



500 CENTER AVENUE, BOX 779, MOORHEAD, MINNESOTA 56561

NON-ALCOHOLIC CLUB LICENSE APPLICATION

This form was prepared by the City of Moorhead, pursuant to applicable City ordinances of the City of Moorhead, for purposes of background investigation. *Failure to provide information requested may result in denial of the application.*

License Fee \$50.00

Surety Bond \$3,000

(Must be filled out by Resident Manager of Corporation or owner of license)

FULL NAME OF LICENSEE _____
(Business/Corporate Name)

Business Address _____

Trade Name _____ Phone No. _____

CORPORATION or LLC:

Corporate Name _____

Corporate Address _____
(City, State, Zip)

State of Incorporation _____ Date of Incorporation _____

List Officers: ***(first, middle and last name)***, titles, date & place of birth, and home address:

List Directors (***first, middle & last name***), date & place of birth and home address:

List Stockholders (***first, middle & last name***), date & place of birth and home address on a separate sheet of paper. (Please attach list to this application.)

PARTNERSHIP:

Partnership Name _____

Partnership Address _____
(City, State, Zip)

Business/Partnership Phone No. _____

List Partners (***first, middle & last name***), date & place of birth and home address:

List Person/s (other than owner, stockholder, director or resident manager) having any financial interest in the business (***first, middle & last name***, date & place of birth and home address):

RESIDENT MANAGER: *(Person responsible for day-to-day management of business)*

_____ **First, Middle, & Last Name** _____ **Driver's License No.**

_____ Home Address – Street _____ City _____ State _____ Zip

a. Residence Phone _____ Business Phone _____

b. Addresses for past ten years: _____

c. Current employment _____

d. Previous employment (five years): _____

e. Date of Birth _____ Place of Birth _____

1. Type of Application: _____ **New** _____ **Renewal** _____ **Transfer**

a. Has the applicant ever been engaged in a similar business? **Yes** _____ **No** _____

If yes, state when and where _____

b. Has applicant ever been turned down for a license? **Yes** _____ **No** _____

If yes, state when and where _____

2. Describe premises to which license applies (such as 1st floor, 2nd floor, basement, entire building): _____

3. Legal Description: _____

4. List owners of building or premise to be licensed: _____

5. Who owns the fixtures? _____

6. What vending or mechanical amusement device company has or will have machines on the licensed premise?

7. Has applicant ever been convicted or arrested for any crime or violation of any law (except minor traffic offenses)? **Yes** _____ **No** _____

If yes, list: _____

10. **Financial Data:** *(New Applications Only)*

List on a separate sheet of paper all sources of capital used for purchase/acquisition of this business. Include the name and address of the financial institution(s), contact person, account numbers and other pertinent data. Copies of all loan applications and/or collateral must be attached.

11. **Supplementary Materials Required:** *(New Applications Only)*

The following information is to be provided to the Moorhead Police Department, Investigation Division, as part of your license application:

- Proof of insurance or letter of intent from an insurance company that you are able to obtain the required insurance coverage for this purpose.
- Supporting documents for other assets used as collateral.
- Copy of the business plan with security considerations included.
- Copies of articles of incorporation displaying business name and partners/officers.

Applicant, and his associates in this application, will strictly comply with all the laws of the State of Minnesota and all ordinances of the City of Moorhead; and I hereby certify that I have read the foregoing questions and that the answers to said questions are true of my own knowledge. I further understand that an investigation fee not to exceed \$500.00 shall be charged an applicant by the City of Moorhead if the investigation is conducted within the state, or the cost not to exceed \$10,000.00 if the investigation is required outside the state.

Signature (Owner or Resident Manager)

Date: _____

Subscribed and sworn before me this

_____ day of _____, 20_____.

(Notary Public)

My commission expires _____

Incomplete applications will be returned.

FINANCIAL AUTHORIZATION

(New Applications Only)

To: _____
(Name of financial institution)

YOU ARE HEREBY AUTHORIZED to release to _____ of the Moorhead Police Department any and all financial information concerning my dealings with your institution as a customer of the institution, said information to be given in connection with the investigation being conducted by the Moorhead, Minnesota Police Department.

Signature

Date: _____

Subscribed and sworn before me this
_____ day of _____, 20_____.

(Notary Public)

My commission expires _____

Please photocopy this document if additional copies are needed for each financial institution listed.

**CERTIFICATION OF COMPLIANCE WITH THE
MINNESOTA WORKER'S COMPENSATION LAW**

In accordance with Minnesota Statutes §176.182, every state or local licensing agency is required to withhold the issuance or renewal of a business license or permit until the applicant presents acceptable evidence of compliance with the worker's compensation insurance coverage requirement. Applicants are required to provide the name of the insurance company, the policy number, and dates of coverage or the permit to self-insure.

Print Full Name _____

Doing Business As (Print Business Name) _____

Mailing Address _____

Type of Business (for example: construction, trucking, logging) _____

Worker's Compensation Insurance Company Name _____

Policy No. _____ Date of Coverage _____ through _____

I certify that I am not required to carry worker's compensation insurance because (check one)

_____ I am a sole proprietor or partner and I have no employees.

_____ I have no employees who are covered by the worker's compensation law. (Only employees specifically exempted by statute are not covered by the worker's compensation law. These include: Spouse, Parent; Children, regardless of age; and farm labor employees of a family farm that spent less than \$8,000 for labor in the previous calendar year. All other workers whose work activity is controlled by the employer must be covered.)

I certify that the information provided above is accurate and complete. I understand that this information will be verified by the Minnesota Department of Labor & Industry, and that I am subject to a \$2,000 penalty if the information provided is false.

SIGNATURE _____ DATE _____

NON-ALCOHOLIC CLUB

2-9-1: DEFINITIONS:

Terms as used in this Chapter shall mean:

ALCOHOLIC BEVERAGE: Any beverage containing more than one-half of one percent (0.5%) of alcohol by volume.

LICENSED PREMISES: Premises described in the approved license application.

NONALCOHOLIC BEVERAGE: Any beverage containing less than one-half of one percent (0.5%) of alcohol by volume. (Ord. 89-1, 2-6-89)

NONALCOHOLIC CLUB: An establishment used exclusively for sale of nonalcoholic beverages for consumption on the premises, which sale may be accompanied by the incidental sale of food for on-premises consumption when authorized by City license, the offering of recorded or live entertainment, and the making available of coin-operated amusement devices.

2-9-2: LICENSE REQUIRED AND CLASSIFICATION:

No person shall operate, maintain or otherwise engage in the business of the operation of a nonalcoholic club without first having received a license to do so as provided in this Chapter. Such a license shall be classified as a nonalcoholic beverage license which shall only be issued to a nonalcoholic club.

2-9-3: APPLICATION FOR LICENSE:

A. Any persons desiring to operate, maintain or engage in the business of operating a nonalcoholic club shall make their verified application in writing to the Council upon such forms as the Council from time to time shall require and shall file the same with the City Clerk. The application shall set forth, in addition to other information as may from time to time be required by the Council, the following information: (Ord. 91-10, 6-17-91)

1. The name, age, date and place of birth and place of residence of the applicant if an individual.
2. The name, state of incorporation, date of incorporation if a corporation and the name, age, date and place of birth and place of residence of all members of the board of directors, stockholders and officers of such corporation.
3. If a partnership, the name of such partnership, the address of its principal office for doing business and the name, age, date and place of birth and place of residence of all members of the partnership.
4. The name, age, date and place of birth and place of residence of the manager, principal operator or other person who will be conducting and/or managing the premises for which the application for license is sought.
5. The name, age, date and place of birth and place of residence of any person having any financial interest in the business other than as an owner, stockholder, director or resident manager.
6. The location of the premises upon which the applicant proposes to sell such nonalcoholic beverages, an exact description of the particular place within the building structure where such sales are proposed, and exact description of the entrance to the premises and the immediate area adjacent to the premises that will be utilized by patrons for accessing the premises and parking.

7. Whether the applicant has ever been engaged in a similar business, and if so, the location thereof and the date when so engaged.

8. A complete and detailed description of the nature of the business operation to be conducted on the premises, if a license is granted.

9. A complete listing of any and all convictions relating to any violations of State law or ordinances of any jurisdiction and a complete listing of all gross misdemeanor and felony convictions whatsoever.

10. The applicants, their resident managers and any other persons required by the Police Department during the course of its investigation of the application as hereinafter set forth may be required to furnish, as a part of the application, fingerprints for aid and assistance to the Police Department in conducting their investigation. (Ord. 89-1, 2-6-89)

B. Each application shall also be accompanied by a certified check, money order, cashier's check, or cash in an amount equal to the annual license fee for one year for the license for which application is being made. In addition, each application made for a license shall be accompanied by a bond from a surety company in form and content as required by Minnesota Statutes. The bond shall be approved as to form and substance by the City staff and be subject to such Council approval as may be required by law. Any license holders who operate a nonalcoholic club without having on file at all times with the City Clerk an effective bond shall have their license immediately revoked. The fee and bond requirements under this Section shall not apply to colleges, universities, or other post-secondary institutions of higher education engaged in the not-for-profit operation of a nonalcoholic club. (Ord. 91-10, 6-17-91)

C. The applicants shall be bound by all of the answers and information furnished on the application presented to the City of Moorhead and any falsification of information requested on said application, or any other information requested by the City in its course of investigation of the applicants or their resident managers shall be grounds for denial of the license and, in addition thereto, shall be grounds for revocation of the license if the license is approved and issued prior to the discovery of such falsification. (Ord. 89-1, 2-6-89)

2-9-4: LICENSE AND BOND FEES:

A. License:

	LICENSE TYPE	FEE	BOND
Nonalcoholic Club		\$50.00	\$3,000.00

B. Exclusion From Fee and Bond Requirements: The fee and bond requirements under this Section shall not apply to colleges, universities, and other post-secondary institutions of higher education engaged in the not-for-profit operation of a nonalcoholic club. (Ord. 91-10, 6-17-91)

C. Fees Paid Into General Fund: All license fees shall be paid into the General Fund of the City. Upon rejection of any application for a license hereunder, the City shall refund the amount paid, less any investigation costs incurred by the City as hereinafter set forth.

D. Term of the License: The term of the license year shall begin and end with the calendar year. Where the issuance of a license for the period of less than one year is permitted, the effective date of such license shall commence with the date of issuance and expire on December 31. If the license is issued for a time less than one year, the license fee shall be prorated on a monthly basis. In computing such fee, any unexpired fraction of a month shall be counted as one month.

2-9-5: RESIDENT MANAGER:

- A. If a license holder is a person other than an individual engaged in the active day-to-day management of the business, such license holder shall designate in writing to the City the name of a resident manager. (Ord. 89-1, 2-6-89)
- B. A license holder or license holder's designated resident manager shall be individuals actively engaged in the day-to-day management of the business and shall have the usual and customary duties and responsibilities consistent with directing and operating a nonalcoholic club, including but not limited to, the authority to hire and fire employees, set operation policy, secure entertainment, and purchase inventory to be used in the operation of the business. (Ord. 91-10, 6-17-91)
- C. It is mandatory that any license holder, or, if the license holder designates a resident manager, any resident manager be readily available to the City and City's law enforcement officers on a twenty four (24) hour basis with current home and office telephone numbers and addresses being maintained on file by the license holder or designated resident manager with the Police Department. The resident managers shall be residents of either Clay County, Minnesota, or Cass County, North Dakota, at all times during their designation as resident managers.

2-9-6: GRANTING OF LICENSES:

- A. Investigation: Upon receipt of an application for a license, together with the accompanying license fee and surety bond, the City Clerk shall determine if such application is in order as to content and execution. The City Clerk shall then refer the application to the Police Department of the City for an investigation of the background and character of the applicant and any persons associated with applicant in the conduct of the business proposed to be licensed. The investigation, among other things, should reveal the character and/or reputation of the applicant for a license and the applicant's ability and willingness to comply with the terms of this Chapter. The Council shall act and either approve or deny the issuance of said license on the basis of said investigation.
- B. Change in Resident Manager: In the event a license holder is required by the terms of this Chapter to have a designated resident manager, the license holder shall report change of resident manager to the City Clerk within fifteen (15) days and shall submit an application to the City Clerk for approval of the new resident manager. The City Clerk shall then refer the application to the Police Department for review and investigation in the same manner as an investigation for a new applicant for a license. (Ord. 89-1, 2-6-89)

2-9-7: INVESTIGATION EXPENSE:

The applicant for a license shall be responsible for the cost of investigation conducted by the Police Department in connection with the processing of the application for a license. The cost of an in-state investigation of an application shall not exceed five hundred dollars (\$500.00), and the cost of an out-of-state investigation of an applicant shall not exceed ten thousand dollars (\$10,000.00). In connection with any application for a license, a minimum fee of two hundred fifty dollars (\$250.00) shall be charged to the applicant. Said fee shall be submitted to the City Clerk, along with the initial license application. Any further investigation fees shall be paid by the applicant prior to the issuance of a license if the application is approved by the Council. The fee and cost requirements under this Section shall not apply to colleges, universities, or other post-secondary institutions of higher education engaged in the not-for-profit operation of a nonalcoholic club.

2-9-8: INSURANCE REQUIREMENTS:

It shall be the responsibility of the person to whom a nonalcoholic club license is issued to obtain, maintain and file with the City Clerk a certificate of general liability insurance having an annual, aggregate policy limit for insurance of not less than six hundred thousand dollars (\$600,000.00) per policy year. The insurance requirements under this Section shall not apply to colleges, universities, or other post-secondary institutions of higher education engaged in the not-for-profit operation of a nonalcoholic club.

2-9-9: RESPONSIBILITY FOR CONDUCT OF BUSINESS:

- A. Compliance with Chapter: It shall be the responsibility of the person to whom a nonalcoholic club license is issued and such persons designated as resident managers from time to time to carry out all of the terms and conditions of this Chapter.
- B. Maintain Orderly and Secure Premises: It shall be the responsibility of the person to whom the license to operate a nonalcoholic club is issued and such persons designated as resident managers from time to time to conduct the operation of the nonalcoholic club in a peaceful and safe manner, and to maintain order, sobriety and security upon the licensed premises. A security plan for the nonalcoholic club shall be kept current and on file with the Police Department in accordance with Section [2-9-11C](#).
- C. No Alcoholic Beverage Allowed: It shall be the responsibility of the person to whom the license to operate a nonalcoholic club is issued and such persons designated as resident managers from time to time to prevent any person possessing, consuming, or under the influence of an alcoholic beverage from entering, frequenting or loitering upon the licensed premises. Specifically no person who is under the legal drinking age who has obviously been consuming alcoholic beverages shall be admitted upon the licensed premises.
- D. No Alcoholic Beverage Sold: It shall be the responsibility of the person to whom the license to operate a nonalcoholic club is issued and such persons designated as resident managers from time to time to insure that no alcoholic beverage is sold on the licensed premises.
- E. Duty to Report Violations: It shall be the responsibility of the person to whom the license to operate a nonalcoholic club is issued and such persons designated as resident managers from time to time to report to the Police Department any violations of law which may occur upon the licensed premises, specifically including by way of example and not limitation any violations of this Chapter or Minnesota Statutes chapter 340A.
- F. License Revocation: Any violation of the responsibilities outlined in Sections [2-9-9A](#) through [2-9-9E](#), inclusive, may constitute grounds for suspension, revocation, or nonrenewal of a license to operate a nonalcoholic club.

2-9-10: INSPECTION OF PREMISES:

Any persons holding a license to operate a nonalcoholic club shall agree, by acceptance of the license, if the issuance of said license is approved by the City, that their place of business will be open to inspection by authorized City personnel, including the Police Department, without notice at any time during normal business hours. (Ord. 91-10, 6-17-91)

2-9-10: INSPECTION OF PREMISES:

Any persons holding a license to operate a nonalcoholic club shall agree, by acceptance of the license, if the issuance of said license is approved by the City, that their place of business will be open to inspection by authorized City personnel, including the Police Department, without notice at any time during normal business hours. (Ord. 91-10, 6-17-91)

2-9-12: HOURS AND DAYS OF SALE:

No nonalcoholic club shall be open between one o'clock (1:00) A.M. and eight o'clock (8:00) A.M. on Monday through Saturday, nor between one o'clock (1:00) A.M. and twelve o'clock (12:00) P.M. on Sunday. (Ord. 91-10, 6-17-91)

2-9-13: ENTERTAINMENT RESTRICTIONS:

A. Prohibited Acts: No entertainment on a licensed premises shall contain:

1. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
2. The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals;
3. The actual or simulated displaying of the pubic hair, anus, vulva or genitals;
4. The performance of any nude dancing or display of nudity by employees of the licensed premises or patrons of the licensed premises.

B. Definitions: For the purpose of this Section, the following shall mean:

ENTERTAINMENT: All forms and types of performing or entertaining for patrons on licensed premises without regard to whether the person performing or entertaining is paid a monetary consideration or other consideration or merely performs or entertains without consideration.

NUDITY: The showing of the human male or female genitals, pubic hair or buttocks or the human female breast including the nipple or any portion below the nipple with less than a full opaque covering; provided, however, for entertainment purposes only "with less than a full opaque covering" shall mean or include the wearing of pasties. (Ord. 89-1, 2-6-89)

C. Licensee's Responsibility: A licensee shall have the duty and responsibility of supervising all entertainment as defined herein and any violation of this Section shall be grounds for immediate revocation of the nonalcoholic club license held by the licensee. (Ord. 89-1, 2-6-89; and. Ord. 91-10, 6-17-91)

2-9-14: INACTIVITY OF LICENSEE:

No license issued pursuant to the terms of this Chapter shall be held for a period longer than one year after its approval for issuance by the Council without being actively used to operate a business for which the license is obtained. In the event the license is not made active within the period of one year from approval of its issuance, the Council may revoke said license and any license fees paid for such license shall be nonrefundable.

2-9-15: DENIAL, SUSPENSION OR REVOCATION OF LICENSES:

The Council may deny, suspend or revoke any license defined by the provisions of this Chapter in accordance with the provisions of Section [2-9-9G](#) of this Chapter and Section [2-1-10B](#) of this City Code.

2-9-16: PENALTY FOR VIOLATIONS:

In addition to the penalties of suspension or revocation, any persons violating any of the provisions of this Chapter shall, upon conviction, be penalized in accordance with the provisions of Section [1-4-2](#) of this Code. (Ord. 89-1, 2-6-89)