

ORDINANCE NUMBER 45 (Revised)

AN ORDINANCE ESTABLISHING A LIQUOR DISPENSARY AND PROVIDING CERTAIN REGULATIONS THEREFORE.

The City Council of the City of Finlayson does hereby repeal Ordinance No. 22 as originally enacted on the 11th Day of March, 1934, and on motion duly made and passed by the city council does Ordain:

Section 1: Dispensary Established.

A. A municipal liquor dispensary is hereby established to be operated within the 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 sealed or closed receptacle§. or container§ for removal from the premises. The City Council may determine, from time-to-time that liquor sales under the control of the municipality may be moved outside of the dispensary. The City Council may designate certain public festivities or celebrations at which sales of liquor may occur outside of the dispensary.

B. No person shall sell, barter, or otherwise dispose of intoxicating liquor, nor shall a sale be made by anyone 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 said dispensary except as allowed under (a) above. No liquor shall be sold or consumed on a public highway, streets, alley's or in an automobile except as allowed under

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 the charge of a person known as the manager who shall also be selected by the city council and who shall be paid such compensation as the council shall determine. Said manager 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/she 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 the manager 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 cost 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 not 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 expanded 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. Intoxicating liquor may be sold at the municipal dispensary Monday through Saturday and on Sundays as is set forth hereafter. No sale shall be made before Eight o'clock am or after two o'clock a m Monday through Saturday. Sale of intoxicating liquor at the municipal dispensary on Sundays shall be between the hours of twelve noon and Midnight. No off sale shall be made on Sunday before noon and after 6 o'clock pm or before eight o'clock am or after ten o'clock pm Monday through Saturday. There shall be no sales of intoxicating liquor on holidays where sale of intoxicating liquor is prohibited by State law.

Section 5: Conditions of Operation and Restrictions on Consumption.

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

No liquor shall be sold to a minor.

Section 6: Repeal.

All ordinances of the city or any provisions thereof in conflict with this ordinance or any of its provisions are hereby repealed. No provision hereof shall affect Ordinance No 21, licensing and regulating the sale of non-intoxicating malt liquor adopted pursuant to Chapter 116, Laws of Minnesota, 1933, or any license granted there under.

Section 7: Enforcement and Penalty

Any person violating any provision of this ordinance shall be guilty of a misdemeanor. Penalties imposed for conviction of a misdemeanor under this ordinance shall be as set forth in state statute regulating misdemeanor penalties, as presently enacted and as amended from time-to-time, plus the costs of prosecution in any case.

Section 8: Effect.

This ordinance shall take effect and be in force from and after is publication.

Passed by the city council this 13th day of May, 2024.



David Auchter Mayor

Attest:



Shelly Goodman, City Clerk