

ORDINANCE NO. 1

AN ORDINANCE AMENDING CITY OF NEVIS ORDINANCE NO. 1 ESTABLISHING  
AND REGULATING THE OPERATION OF A MUNICIPAL LIQUOR DISPENSARY

The Council of the City of Nevis amends Ordinance No. 1 in its entirety, as follows:

Section 1. Dispensary Established. There is hereby established a municipal liquor dispensary for the on and off-sale of intoxicating liquor. No person shall consume liquor in a public park, on a public street, or in any public place other than the dispensary, except in an area so designated by the City Council.

Section 2. Location and Operation.

- (a) The dispensary shall be located at such suitable place in the city as the council determines by motion. However, no premises upon which taxes or other public levies are delinquent shall be leased for dispensary purposes.
- (b) The dispensary shall be in the immediate charge of a liquor store manager selected by the council and paid such compensation as is fixed by the council. He shall operate the dispensary under the council's direction and shall perform such duties in connection with the dispensary as may be imposed upon him by the council. He shall be responsible to the council for the conduct of the dispensary in full compliance with this ordinance and with the laws relating to the sale of liquor or beer.

Section 3. Dispensary Fund Created

- (a) A municipal liquor dispensary fund is hereby created in which all revenues received from the operation of the dispensary shall be deposited and from which all ordinary operating expenses shall be paid. Any amounts it may be necessary to borrow from the general fund of the city for initial costs of rent, fixtures and stock or for operating expenses shall be reimbursed to that fund out of the first available moneys coming into the dispensary fund thereafter. Surpluses accumulating in the dispensary fund may be transferred to the general fund or to any other appropriate fund of the city by resolution of the council and expended for any municipal purpose.
- (b) The handling of municipal liquor dispensary receipts and disbursements shall comply with the procedure prescribed by law for the receipts and disbursements of city funds generally.

- Section 4. Provisions of State Law Adopted. The provisions of Minnesota Statutes Chapter 340A with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sales, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor in or by a municipal liquor dispensary except as stated in Section 5 and in the Nevis City Ordinance #25 and #27, are hereby adopted and made a part of this ordinance as if fully set forth herein.
- Section 5. Repeal. No provisions hereof shall affect Ordinance No. 13, licensing and regulating the sale of non-intoxicating malt liquor, adopted pursuant to Laws of 1933, Chapter 116, and acts amendatory thereof, nor any license granted thereunder.
- Section 6. Conduct. All persons in the dispensary will act in an adult and respectful manner. Any person using foul or abusive language will be suspended from the premises for thirty (30) days. Any person or persons responsible for fighting on the premises will be suspended therefrom for one (1) year.
- Section 7. Minors. No person under the legal drinking age shall be permitted upon the premises whether or not accompanied by a parent or guardian. This prohibition shall not pertain to social gatherings, events of meetings held on the lower level.
- Section 8. Enforcement. It shall be the duty of all police officers of the city or other law officers to enforce the provisions of this ordinance and to search premises and seize evidence of law violation and preserve the same as evidence against any person alleged to be violating this ordinance, and to prepare the necessary processes and papers therefor.
- Section 9. Penalty. Any person violating any provision of this ordinance shall be guilty of a misdemeanor. Provided, also, that any employee of the dispensary willfully violating any provision hereof or any provision of the laws of Minnesota relating to gambling or the sale of intoxicating liquor or beer shall be discharged.
- Section 10. Effect. This ordinance shall take effect and be in full force from and after its publication.

Passed by the City Council this 8th day of March, 1994.

James H. Hukki  
James Hukki, Mayor

ATTEST:

Maureen K. Cirks  
Maureen Cirks, Clerk