

CHAPTER VII – LIQUOR, BEER & WINE

ORDINANCE 74 AN ORDINANCE LIMITING POSSESSION OF CERTAIN  
CONTAINERS OF 3.2 PERCENT OR INTOXICATING MALT LIQUOR (KEGS).... 74-1  
Section 74.01: DEFINITIONS..... 74-1  
Section 74.02: POSSESSION OF KEGS BY INDIVIDUAL ..... 74-1  
Section 74.03: LOCATION OF KEGS ON PROPERTY UNIT..... 74-1  
Section 74.04: CONTROLLER OF PROPERTY LIABLE ..... 74-1  
Section 74.05: DUTY OF LICENSED LIQUOR ESTABLISHMENT ..... 74-1  
Section 74.06: EXCEPTIONS ..... 74-2  
Section 74.07: PENALTIES ..... 74-2

ORDINANCE 74      AN ORDINANCE LIMITING POSSESSION OF CERTAIN  
CONTAINERS OF 3.2 PERCENT OR INTOXICATING MALT  
LIQUOR (KEGS) AND REQUIREMENT FOR LICENSE

---

---

Section 74.01: DEFINITIONS. For the purpose of this section the following definitions shall apply:

Subd. 1: Intoxicating Liquor. Ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight.

Subd. 2: Kegs. Containers designed for and capable of holding intoxicating or 3.2 percent malt liquor to be dispensed from a tapper.

Subd. 3: 3.2 Percent Malt Liquor. Malt liquor containing not less than one half of one percent alcohol by volume nor more than 3.2 percent of alcohol by weight.

Section 74.02: PERMIT REQUIRED. Any individual of lawful age under the laws of the State of Minnesota may possess a keg in a residentially zoned area within the City of St. Joseph after first having obtained a permit and permit sticker from the City Offices.

Subd. 1: Application for Permit and Permit Sticker. Any person desiring to obtain a permit to possess a keg will fill out an application at the City Offices setting forth the applicant's full name, address and telephone number and the address within St. Joseph where the applicant will be possessing the keg. In addition, the applicant will be required to provide proof of identify and age in form of a valid Minnesota driver's license or identification card, or valid driver's license from another jurisdiction. Falsifying any information requested on the permit will constitute violation of this ordinance.

Subd. 2: Issuance of Permit and Sticker: At the time of issuance of the permit, a permit sticker will be issued to the applicant. The permit sticker will be immediately and firmly affixed by the applicant to the keg utilizing the adhesive on the sticker and placing the sticker in a clearly visible location upon the purchase of a keg.

Subd. 3: Permit Fee. The permit fee for each keg will be as set forth in Appendix A of the St. Joseph Code of Ordinances, as amended by the Council periodically.

Subd. 4: Return of Permit. Prior to the issuance of any subsequent keg permit and permit sticker, the preceding permit issued and remains of the permit sticker must be returned to the City Offices or in alternative a minimum of 30 days will have elapsed since the date of issuance of the previous permit.

## CHAPTER VII – LIQUOR, BEER & WINE

Subd. 5: Persons Ineligible for Permit. No person will be issued a keg permit if that person has been convicted of this Ordinance or Section 1050:00 a violation of Minnesota Statutes Section 340A which occurred within the previous 365 days.

Subd. 6: Prohibitions. It will be unlawful for any person to possess a keg within the City of St. Joseph without having first obtained a permit and permit sticker as set forth herein. A permittee will have the permit present at the location where the keg is possessed at all times, and will exhibit the permit upon the request of any licensed peace officer.

Section 74.03: LIMITATIONS. All permits authorized under the preceding section will be subject to the following limitations:

Subd. 1: POSSESSION OF KEGS BY INDIVIDUAL. No more than one keg capable of containing up to sixteen (16) Gallons of intoxicating or 3.2 percent malt liquor may be possessed by any person within the City of St. Joseph.

Subd. 2: LOCATION OF KEGS ON PROPERTY UNIT. No more than one keg capable of containing up to sixteen (16) gallons of intoxicating or 3.2 percent malt liquor may be located on a single property unit within the City of St. Joseph. For purposes of this section, a single property unit shall be defined as a contiguous parcel of real property with common ownership, except in the case of real property which is leased to multiple individuals or entities, in which case each area rented by separate written or oral lease shall be considered a single property unit.

Subd. 3: CONTROLLER OF PROPERTY LIABLE. For purposes of Section 74.03 herein, the person in control of the property unit shall be held responsible for a violation. For purposes of this section, ownership of property is prima facie evidence of control; except in the care of rental property, in which case tenant's leasehold interest shall be prima facie evidence of control.

Section 74.05: DUTY OF LICENSED LIQUOR ESTABLISHMENT. Each liquor establishment located in the City of St. Joseph and offering for sale kegs containing 3.2 percent or intoxicating malt liquor for consumption off premises, shall, as a condition of said license, post in a conspicuous location within five (5) feet of the check out location in the establishment, a notice provided by the St. Joseph Police Department regarding the provisions of this ordinance.

Section 74.06: EXCEPTIONS. Any person or premises licensed to sell intoxicating or 3.2 percent malt liquor under any provision of state law or local ordinance may possess kegs and are specifically exempted from the provisions of this ordinance.

Section 74.07: PENALTIES. A violation of a provision of this Ordinance shall be punishable as a misdemeanor.

**Resolution 2013-003**  
**AMENDING ORDINANCE 74 LIMITING KEGS**

The City Council for the City of St. Joseph HEREBY ORDAINS:

That Ordinance 74 of the St. Joseph Code of Ordinances is hereby amended to include section 74.02, requiring a permit for possessing a keg within the City of St. Joseph.

Section 74.01: DEFINITIONS. For the purpose of this section the following definitions shall apply:

Subd. 1: Intoxicating Liquor. Ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight.

Subd. 2: Kegs. Containers designed for and capable of holding intoxicating or 3.2 percent malt liquor to be dispensed from a tapper.

Subd. 3: 3.2 Percent Malt Liquor. Malt liquor containing not less than one half of one percent alcohol by volume nor more than 3.2 percent of alcohol by weight.

Section 74.02: PERMIT REQUIRED. Any individual of lawful age under the laws of the State of Minnesota may possess a keg in a residentially zoned area within the City of St. Joseph after first having obtained a permit and permit sticker from the City Offices.

Subd. 1: Application for Permit and Permit Sticker. Any person desiring to obtain a permit to possess a keg will fill out an application at the City Offices setting forth the applicant's full name, address and telephone number and the address within St. Joseph where the applicant will be possessing the keg. In addition, the applicant will be required to provide proof of identify and age in form of a valid Minnesota driver's license or identification card, or valid driver's license from another jurisdiction. Falsifying any information requested on the permit will constitute violation of this ordinance.

Subd. 2: Issuance of Permit and Sticker: At the time of issuance of the permit, a permit sticker will be issued to the applicant. The permit sticker will be immediately and firmly affixed by the applicant to the keg utilizing the adhesive on the sticker and placing the sticker in a clearly visible location upon the purchase of a keg.

Subd. 4: Permit Fee. The permit fee for each keg will be as set forth in Appendix A of the St. Joseph Code of Ordinances, as amended by the Council periodically.

Subd. 3: Return of Permit. Prior to the issuance of any subsequent keg permit and permit sticker, the preceding permit issued and remains of the permit sticker must be returned to the City Offices or in alternative a minimum of 30 days will have elapsed since the date of issuance of the previous permit.

Subd. 4: Persons Ineligible for Permit. No person will be issued a keg permit if that person has been convicted of this Ordinance or Section 1050:00 a violation of Minnesota Statutes Section 340A which occurred within the previous 365 days.

Subd 5: Prohibitions. It will be unlawful for any person to possess a keg within the City of St. Joseph without having first obtained a permit and permit sticker as set forth herein. A permittee will have the permit present at the location where the keg is possessed at all times, and will exhibit the permit upon the request of any licensed peace officer.

Section 74.03: LIMITATIONS. All permits authorized under the preceding section will be subject to the following limitations: Amended 01/17/2013

Subd. 1: POSSESSION OF KEGS BY INDIVIDUAL. No more than one keg capable of containing up to sixteen (16) Gallons of intoxicating or 3.2 percent malt liquor may be possessed by any person within the City of St. Joseph.

Subd. 2: : LOCATION OF KEGS ON PROPERTY UNIT. No more than one keg capable of containing up to sixteen (16) gallons of intoxicating or 3.2 percent malt liquor may be located on a single property unit within the City of St. Joseph. For purposes of this section, a single property unit shall be defined as a contiguous parcel of real property with common ownership, except in the case of real property which is leased to multiple individuals or entities, in which case each area rented by separate written or oral lease shall be considered a single property unit.

Subd. 3: CONTROLLER OF PROPERTY LIABLE. For purposes of Section 74.03 herein, the person in control of the property unit shall be held responsible for a violation. For purposes of this section, ownership of property is prima facia evidence of control; except in the care of rental property, in which case tenant's leasehold interest shall be prima facia evidence of control.

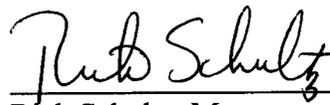
Section 74.05: DUTY OF LICENSED LIQUOR ESTABLISHMENT. Each liquor establishment located in the City of St. Joseph and offering for sale kegs containing 3.2 percent or intoxicating malt liquor for consumption off premises, shall, as a condition of said license, post in a conspicuous location within five (5) feet of the check out location in the establishment, a notice provided by the St. Joseph Police Department regarding the provisions of this ordinance.

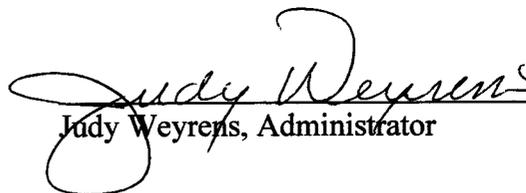
Section 74.06: EXCEPTIONS. Any person or premises licensed to sell intoxicating or 3.2 percent malt liquor under any provision of state law or local ordinance may possess kegs and are specifically exempted from the provisions of this ordinance.

Section 74.07: PENALTIES. A violation of a provision of this Ordinance shall be punishable as a misdemeanor.

Updated 7/2003      Ordinance 74  
Updated 1/2013      Permitting Requirement

This Ordinance was approved by the majority of the City Council on this 17<sup>th</sup> day of January, 2013 and shall become effective on March 1, 2013 after duly being published.

  
Rick Schultz, Mayor

  
Judy Weyrens, Administrator

This amendment was published in the St. Joseph Newsleader on March 1, 2013.

**RESOLUTION 2013-004**  
**RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF**  
**Ordinance 74**  
**(Keg Limitations)**

RECITALS:

WHEREAS, on January 17, 2013, the City Council for the City of St. Joseph amended Ordinance 74, entitled "AN ORDINANCE LIMITING POSSESSION OF CERTAIN CONTAINERS OF 3.2 PERCENT OR INTOXICATING MALT LIQUOR"; and

WHEREAS, the City of St. Joseph desires to publish the Ordinance by Summary Publication; and

WHEREAS, the intent of the proposed amendment is to require any person desiring to obtain a permit to possess a keg will fill out an application at the City Offices setting forth the applicant's full name, address and telephone number and the address within St. Joseph where the applicant will be possessing the keg. In addition, the applicant will be required to provide proof of identify and age in form of a valid Minnesota driver's license or identification card, or valid driver's license from another jurisdiction.

THEREFORE, IT IS HEREBY RESOLVED:

1. The City Council has reviewed the proposed Summary Publication and finds that the summary of the Ordinance clearly informs the public of the intent and effect of the Ordinance.
2. The City of St. Joseph directs the City Administrator to publish the Ordinance by Summary Publication.

Adopted this 17<sup>th</sup> day of Jan, 2013, by a vote of 4 in favor and 1 opposed.

CITY OF ST. JOSEPH

By   
Rick Schultz, Mayor

By   
Judy Weyrens, Administrator