon its

own motion or upon application of any interested party, modify, amend, or revoke its order.

- F. After the Council issues an exclusion order, the City Clerk shall give written notice to the manager of the Dispensary and to the named individual of the provisions of the Council's order.

Subd. 8. Hours and Days of On-Sale Alcoholic Beverages. The Municipal Dispensary may sell on-sale alcoholic beverages, as defined by the city code, within its premises, between the hours of 8:00 a.m. and 1:00 a.m. on Monday through Sunday and between the hours of 12:00 p.m. and 1:00 a.m. on Sunday through Monday.

Subd. 9. Hours and Days of Off-Sale Alcoholic Beverages and Liquor.

- A. The Municipal Dispensary may sell off-sale alcoholic beverages, as defined by the city code, within its premises, between the hours of 8:00 a.m. and 10:00 p.m. on Monday through Saturday.
- A. The Municipal Dispensary may not sell off-sale liquor:
- (1) on Sundays;
 - (2) before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;
 - (3) on Thanksgiving Day;
 - (4) on Christmas Day, December 25; or
 - (5) after 8:00 p.m. on Christmas Eve, December 24.

Subd. 10. This ordinance shall become effective after adoption and subsequent publication.

ADOPTED BY THE COUNCIL this _____ day of _____, 2014.

ATTEST:

City Clerk

Mayor