

**OPINION
47-162**

May 10, 1947 (OPINION)

INTOXICATING LIQUORS

RE: License Fees for Clubs or Lodges

This will acknowledge your letter of May 8, 1947, in which you want to know whether an ordinance, if passed by the city of Crosby making the license fee \$1,000.00 for the sale of liquor generally, and further providing a lesser sum for the sale of liquor by a club or lodge, would be lawful.

House Bill 185, which becomes law on July 1, 1947, provides that liquor license fees within the incorporated limits of a village or city shall range from \$200.00 minimum to \$2,000.00 maximum, and the license fee in unincorporated areas issued by the commissioners shall be a minimum of \$200.00 to a maximum of \$1,000.00.

I know of no basis in law which would allow a city to attempt to classify licenses and charge some persons more than others. In other words, I do not know upon what basis a classification could be made which would validate an ordinance providing for a lesser fee for a liquor license to a club or lodge than to private individuals. It appears to me that such an attempt would constitute discrimination and possibly invalidate the ordinance. No distinction is made in the state law concerning a license fee to a club or lodge and to a private individual or corporation, and I do not believe that there would be any legal justification for an attempt by a city to provide by ordinance for classifying club and lodge licenses on a different basis than licenses to either private individuals or corporations.

I can say that a possible attempt to classify license fees in a city or village as to clubs on different basis than those to private individuals or corporations would lead to no end of trouble for the city.

NELS G. JOHNSON

Attorney General