

Chapter 3

ALCOHOLIC BEVERAGES

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ARTICLE I. IN GENERAL

Sections 01 through 15. Reserved.

ARTICLE II. INTOXICATING LIQUOR

Section 16. Purpose.

In order for the more orderly control of the manufacture, sale and regulation of intoxicating liquor and 3.2 Percent Malt Liquor in the City of Chaska and to assure conformity with the changes in the laws of the State of Minnesota as same relate thereto, the City of Chaska, under its police powers, intends to adopt the Minnesota Liquor Act with certain modifications and additions. (Ord. No. 456, Sec. 1, 7/17/89)

Section 17. Adoption of Minnesota Liquor Act.

Except as hereinafter deleted, changed, modified, altered or restricted, Minnesota Statutes, Chapter 340A, entitled Minnesota Liquor Act, as amended, a copy of which is on file in the Office of the City Clerk, is hereby adopted, confirmed and incorporated in this Ordinance as completely as if set out in full. (Ord. No. 456, Sec. 3, 7/17/89)

Section 18. Number of "on-sale" licenses that may be Issued.

Pursuant to a referendum held in the City of Chaska on April 15, 1975, the number of intoxicating liquor licenses that may be issued by the City of Chaska is unlimited, subject to the provision of this Ordinance. (Ord. No. 456, Sec. 4, 7/17/89)

- a) "On-sale" licenses shall be granted only to hotels, clubs, restaurants or exclusive liquor stores and shall permit the consumption of liquor on the premises only. Not more than fifteen (15) "on-sale" licenses shall be granted or outstanding at any one time. In addition to the limitations as herein provided "on-sale" licenses may be issued to bona fide clubs in existence for at least 15 years and to bona fide clubs of congressionally chartered veteran's organizations, which clubs have been in existence for ten (10) years. All such clubs shall be duly incorporated to be eligible to apply for a license. Such licenses issued shall be for the sale of intoxicating liquors to members and bona fide guests. Special "on-sale" licenses for the sale of intoxicating liquor on Sunday shall be issued only to hotels, restaurants, and clubs

in accordance with the provisions of the Ordinance. All sale of liquor by such establishments shall be in accordance with State law. (Ord. No. 598, Sec. 1, dated 05-06-96; Ord. No. 705, Sec. 1, dated 04-16-01.)

b) A temporary on-sale intoxicating license for the purpose of holding a wine tasting event all as more particularly set forth in Minnesota Statutes, Section 340a.418. (Ord. No. 741 dated 05-19-03)

Section 19. Restrictions on "on-sale" licenses.

(a) Any "on-sale" license issued for the sale of intoxicating liquor for sale on a premises other than for those licensed premises in existence as of the date of this Ordinance shall be issued only to qualified licensees where the fixtures and structure of the proposed licensed premises, exclusive of land, have a fair market value of at least three hundred thousand dollars (\$300,000.00). In the event the licensed premises is within, or a part of, a larger structure, the City Council may consider or attribute a reasonable portion of common facilities to the value required hereunder.

(b) None of said licenses referred to in (a) above shall be granted unless the application thereof is accompanied by a sketch plan of the proposed structure together with such other information or data the City Council deems appropriate, and which structure, upon completion, has been constructed substantially in compliance with the sketch plan as approved.

(c) Upon the filing of an application for such licenses where the proposed licensed premises is yet to be constructed, the City Council may, by Resolution, reserve one of such licenses, if available, in the name of said applicant for a period not exceeding nine (9) months. Upon said applicant qualifying under this ordinance and upon certification of the Building Inspector that the provisions of (a) above are met, the City Council shall then issue such license. If within said nine month period said applicant has not qualified hereunder or has not obtained and paid for a building permit for the proposed licensed premises stating the value thereof indicating compliance with the provision of (a) above, said reservation of license shall automatically terminate. (Ord. No. 178, Sec. 2, 12/5/66; Ord. No. 178.1, Sec. 3, 2/5/68; Ord. No. 178, Sec. 1, 9/2/69; Ord. No. 222, Sec. 2, 3/31/75; Ord. No. 456, Sec. 1, 2, 3, 4, 5, 7/17/89)

Section 20. Licenses to sell Intoxicating malt liquor.

The City may issue "on-sale" intoxicating malt liquor licenses to qualified applicants pursuant to Minnesota Statutes, Section 340A.404, Subd. 5. (Ord. No. 456, Sec. 6, 7/17/89)

Section 21. License fees, receipts, schedule.

(a) Except as hereinafter permitted in subsection (b) hereof, each application for a license required by this article shall be accompanied by a receipt from the City Treasurer for the required annual license fee for the respective license.

(b) The annual fee for all "on-site" intoxicating licenses for hotels, restaurants or exclusive liquor stores shall be the sum of Four Thousand Four Hundred Fifty Dollars (\$4,450.00). (Ord. No. 591, Sec. 21, dated 12-18-95; Ord. No. 598, Sec. 2, dated 05-06-96; Ord. No. 634 Sec. 1 (b), dated 03-16-98, Ord. No. 717 Sec. 1 (a), dated 01-07-02; Ord. No. 724, Sec 1, dated 05-06-02)

1. In the event an on-sale (on-site) intoxicating liquor licensee does not pay the annual license fee in full as provided in (a) above, each application for a license which requires a fee as set forth in this Subsection (b) shall be accompanied by a receipt from the City Treasurer in an

amount equal to one-half of the required annual fee; said payment shall pay for the license fee up to midnight on September 15 of the license period.

2. The second payment shall be in an amount equal to one-quarter of the annual license fee and shall be due not later than the close of the business day on September 5 of the licensing period and the third and final installment payment in an amount equal to one-quarter of the annual fee shall be due on or before the close of the business day on December 5 of each license period.

3. Should any payment due date referenced herein fall on a weekend or holiday, said payment shall automatically become due by the close of the business day preceding such weekend or holiday.

4. Any installment payment made after any due date referenced herein shall be in the form of cash, cashier's check or money order payable to the City of Chaska.

5. The licensee of a licensed premises with a fee due on September 5 or December 5 and which is not physically received in the office of the City Clerk on or before the close of the business day on September 15 or December 15, shall be considered to have voluntarily terminated such license to sell on-sale liquor in the City of Chaska as of midnight of said date, and shall be charged a penalty of \$100 to cover administrative costs incurred in the termination and reinstatement process.

6. The office of the City Clerk shall, upon non-payment of a required liquor license fee as provided above, prepare a Notice of Termination of License informing a licensee or a licensed premises that the license to sell liquor in the City of Chaska at the licensed premises has terminated for non-payment of a required license fee as of 12:00 midnight on the date said fee was due, and any police officer of the City of Chaska shall deliver same to such license, or if same cannot be readily found, then to the licensed premises.

7. In the event an on-sale intoxicating liquor license is terminated due to non-payment of a required liquor license fee as above provided:

a. Reinstatement of said license shall occur only upon full payment of the applicable installment payment, plus a \$100 penalty as provided above, in the form of cash, cashier's check or money order made out to the City of Chaska; and

b. Said license holder shall be deemed ineligible to participate in the installment payment program in subsequent licensing years.

(c) The annual fee for "on-sale" licenses for bona fide clubs and veterans' organizations for the licensing period from July 1 to June 30 of the next succeeding year shall be the sum of five hundred dollars (\$500.00).

(d) The annual fee for special Sunday "on-sale" licenses shall be two hundred dollars (\$200.00).

(e) The annual fee for "on-sale" wine licenses for the licensing period from July 1 to June 30 of the next succeeding year, shall be the sum of seven hundred fifty dollars (\$750.00).

(f) The annual fee for "off-sale" shall be one hundred fifty dollars (\$150.00).

(g) The fee for a wine tasting event shall be the sum of Fifty and 00/100 Dollars (\$50.00) per event. (Ord. No. 741 dated 05-19-03)

(h) Except for the annual renewal fee as set forth in subsections (b) through (d) above, each application for an "on-sale" intoxicating liquor license shall be accompanied by a fee of Two Hundred Fifty Dollars (\$250.00), and all other applications shall be accompanied by a fee of One Hundred Dollars (\$100.00) to be applied against the cost of investigation of the applicant(s) which costs shall be computed at a rate of Fifty Dollars (\$50.00) per hour of time spent. However, in the event application is for a combination of licenses, only one deposit, that being the higher of the two, shall be required. Also, no deposit shall be required if the application is for a change requiring no investigation. (Ord. No. 634, Sec. 2, dated 03-16-98.)

(i) A transfer fee in the amount of two hundred dollars (\$200.00) shall accompany any request for transfer of any interest in any license set forth in this section.

(j) All fees collected pursuant to this section shall be paid into the general fund of the City. (Ord. No. 456, Sec. 7, 7/17/89)

Section 22. Insurance.

No retail license may be issued, maintained or renewed unless the applicant demonstrates proof of the financial responsibility by maintaining the minimum requirement for proof of financial responsibility as required by Minnesota Statutes, Section 340A.409, Subd. 1. (Ord. No. 456, Sec. 8, 7/17/89)

Section 23. Sales on premises prohibited where nudity of employee is permitted.

The following acts or conduct on licensed premises are deemed contrary to public welfare and morals and therefore no "on-sale" of intoxicating liquor shall be held at any premises when such conduct or acts are permitted:

(a) to employ any hostess, barmaid, waitress, waiter, bartender or any other such person, in the sale or service of intoxicating liquor while such person is in a state of "nudity" as defined by Minnesota Statutes Annotated, Section 617.292, Subd. 3.

(b) to permit any person to perform, whether by dancing, displaying lingerie or any other activities or entertainment while in a state of "nudity" as defined in Minnesota Statutes Annotated, Section 617.292, Subd. 3. (Ord. No. 456, Sec. 9, 7/17/89)

Section 24. Consumption after hours.

No persons shall consume and no license shall permit the consumption of any intoxicating liquor on the premises licensed for the sale of intoxicating liquor fifteen (15) minutes after the sale of such intoxicating liquor is prohibited. Nor shall anyone other than the owner, members of his or her immediate family, or bona fide employees actually engaged in work at the time be permitted to remain on the licensed premises thirty (30) minutes after the sale of such intoxicating liquor is prohibited. (Ord. No. 456, Sec. 10, 7/17/89)

Section 25. Consumption or display (bottle club) prohibited.

No license of any premises shall be issued pursuant to Minnesota Statutes 340A.414. (Ord. No. 456, Sec. 11, 7/17/89)

Section 26. Inspection.

All premises where any license is granted pursuant to this article shall be open to inspection by any police or health officer or other properly designated officer or employee of the City at any time during which the place so licensed shall be opened to the public for business. (Ord. No. 456, Sec. 12, 7/17/89)

Section 27. Swinging doors, opaque windows in "on-sale" premises.

No "on-sale" place of business shall be permitted to have swinging doors or opaque windows. (Ord. No. 456, Sec. 13, 7/17/89; Ord. No. 176, Secs. 1, 2, 3, 5, 6, 7, 8, 6/29/66; Ord. No. 176.1, Sec. 1, 1/31/72; Ord. No. 176.2, Sec. 1, 5/29/73; Ord. No. 178, Secs. 1, 2, 3, 4, 6, 7, 12/5/66; Ord. No. 178.1, Secs. 1, 2, 3, 2/5/68; Ord. No. 178.2, Sec. 1, 6/3/68; Ord. No. 178.3, Sec. 1, 6/10/69; Ord. No. 178.4, Sec. 1, 9/2/69; Ord. @o. 178.7, Sec. 1, 3/5/73; Ord. No. 178.8, Sec. 1, 5/29/73; Ord. No. 222, Secs. 1, 2, 3/31/75; Ord. No. 223, Sec. 2, 5/19/75; Ord. No. 234, Sec. 1, 4/5/76; Ord. No. 239, Sec. 2, 7/6/76; Ord. No. 229, Secs. 1, 2, 3/17/80; Ord. No. 239, Sec. 1, 7/16/76; Ord. No. 245, Secs. 1, 2, 3, 4, 2/8/77; Ord. No. 280, Sec. 1, 3/19/79; Ord. No. 308, Secs. 1, 2, 3, 4, 5, 6, 5/4/81; Ord. No. 325, Secs. 1, 2, 4/19/82; Ord. No. 336, Sec. 1, 8/13/82; Ord. No. 338, Secs. 1, 2, 9/17/84; Ord. No. 342, Secs. 1, 3, 12/20/82; Ord. No. 385, Sec. 1, 10/7/85; Ord. No. 453, Sec. 1, 6/15/89; Ord. No. 456, 7/17/89)

Section 28. Intoxicating Liquor; Sunday sales; on-sale.

- (a) A restaurant, hotel, bowling center, or club which holds an on-sale intoxicating liquor license and has a Medium Establishment, or a Large Establishment Food License, as defined by the Minnesota Department of Health, may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays, providing that the licensee is in conformance with the Minnesota Clean Air Act.
- (b) A restaurant, hotel, bowling center, or club which holds an intoxicating liquor license and a Limited Food Menu License, as defined by the Minnesota Department of Health, may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 12:00 noon on Sundays and 2:00 a.m. on Mondays, providing that the licensee is in conformance with the Minnesota Clean Air Act.
- (c) A restaurant, hotel, bowling center, or club having facilities for seating at least 25 guests at one time and holding an on-sale wine license may sell wine for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays, providing the licensee is in conformance with the Minnesota Clean Air Act.

Section 29. Minors to be Restricted from Certain Establishments after 8:00 p.m.

- a) A minor, for the purposes of this Article, is defined as any person under the age of 21.

b) No minor shall be permitted in an on-sale liquor establishment licensed to operate games of skill, after 8:00 p.m. excepting:

1. Any minor in the company of a parent or legal guardian;
2. Any person ages 18, 19, or 20 on the premises after 8:00 p.m. to:
 - a) Perform work for the establishment, including the serving of alcoholic beverages;
 - b) Consume meals; and
 - c) Attend social functions that are held in a portion of the establishment where liquor is not sold. (Ord. No. 679, Sec. 1, dated 07-05-00.)

Sections 30 through 55. Reserved.

ARTICLE III. 3.2 PERCENT MALT LIQUOR

Section 56. Definitions.

As used in this article, the following words and phrases shall have the meanings ascribed to them:

Bona fide club: Shall mean an organization for social or business purposes or for intellectual improvement, or for the promotion of sports, where the serving of such 3.2 Percent Malt Liquors is incidental and not the major purpose of the club.

3.2 Percent Malt Liquor: Shall mean any potable malt beverage with an alcoholic content of more than one-half of one (1/2 of 1) per cent by volume and not more than three and two-tenths (3-2) per cent by weight.

Original package: Shall mean the bottle or sealed container in which the 3.2 percent malt liquor is placed at the place of manufacture. (Ord. No. 176, Sec. 1, 6/29/66)

Section 57. License required; types of licenses.

Except as provided in Minnesota Statutes, Section 340.413, no person shall sell, vend, deal in or dispose of, by gift, sale or otherwise, or keep or offer for sale, any 3.2 Percent Malt Liquor within the City without first having received a license therefore as provided in this article. Such licenses shall be of four (4) types:

- (a) Retail "on-sale";
- (b) Retail "off -sale";
- (c) Retail "on-sale in original containers only,"
- (d) Temporary "on-sale". (Ord. No. 176, Sec. 2, 6/29/66; Ord. No. 245, Sec. 1, 2/8/77)

Section 58. To whom licenses granted.

(a) Retail "on-sale" licenses shall be granted only to drugstores, restaurants, hotels, bona fide clubs and establishments for the sale of such 3.2 percent malt beverages at retail and shall permit the sale of such 3.2 percent malt liquor for consumption on the premises only.

(b) Retail "off -sale" licenses shall be granted to permit the sale at retail of 3.2 Percent Malt Liquors in original packages for consumption off the premises only.

(c) Temporary "on-sale in original containers only" shall be granted only to drugstores, restaurants and hotels where food is prepared and served for consumption on the premises, bona fide clubs and establishments for the sale of 3.2 percent malt beverages, and shall permit the sale of such liquor in original bottles only for consumption on the premises only.

(d) Temporary "on-sale" licenses shall be granted only to bona fide clubs and charitable, religious and non-profit organizations for the sale of 3.2 Percent Malt Liquor for consumption on the premises only. (Ord. No. 176, Sec. 2, 6/29/66; Ord. No. 245, Sec. 2, 2/8/77)

Section 59. Application for license-form; false statements.

Every application for a license to sell 3.2 percent malt mail liquor shall be made on forms to be supplied by the City setting forth the name of the person applying for such license, his age, representations as to his character with such references as may be required, his citizenship, the location where the business is to be carded on, whether such application is for retail "on-sale", retail "off-sale" or retail "on-sale in original containers only," the business in connection with which the proposed licensee will operate, whether the applicant is the owner or operator of such business, the time such applicant has been in that business at that place, and such other information as the City Council may require from time to time. It shall be unlawful to make any false statement in an application. (Ord. No. 176, Sec. 3, 6/29/66)

Section 60. Fees to accompany application; evidence of financial responsibility; revocation of license for lapse of Insurance.

(a) Every application for a license required by this article shall be accompanied by a certified check payable to the City or a cash deposit in an amount equal to the fee for the respective license applied for and effective March 1, 1983, and thereafter all existing licenses granted pursuant to this article and every applicant for a license required by this article shall demonstrate proof of financial responsibility with regard to liability imposed by Minnesota Statutes, Section 340-95.

(b) Lapse of such insurance or other evidence of financial responsibility shall result in the automatic revocation of the license. Notice of cancellation of a current liquor liability policy or notice of removal of other evidence of financial responsibility shall serve as notice to the licensee of the impending revocation of the license and, unless written evidence of compliance with the financial responsibility requirements set forth above is presented to the City Clerk prior to the effective date of such termination, the license shall be revoked automatically as of the effective date of such lapse of coverage. (Ord. No. 176, Sec. 3, 6/29/76; Ord. No. 342, Sec. 3, 12/20/82)

Section 61. Fees.

(a) Fees for licenses required by this article shall be as follows:

(1) The annual fee for retail "on-sale" license for the licensing period July 1, 1982, to June 30, 1983, shall be the sum of two hundred dollars (\$200.00), and for the period July 1, 1983, to June 30, 1984, and annually thereafter, the sum of three hundred dollars (\$300.00).

(2) The annual fee for retail "off -sale" license for the licensing period from July 1, 1982, to June 30, 1983, shall be the sum of thirty dollars (\$30.00), and for the licensing period from July 1, 1983, to June 30, 1984, and annually thereafter, shall be the sum of fifty dollars (\$50.00).

(b) All fees collected shall be paid into the general fund of the City. (Ord. No. 176, Sec. 3, 6/29/66; Ord. No. 245, Sec. 3, 2/8/77-1 Ord. No. 325, Sec. 2, 4/19/82)

Section 62. Refund of fee upon rejection of license.

Upon rejection of any application for a license required by this article, the City Clerk shall refund the amount submitted with the application. (Ord. No. 176, Sec. 3, 6/29/66)

Section 63. Fees not to be refunded if license revoked.

No portion of the license fee required by this article shall be returned to the licensee if his license is revoked as provided in Section 68.(Ord. No. 176, Sec. 8, 6/29/66)

Section 64. Term; expiration.

All licenses for the sale of 3.2 Percent Malt Liquor, except temporary "on-sale" licenses, shall be issued for a period of one year, except that for the purpose of coordinating a time of expiration of licenses in general, all licenses shall expire on the last day of June in each year; provided, however, that if a portion of a license year shall have elapsed when the application is made, a pro rata fee shall be charged covering the balance of such license year. A temporary license shall be issued for a specific period in which a special event to which the sale is incident is being held and such period shall be stated on the license. (Ord. No. 176, Sec. 3, 6/29/66; Ord. No. 245, Sec. 4, 2/8/77)

Section 65. Investigation of application; granting of license.

The City Council shall cause an investigation to be made of any and all facts in the application for a license required by this article. After such investigation the City Council shall grant or refuse any such application in its discretion. Opportunity shall be given to any person to be heard for or against the granting of any license. (Ord. No. 176, Sec. 4, 6/29/66)

Section 66. License to be displayed.

All premises licensed in accordance with this article shall have the license posted in a conspicuous place therein at all times. (Ord. No. 176, Sec. 4, 6/29/66)

Section 67. Enumeration of conditions licenses subject to.

(a) Licenses required by this article shall be issued only to persons who are citizens of the United States who are of good moral character and repute; are not minors as defined by Minnesota Statutes, and who are proprietors of the establishments for which the licenses are issued.

(b) No license shall be granted or renewed if the applicant within a period of five (5) years prior to the date of such application, has been convicted of violating any law relating to the sale of 3.2 Percent Malt Liquor or intoxicating liquor.

(c) All premises where any license is granted shall be open to inspection by any police or health officer or other properly designated officer or employee of the City at any time during which the place so licensed is opened to the public for business.

(d) No gambling or any gambling device prohibited by law shall be permitted on any licensed premises.

(e) All licenses issued pursuant to this article shall be issued to the applicant only and shall be issued on the premises described in the application. Such license shall not be transferred to another place without the approval of the City Council.

(f) No license shall be granted hereunder to any manufacturer or wholesaler of 3.2 Percent Malt Liquor, nor shall any such person have ownership, directly or indirectly, in the business of any licensee holding an "on-sale" license.

(g) No license shall be issued to any person who is also the owner and holder of or to whom there is hereafter issued, a Federal retail liquor dealer's special tax stamp for the sale of intoxicating liquor at any place unless there has also been issued to such person a license to sell intoxicating liquor pursuant to the laws of the State of Minnesota at such place; and the 3.2 Percent Malt Liquor license of any person who is also the owner and holder of, or to whom there is hereafter issued, such Federal retail liquor dealer's special tax stamp, and who does not have a license to sell intoxicating liquors pursuant to the laws of this State for such place, shall be forthwith revoked by the City Council without notice. (Ord. No. 176, Sec. 5, 6/29/66-1 Ord. No. 176.2, Sec. 1, 5/29/73)

Section 68. Revocation.

Any license granted pursuant to this article may be revoked by the Council without notice to the licensee. Any violation of any provision or condition of this article or any falsification of any statement in the application shall be grounds for revocation. (Ord. No. 176, Sec. 8, 6/29/66; Ord. No. 338, Sec. 2, 9/17/84)

Section 69. Hours of sale.

No sale of 3.2 Percent Malt Liquor shall be made between the hours of 2:00 a.m. and 8:00 a.m. on any weekday Monday through Saturday inclusive, nor shall any sale of such liquor be made on any Sunday between the hours of 2:00 a.m. and 12:00 noon. (Ord. No. 371, 9/17/84) (Ord. No. 749 dated 06-30-03)

Section 69.1. Consumption after hours.

No persons shall consume and no licensee shall permit the consumption of any 3.2 Percent Malt Liquor on the premises licensed for the sale of 3.2 Percent Malt Liquor fifteen (15) minutes after the sale of such 3.2 Percent Malt Liquor is prohibited. (Ord. No. 223, Sec. 2, 5/19/75)

Section 70. Minors-Purchase; consumption; possession.

It shall be unlawful and a violation of this article for any:

(a) Licensee or his employee to sell or serve 3.2 Percent Malt Liquor to any minor or to permit any minor to consume 3.2 Percent Malt Liquor on the licensed premises, unless accompanied by his parent or legal guardian;

- (b) Person other than the parent or legal guardian to procure 3.2 Percent Malt Liquor for any minor;
- (c) Person to induce a minor to purchase or procure 3.2 Percent Malt Liquor;
- (d) Minor to misrepresent his age for the purpose of obtaining 3.2 Percent Malt Liquor;
- (e) Minor to consume any 3.2 Percent Malt Liquor unless in the company of his parent or guardian;
- (f) Minor to have in his possession any 3.2 Percent Malt Liquor, with intent to consume same at a place other than the household of his parent or guardian. Possession of such 3.2 Percent Malt Liquor at a place other than the household of his parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his parent or guardian. (Ord. No. 176, Sec. 7, 6/29/66)
- (g) Minor under the age of 18 to sell 3.2% malt liquor when in the employ of an establishment licensed to sell 3.2% malt liquor off-sale; and subsequently, any owner/manager or supervisor of an establishment so licensed to allow minor under the age of 18 to sell 3.2% malt liquor.

Section 71. Social Host

Subd. 1. **Purpose and Findings.** The Chaska City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Chaska City Council finds that:

- (a) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
- (b) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
- (c) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
- (d) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.
- (e) Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.
- (f) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

Subd. 2. **Authority.** This ordinance is enacted pursuant to Minn. Stat. §145A.05 subdivision 1.

Subd. 3. **Definitions.** For purposes of this ordinance, the following terms have the following meanings:

- (a) Alcohol. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- (b) Alcoholic beverage. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- (c) Event or gathering. "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- (d) Host. "Host" means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.
- (e) Parent. "Parent" means any person having legal custody of a juvenile:
 - (1) As natural, adoptive parent, or step-parent;
 - (2) As a legal guardian; or
 - (3) As a person to whom legal custody has been given by order of the court.
- (f) Person. "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.
- (g) Residence or Premises. "Residence" or "premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
- (h) Underage Person. "Underage person" is any individual under twenty-one (21) years of age.

Subd. 4. **Prohibited Acts.**

- (a) It is unlawful for any person(s) to;
 - host or allow an event or gathering;
 - at any residence, premises, or on any other private or public property;
 - where alcohol or alcoholic beverages are present;
 - when the person knows or reasonably should know that an underage person will or does
 - (i) consume any alcohol or alcoholic beverage; or
 - (ii) possess any alcohol or alcoholic beverage with the intent to consume it; and
 - the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

(b) A person is criminally responsible for violating Subdivision 4(a) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

(c) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

Subd. 5. Exceptions.

(a) This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

(b) This ordinance does not apply to legally protected religious observances.

(c) This ordinance does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. §340A.503 Subd.1(a)(1).

(d) This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

Subd. 6. Enforcement. This ordinance can be enforced by any police officer or sheriff's deputy in the county.

Subd 7. Severability. If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

Subd. 8. Penalty. Violation of Subdivision 4 is a misdemeanor.

Subd. 9. Effective Date. This ordinance shall take effect thirty (30) days following its final passage and adoption. (09-10-07)

Sections 72 through 95. Reserved.

**ARTICLE IV. INTOXICATING LIQUOR, WINE, BEER AND
3.2 PERCENT MALT LIQUOR AT THE
CHASKA COMMUNITY CENTER**

Section 96. Intoxicating liquor or 3.2 Percent Malt Liquor may be sold In the Chaska Community Center only under the following conditions:

(a) By the holder of an annual retail on-sale intoxicating or 3.2 Percent Malt Liquor license issued by the City of Chaska or the governing body of an adjacent municipality; or a club or charitable, religious or non-profit organization issued pursuant to Minnesota Statutes, Section 340A.403 Subd. (2) of 340A.404 Subd. (10) issued by the City of Chaska.

(b) The licensee is engaged to dispense intoxicating or 3.2 Percent Malt Liquor at an event by a person or organization permitted to use the Community Room and balcony adjacent thereto or the Ice Arena.

(c) Liquor is dispensed only to persons attending the event in the Community Room, or Ice Arena, for which the room was rented and such dispensing is done only in the room which was rented.

(d) The licensee delivers to the City a Certificate of insurance providing "off-premises liquor liability" coverage naming the City of Chaska as an additional named insured.

(e) All other rules and regulations established by the City relating to the dispensing of intoxicating liquor and 3.2 Percent Malt Liquor in said Community Center or Ice Arena are complied with. (Ord. No. 482, Sec. 1, 2/25/91; Ord. No. 543, Sec. 1, 2/28/94)

(f) A fee of fifty dollars (\$50.00) per day is required for each temporary license issued to a club or charitable, religious, or other non-profit organization in existence for at least three (3) years. (Ord. No. 488, Sec. 1, 5/20/91; Ord. No. 543, Sec. 1, 2/28/94)

(g) The deposit and investigation requirements for on-sale intoxicating liquor license shall be waived for the temporary on-sale applicants pursuant to MSA 340A.408 Subd. (10). (Ord. No. 488, Sec. 1, 5/20/91; Ord. No. 543, Sec. 1, 2/28/94)

(h) Sale of liquor must cease upon the closing of the Community Center building.

Section 97. Wine, beer and 3.2 Percent Malt Liquor may be served in the Chaska Community Center under the following conditions:

(a) If served pursuant to Article 4, Section 96, as above stated.

(b) Service and consumption of wine, beer or 3.2 Percent Malt Liquor is allowed only in the Community Room and the balcony adjacent thereto or the Ice Arena area at an event by person or organization permitted to use said room(s).

(c) Said wine, beer or 3.2 Percent Malt Liquor must be provided by the person, organization or group hosting the activity or event.

(d) No compensation of any nature may be exchanged for the beer, wine or 3.2 Percent Malt Liquor. Compensation for purposes of this section include donation, advance sale of tickets and tips and the payment of any kind or nature to the host in exchange for said wine, beer and 3.2 Percent Malt Liquor.

(e) Beer, wine and 3.2 Percent Malt Liquor may only be served until 10:00 p.m. on week nights and until 12:30 on Friday and Saturday nights.

(f) All parties consuming beer, wine or 3.2 Percent Malt Liquor in the Community Center shall be required to conform to all state liquor laws and with any and all rules and regulations regulating the serving or consumption of beer, wine or 3.2 Percent Malt Liquor as established by the City of Chaska.

(g) Serving of beer, wine and 3.2 Percent Malt Liquor must cease upon the closing of the Community Center building.

