

CHAPTER 5
LICENSING AND REGULATION OF ALCOHOLIC BEVERAGES

SECTION 507.01. LICENSEE RESTRICTIONS AND REQUIREMENTS.

Subd. 1. No licensee shall:

- A. Sell, barter or furnish any alcoholic beverages to anyone under the age of 21 years or permit anyone under the age of 21 years to consume alcoholic beverages on the licensed premises.
- B. Fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises for the purpose of consuming, purchasing or procuring any alcoholic beverage. Such proof of age may be established only as set forth in Minn. Stat. §340A.503, Subd. 6.
- C. Hinder or prevent an officer of the law from making an inspection to determine whether or not the provisions of this Chapter and all laws are being observed.
- D. Permit consumption of any alcoholic beverages on licensed premises more than 20 minutes after the hour when a sale thereof can legally be made.
- E. Permit any glass, bottle or other container, containing an alcoholic beverage in any quantity, to remain upon any table, bar stool or other place where customers are served, more than 20 minutes after the hour when a sale thereof can legally be made.
- F. Permit any gambling or gambling device upon the licensed premises except such as are licensed by the State of Minnesota or permitted by the City.
- G. Sell any alcoholic beverage to any person who is obviously intoxicated.
- H. Sell, offer for sale, or keep for sale, any alcoholic beverage in any original package which has been refilled or partly refilled, except for the off-sale of malt liquor by a brew pub or small brewer as permitted by this Chapter. No licensee shall directly or through any other person dilute or in any manner tamper with the contents of any original package so as to change its composition or alcoholic content while in the original package. Possession on the premises by the licensee of any alcoholic beverage in the original package differing in composition or alcoholic content from the composition or alcoholic content when received from the manufacturer or wholesaler from whom it was purchased, shall be *prima facie* evidence that the contents of the original package have been diluted, changed or tampered with.
- I. Sell, offer for sale, or display any alcoholic beverage during the times when such sale is prohibited by State law or by this Chapter.
- J. Employ anyone under the age of 18 years to serve or sell alcoholic beverages or permit anyone under the age of 18 to serve or sell alcoholic beverages as a volunteer.
- K. Permit any club or any other business establishment to allow the consumption or display of liquor or the serving of any liquid for the purposes of mixing liquor therewith, unless duly licensed under the provisions of this Chapter.

Subd. 2. Nudity and obscenity prohibited.

A. **Definition.** For the purpose of this Section the following definitions apply unless the context clearly indicates or requires a different meaning.

1. “Nudity.” Uncovered, or less than opaquely covered, human genitals, pubic areas, and the post-pubertal human female breast below a point immediately above the top of the areola or the covered human male genitals in the discernably turgid state. For purposes of this definition, any female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.
2. “Sado-masochistic Abuse.” Flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
3. “Sexual Conduct.” Human masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of female, whether alone or between members of the same or opposite sex or between humans and animals, and an act of apparent sexual stimulation or gratification.

B. **Unlawful Act.** It is unlawful for any person issued a license provided for in this Chapter to permit upon licensed premises any nudity, sado-masochistic abuse, or sexual conduct.

Subd. 3. Posting. All licensees shall conspicuously post their licenses in their places of business.

Subd. 4. Premises Licensed. Unless expressly stated therein, a license issued under the provisions of this Chapter shall be valid only in the compact and contiguous building or structure situated on the premises described in the license, and all transactions relating to a sale under such license shall take place within such building or structure.

Subd. 5. Principal Part of Business. A licensed restaurant, including a brew pub, shall be conducted in such manner that the principal part of the business for a license year is the serving of foods. A hotel shall be conducted in such manner that, of that part of the total business attributable to or derived from the serving of foods and intoxicating liquors, the principal part of the business for a license year is the serving of foods. For purposes of this subdivision “principal part” shall mean fifty percent or more of the gross receipts. A restaurant movie theater shall be conducted in such manner that the principal part of the business for a license year is the serving of food and the sale of movie tickets.

Subd. 6. Premises Subject to Inspection. All premises licensed under this Chapter shall at all times be open to inspection by any officer of the law to determine whether or not this Chapter and all other laws are being observed. All persons, as a condition to being issued such license, consent to such inspection by such officers and consent to, without a warrant, searches and seizures.

Subd. 7. Conduct on Licensed Premises. Except as herein provided, every licensee under this Chapter shall be responsible for the conduct of the licensed place of business and shall maintain conditions of sobriety and order therein.

Subd. 8. Transfer. No license shall be transferable between persons or locations without the consent of the Council.

Subd. 9. Termination. Licenses shall terminate only upon expiration, revocation or as otherwise provided in this Chapter.

Subd. 10. Hours and Days of Sale.

- A. The sale of intoxicating liquor and 3.2 malt liquor is prohibited between 1:00 a.m. and 8:00 a.m. Monday through Saturday.
- B. The sale of intoxicating liquor is prohibited after 1:00 a.m. on Sundays, except as provided by Section 503.01, Subd. 12.
- C. The sale of 3.2 malt liquor is prohibited between 1:00 a.m. and 10:00 a.m. on Sundays.
- D. No establishment holding a valid consumption and display/bottle club permit may permit a person to consume or display intoxicating liquor and no person may consume or display intoxicating liquor between 1:00 a.m. and 12:00 noon on Sundays, and between 1:00 a.m. and 8:00 a.m. on Monday through Saturday.