

## ORDINANCE NO. 458

### AN ORDINANCE FOR THE CITY OF ADA AMENDING CHAPTER 6, ARTICLE II, REGULATING THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY LIMITS

The City Council of the City of Ada, Minnesota, does hereby ordain:

Section 1. That the following provisions of the Municipal Code of Ada, Minnesota, Chapter 6, Article II, shall be amended as follows:

#### **Section 6-51. Required.**

- (a) *Generally; six kinds.* No person, except a wholesaler or manufacturer to the extent authorized under a state license, shall directly or indirectly deal in, sell or keep for sale in the city any intoxicating liquor without a license to do so as provided in this article. Liquor licenses shall be of six kinds: on-sale, on-sale wine, off-sale, combination licenses, special club and set-up licenses.
- (b) *On-sale licenses.* On-sale licenses shall be issued only to hotels, clubs, restaurants and exclusive liquor stores and shall permit on-sale of liquor only, with a minimum seating capacity of 60 persons. Sunday on-sale licenses shall be issued only for entities which hold an on-sale intoxicating liquor license.
- (c) *On-sale wine licenses.* On-sale wine licenses shall be issued only to restaurants meeting the qualifications of M.S.A. § 340A.404, subd. 5, and shall permit only the sale of wine not exceeding 14 percent alcohol by volume for consumption on the licensed premises only in conjunction with the sale of food.
- (d) *Off-sale license.* Off-sale licenses shall be issued only to drugstores and exclusive liquor stores and shall permit off-sale of liquor only.
- (e) *Combination licenses.* A combination on-sale and off-sale license shall be issued only to an exclusive liquor store.
- (f) *Special club licenses.* Special club licenses shall be issued only to incorporated clubs which have been in existence for 15 years or more, or to congressionally chartered veterans' organizations which have been in existence for ten years.
- (g) *Set-up license.* A set-up license is required of every person or other business establishment which shall directly or indirectly, or upon the premises or by any device, allow the serving of any liquid for the purpose of mixing with intoxicating liquors which shall be referred to in this division as a set-up without first having obtained a license.

### **Section 6-57. Conditions.**

- (a) *Generally.* Every intoxicating liquor license is subject to the conditions in the following subsections and all other provisions of this article and of any other applicable ordinance, state law or regulation.
- (b) *Licensee's responsibility.* Every licensee is responsible for the conduct of his place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquors is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this article and the law, equally with the employee.
- (c) *Inspections.* Every licensee shall allow any peace officer, health officer or properly designated officer or employee of the city to enter, inspect and search the premises of the licensee during business hours without a warrant.
- (d) *Display of liquor during prohibited hours.* No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.
- (e) *Federal stamps.* No licensee shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.
- (f) *Hours and days of operation.* The hours for on-sale licensees shall be the same as Minn. Stat. § 340A.504, which provides that on-sale licensees shall not serve liquor between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor after 2:00 a.m. on Sundays, except as permitted by a Sunday on-sale license. All patrons shall vacate the premises at 2:00 a.m. each business day. On-sale licensees may be open on Sundays after 8:00 a.m. for the sole purpose of the preparation and sale of meals only, unless the licensee is eligible for, and has obtained, a Sunday on-sale license pursuant to the requirements of Minn. Stat. § 340A.504, subd. 3. Licensees with a valid Sunday on-sale license may also open for the purpose of liquor sales from 10:00 a.m. on Sunday until 2:00 a.m. on Monday.
- (g) *Underage bartending.* Under no condition shall any individual under 19 years of age be allowed to bartend at any on-sale licensed establishment.

**Sec. 6-88. Hours and days of sale.**

No sales of 3.2 percent malt liquor may be made between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 2:00 a.m. and 10:00 a.m. on Sunday.

Other Provisions Not Amended Remain Effective. All other sections of the Municipal Code of Ada, Minnesota, Chapter 6, Article II, not amended by this Ordinance remain in full force and effect.

Effective Date. This Ordinance becomes effective from and after its passage and publication.

Upon being duly seconded by Member Peterson and upon being put to a vote, the above Ordinance was duly passed after a second reading by the City Council of the City of Ada this 18th day of December, 2014 by the following vote:

Ayes: Pinsonneault, Hansen, Edwards, Peterson, Robertson, Austinson.

Nays: None.

Absent: Erickson.

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Jim Ellefson, Mayor

Attested:

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Kristi Henderson  
Interim City Clerk/Treasurer