

KEG REGISTRATION ORDINANCE

THE CITY OF RUSHFORD ORDAINS

SECTION 1. PURPOSE. Because the City of Rushford recognizes that beer kegs can be the main source of alcohol at parties where underage drinking occurs; this ordinance shall be intended to provide a system for beer keg registration to enable police to identify and penalize adults who purchase kegs for parties and allow underage youth to consume the alcohol.

SECTION 2. DEFINITIONS. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice-versa. The term "shall" means mandatory and the term "may" means permissive. The following terms shall have the definitions given to them:

A. "Intoxicating Liquor" - Ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverages containing more than 3.2 percent of alcohol by weight.

B. "Kegs" - Containers designed for and capable of holding intoxicating or non-intoxicating malt liquor to be dispensed from a tapper.

C. "Malt Liquor: - Any beer, ale or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

D. "Nonintoxicating Liquor" - Malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.

E. "Off-Sale" - The sale of alcoholic beverages in original packages for consumption off the licensed premises only.

SECTION 3. DUTIES OF SELLER.

A. Licensees holding an off-sale intoxicating liquor license or nonintoxicating malt liquor license may sell malt liquor in kegs or other containers capable of hold four (4) gallons or more of liquid. Licensees shall not sell more than sixteen (16) gallons of malt liquor in kegs or other containers capable of holding four (4) gallons or more of liquid to any individual purchaser, not licensed under Minnesota Statute Chapter 340A, within a twenty-four (24) hour period. Any person who sells or offers for sale the contents of kegs or other containers containing four (4) gallons or more of malt liquor, or leases kegs or other containers that will hold four (4) gallons or more of malt liquor, to consumers who are not licensed under Chapter 340A of the Minnesota Statutes, shall do the following for each sales transaction involving the keg or other container:

1. Require the purchaser of the malt liquor to sign a declaration and receipt of the keg or other container in substantially the form provided for in Section 4 of this ordinance.

KEG REGISTRATION ORDINANCE

2. Require the purchaser to provide one piece of identification pursuant to Minnesota Statute Section 340a.503 (6).
3. Require the purchaser to sign a statement on the declaration, that:
 - a. The purchaser is of legal age to purchase, possess, or use malt liquor.
 - b. The purchaser will not allow any person under the age of twenty-one (21) years to consume the beverage in violation of Minnesota Statute Section 340A.503 (2).
 - c. The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under this ordinance to be affixed to the container.
4. Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located.
5. Inform the purchaser of his duty to maintain a copy of the declaration next to or adjacent to the keg or other container, in no event at a distance greater than five (5) feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.
6. Affix identification to the kegs in accordance with the rules authorized under Section 4 of this ordinance.
7. Retain copies of the receipt and declaration on the licensed site for a period of six (6) months following the transaction, and shall make it available to any law enforcement officer or member of the municipal licensing authority upon request.
8. Collect from the purchaser a deposit of the amount specified in the rules authorized under Section 4 of this ordinance, which shall be not less than fifty dollars (\$50.00). The licensee shall refund this deposit to the purchaser upon return to the licensee, within six (6) months of the purchase, of the keg or other container with the identification required by the municipal licensing authority intact and affixed to the keg or other container. The licensee shall not refund the deposit to the purchaser if the identification has been removed or obliterated at any time after the initial sales transaction with the purchaser and before the return of the keg or other container to the licensee. All deposits forfeited shall be remitted, less a reasonable handling fee, to the municipal licensing authority with a copy of the receipt and declaration made in the transactions involved.

KEG REGISTRATION ORDINANCE

SECTION 4. DUTIES OF PURCHASER.

A. Any person who purchases the contents of kegs or other containers containing four (4) gallons or more of malt liquor, or purchases or leases the container shall:

1. Provide one piece of identification pursuant to Minnesota Statute Section 340A.503 (6).
2. Be of legal age to purchase, possess, or use malt liquor.
3. Pay a deposit of the amount specified in the rules authorized under Section 3 of this ordinance to the licensee, to be refunded upon the return of the keg or other container, within six (6) months of purchase, with the identification required by the municipal licensing authority intact and affixed to the keg or other container.
4. Sign a receipt for the keg or other container or beverage in substantially the form provided in this ordinance.
5. Sign a declaration for the keg or other container or beverage in substantially the form provided in this ordinance.
6. Not allow any person under the age of twenty-one (21) to consume the beverage, except as provided by Minnesota Statute Section 340A.503 (2).
7. Not remove, obliterate or allow to be removed or obliterated, the identification required under rules adopted by the municipal licensing authority.
8. Not move, keep or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the receipt and declaration.
9. Maintain a copy of the declaration next to or adjacent to the keg or other container, in no event at a distance greater than five (5) feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

B. Falsifying any information requested on the declaration or receipt shall constitute a violation of this ordinance.

SECTION 5. IDENTIFICATION OF CONTAINERS, RULES.

A. The City of Rushford shall adopt all rules necessary for the implementation of this ordinance, including rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers.

KEG REGISTRATION ORDINANCE

B. The City of Rushford shall develop and make available forms for the declaration and receipt required by this ordinance. The City may charge for the costs of providing the forms and that money collected for the form shall be deposited into the liquor fund for use by the City, without further appropriation, to continue to administer the cost of the keg registration program.

C. It is unlawful for any person to sell or offer for sale kegs or other containers containing four (4) gallons or more of malt liquor to consumers who are not licensed under Minnesota Statute Chapter 340A if the kegs or containers are not identified in compliance with rules adopted by the municipal licensing authority.

SECTION 6. PENALTIES.

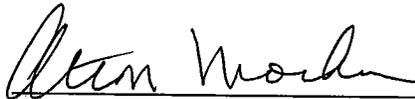
A. The violation of any provisions of Sections 1 through 4 of this ordinance is punishable:

1. For the first violation, as a petty misdemeanor.
2. For the second and subsequent violations, as a misdemeanor.

SECTION 7. SEVERABILITY AND SAVINGS CLAUSE. If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or effect the validity and enforceability of any other section or provision of this ordinance.

SECTION 8. ADOPTION. This ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Adopted by the Rushford City Council this 14th day of December, 1998.



Mayor

Attest:



City Clerk

KEG REGISTRATION ORDINANCE

KEG REGISTRATION FORM

To comply with the City of Rushford Ordinance pertaining to the registration of kegs sold within the City, I _____, hereby attest to and agree to the following prior to any purchase:

1. That I am of legal age to purchase alcoholic beverages.
2. That I will not allow any person under the age of 21, except my own children, within my own home, to consume alcoholic beverages in violation of MN Statute Section 340a.503(2).
3. That I will not remove, obliterate, or allow to be removed or obliterated, the identification required under this ordinance, which is affixed to the keg.
4. That I will consent to stating upon this form the location where this keg is to be consumed or where the keg or container will be physically located.
5. That I will maintain a copy of this declaration next to or adjacent to the keg at a distance no greater than five (5) feet and visible, without a physical barrier, from the keg during the time that the keg is in my possession or control.
6. That I will pay a deposit of \$50.00 which will be refunded to me only upon return of the keg or container with the identification required by the City intact or affixed to the keg or container.

Location or address keg is to be consumed: _____

Size and Identification Number of Keg:

Size _____ ID # _____

I hereby state that I will comply with all stipulations of this declaration.

Date

Signature

Address

Phone Number

D.L. #

Witnessed

Deposit Amount Paid

Business Name