

**FRIDLEY CITY CODE**  
**CHAPTER 601. MUNICIPAL OPERATION OF LIQUOR**  
(Ref 26, 684, 768, 782, 805, 908, 981, 1212)

**601.01. DEFINITIONS**

The following definitions shall apply in the interpretation and application of this Chapter and the following words and terms, wherever they occur in this Chapter, are defined as follows:

1. Beer.

Any malt beverage with an alcoholic content of more than one-half of one percent (.5%) by volume and not more than 3.2 percent (3.2%) by weight.

2. Intoxicating liquor and liquor.

Distilled, vinous and fermented beverages containing more than 3.2 percent (3.2%) of alcohol by weight.

3. Off-Sale.

Retail sale in the original package for consumption away from the dispensary.

4. On-Sale.

Sale by the drink for consumption in the dispensary.

**601.02. ESTABLISHMENT**

There is hereby established a Municipal Liquor Dispensary for the sale of "off-sale" intoxicating liquor.

**601.03. LOCATION AND OPERATION**

1. The Municipal Liquor Dispensary shall be located in such suitable places in the City as the Council may determine, except that no permits shall be issued for the operation of a Municipal Liquor Dispensary upon which the taxes or other special levies are delinquent.

2. The City Manager shall manage and operate the Municipal Liquor Dispensary under the direct supervision and direction of the Council and shall perform such duties in connection therewith as the Council may impose upon him or her. The City Manager shall be directly responsible to the Council for the conduct of the Municipal Liquor Dispensary in full compliance with the regulations and ordinances of the City and all State and Federal Laws and Regulations.

3. The Council shall provide and fix the salaries of such additional help and employees as in their judgment are necessary for the operation of said Municipal Liquor Dispensary.

4 No person under eighteen (18) years of age shall be employed at any time in the Municipal Liquor Dispensary,

#### **601.04. DISPENSARY FUND**

A Municipal Liquor Fund is hereby created in which fund shall be paid and deposited all receipts and revenues from the operation of the Municipal Liquor Dispensary and from which fund shall first be paid expenses of operation and maintenance of the said Municipal Liquor Dispensary. The City Council may provide for the transfer of retained earnings to the General Fund of the City or to such appropriate fund as the Council by resolution may determine.

#### **601.05. HOURS**

The hours of operation shall be as provided by State Statute.

#### **601.06. HOLIDAYS**

No "off -sale" shall be, made on New Years Day, January 1; Thanksgiving Day, or Christmas Day, December 25; but on the evenings preceding such days, if the sale of liquor is not otherwise prohibited on such evenings "off-sales" may be made until 10:00 p.m. except that no "off-sale" shall be made on December 24 after 8:00 p.m. (Ref. 981)

#### **601.07. CONDITIONS AND RESTRICTIONS**

1. No business other than the sale of liquor shall be carried on in the Municipal Liquor Dispensary except the retail sale of cigars, cigarettes, all forms of tobacco, beer, soft drinks, ice and accessories.
2. No pool or billiard table shall be kept in any part of the Municipal Liquor Dispensary.
3. No liquor or beer shall be sold on credit.
4. No liquor or beer shall be sold or served to a person under twenty-one (21) years of age, directly or indirectly. (Ref. 908)
5. No person under twenty-one (21) years of age shall misrepresent his or her age for the purpose of obtaining liquor or beer. (Ref. 908)
6. No person shall be permitted to loiter upon the premises of the Municipal Liquor Dispensary habitually.
7. No person who is a spendthrift, habitual drunkard or improvident person, as stated in Minnesota Statutes, Section 340.73 Subd. 2, or who is disorderly or under the influence of intoxicating liquor shall be permitted on the Municipal Liquor Dispensary premises.

8. No liquor or beer shall be sold to an intoxicated person.
9. The Municipal Liquor Dispensary shall be inspected by the Health officer of the City at least once a month and as many other times as the Health Officer deems necessary to insure that the premises are maintained in a sanitary condition.

#### **601.08. LIABILITY INSURANCE**

The Municipal Liquor Dispensary shall, prior to commencement or continuation of operation after August 1, 1983, demonstrate proof of financial responsibility with regard to liability imposed by Minnesota Statutes, Section 340.95 to the City Clerk. Proof of financial responsibility may be given by filing:

1. A certificate that there is in effect for the period covered by the license an insurance policy or pool providing the following minimum coverages:
  - A. \$50,000 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 because of injury to or destruction of property of others in any one occurrence.
  - B. \$50,000 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in any one occurrence; or
2. A bond of a surety company with minimum coverages as provided in Section (1) above, or
3. A certificate of the State Treasurer that the licensee has deposited with the State Treasurer \$100,000 in cash or securities which may be legally purchased by savings banks or for trust funds having a market value of \$100,000.
4. The City Clerk shall submit the provided proof of financial responsibility to the Commissioner of Public Safety.

#### **601.09. ADMINISTRATIVE OFFENSES (Ref Ord 1212)**

A. Administrative Civil Penalties: Administrative offense procedures established pursuant to this chapter are intended to provide the public and the City with an informal, cost effective, and practical alternative to traditional criminal charges for violations of this ordinance. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses.

B. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with law. Likewise, the City, at its discretion, may bring criminal charges in the first instance. In the event a party participates in the

administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.

C. Notice. Any officer of the Fridley Police Department shall, upon determining there has been a violation, notify the violator of the violation. Said notice shall set forth the nature, date and time of violation, the name of the officer issuing the notice and the amount of the scheduled penalty.

D. Payment. Once such notice is given, the alleged violator may, within twenty (20) days of the time of issuance of the notice pay the amount set forth on the notice, or may request a hearing in writing, as provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

E. Hearing. Any person contesting an administrative offense pursuant to this Chapter may request a hearing before the Hearing Examiner. Such request shall be filed in writing with the office of the Public Safety director within twenty (20) days of the offense. The Public Safety Director shall notify the Hearing Examiner, who will notify the person contesting of the date, time, and place of hearing. The hearing shall be conducted no more than twenty (20) days after the Hearing Examiner receives notice of the request, unless a later date is mutually agreed to by the Hearing Examiner, the person contesting and the City. Within ten (10) days after such hearing, the Hearing Examiner shall affirm, repeal, or modify the charge against the person contesting. Any person aggrieved by the decision of the Hearing Examiner may appeal with the Public Safety Director within twenty (20) days of receiving notice of the Hearing Examiner's decision. At its next available regular meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the Hearing Examiner and shall affirm, repeal or modify that decision.

F. Hearing Examiner. The position of Hearing Examiner is hereby created. The City Manager may, at his discretion and with the approval of the Council, contract with third parties for the furnishing of all services of the Hearing Examiner as contained in this Chapter and set the rate of compensation therefore.

G. Qualifications. The Hearing Examiner shall be an individual trained in law; however, it shall not be required that the Hearing Examiner be currently licensed to practice law in the State of Minnesota.

H. Duties: The Hearing Examiner shall have the following duties:

- 1) Set dates and hear all contested cases.
- 2) Take testimony from all interested parties.
- 3) Make a complete record of all proceedings including findings of fact and conclusions of law.
- 4) Affirm, repeal or modify the penalty assessed.

I. Failure to Pay. In the event a party charged with an administrative penalty fails to pay the penalty, the party will be charged with the criminal offense.

J. Disposition of Penalties. All penalties collected pursuant to this Chapter shall be paid to the City's treasurer and will be deposited in the City's general fund.

#### **601.10. VIOLATIONS (Ref Ord 1212)**

A. Administrative Civil Penalties: Any person in the employ of a Municipal Liquor Dispensary who sells any intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years is subject to an administrative penalty; and any person under the age of twenty-one (21) who attempts to purchase any intoxicating liquor, 3.2% malt liquor, beer or wine from a Municipal Liquor Dispensary is subject to an administrative penalty. The administrative penalties are as follows:

**First violation.** The penalty for the first violation is \$250.00.

**Second violation within 12 months.** The penalty for the second violation is \$500.00.

**Third violation within 12 months.** The penalty for the third violation is \$750.00.

B. Defense. It is a defense to the charge of selling intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years, that the individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in State Statute Section 340A.503. subdivision 6, paragraph (a).

C. Exemption. A person, no younger than 18 and no older than 20, may be enlisted to assist in the tests of compliance. The person shall at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley Police department. A person who purchases or attempts to purchase intoxicating liquor, 3.2% malt liquor, beer or wine while in this capacity is exempt from the penalties imposed by subdivision A above.

#### **601.11. PENALTIES**

Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.