

Chapter 4 ALCOHOLIC BEVERAGES [\[1\]](#)

ARTICLE I. - IN GENERAL

ARTICLE II. - INTOXICATING LIQUOR

ARTICLE III. - 3.2 PERCENT MALT LIQUOR

FOOTNOTE(S):

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State Law reference— Alcoholic beverages generally, Minn. Stats. ch. 340A; general authority relative to alcoholic beverages, Minn. Stats. § 340A.509. [\(Back\)](#)

ARTICLE I. IN GENERAL

[Sec. 4-1. Sale on city property prohibited without permit.](#)

[Secs. 4-2—4-18. Reserved.](#)

Sec. 4-1. Sale on city property prohibited without permit.

No person shall sell alcoholic beverages on city property, including city right-of-way, without a city permit. Persons authorized to sale alcoholic beverages under a caterer's license issued by the state must obtain a city permit before selling alcoholic beverages on city property, including city right-of-way.

Secs. 4-2—4-18. Reserved.

ARTICLE II. INTOXICATING LIQUOR

DIVISION 1. - GENERALLY

DIVISION 2. - LICENSES

DIVISION 1. GENERALLY

[Sec. 4-19. Provisions of state law adopted; definitions.](#)

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[Sec. 4-23. Intoxicating liquor; off sale.](#)

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Sec. 4-19. Provisions of state law adopted; definitions.

- (a) *State law adopted.* The provisions of Minn. Stats. ch. 340A, with reference to intoxicating liquor are hereby adopted and made a part of this article, as if set out in full.
- (b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Premises means the same as "licensed premises" as defined in Minn. Stats. ch. 340A.

Sale and *sell* mean and include all barter, and all manners or means of furnishing intoxicating liquor, as in subsection (a) of this section described in violation or evasion of law.

(Ord. No. 1200A, § 1200.01A, 12-3-2003; Ord. No. 2012-104, § 1, 5-17-2012)

Sec. 4-20. Hours of operation.

- (a) *Sunday operations; license required.* The city administrator/clerk may, upon approval by the city council, issue a license for a vendor to sell intoxicating liquor for consumption in a restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license between the hours of 10:00 a.m. on Sunday and 2:00 a.m. on Monday.
- (b) *Excluded from premises after hours.* All persons, except the licensee, his bona fide employees, and law enforcement officers, shall be excluded from the premises within 30 minutes after the expiration of the time on any day when intoxicating liquor may be legally sold therein. Each licensee shall be required to keep a current written list setting forth the names of current employees including their names, addresses and social security numbers. Such list shall be provided to members of the police department or other persons acting on behalf of the city upon demand. It shall be unlawful to permit the consumption or displaying of intoxicating liquors later than 30 minutes after the sales of such liquors must terminate. It shall be conclusively presumed that any intoxicating liquor remaining on a bar, or in a booth, or on a table, thereafter shall be for the purpose of consuming the same in violation of this section.
- (c) *Service or consumption after hours.* If the licensee is operating any other lawful business in the building in which the licensed bar is located, no intoxicating liquor shall be served, or permitted to be consumed, on the premises where such other business is conducted during the time when the bar must be closed, as previously addressed.
- (d) *Responsibility of enforcement.* The named licensee shall be responsible for the enforcement of this section and failure to do so shall be a violation of this article whether or not the named licensee, or any officer thereof, by physically present when the offense occurred.

(Ord. No. 1200A, § 1200.08A, 12-3-2003)

State Law reference— Days and hours of sale, Minn. Stats. § 340A.504.

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Sec. 4-21. Alcoholic beverages in public places.

- (a) *Consumption in public right-of-way.* No alcoholic beverage shall be sold, consumed, or carried in an open container on any public street, public alley, public sidewalk, public parking lot, private parking lot open to the general public, or automobile in the city except as part of a special event authorized by the city council.
- (b) *Consumption off-premises.* All alcoholic beverages sold under an on-sale license shall be possessed and consumed on the premises. The licensee shall be responsible for enforcing this provision on its patrons. Permitting a patron to take alcoholic beverages off the premises shall be a violation of the license.

(Ord. No. 2012-104, § 2, 5-17-2012)

Sec. 4-22. Administrative fees, fines, or penalties.

The fees, fines, or penalties for chapter 4 are set by the city's adopted fee schedule, and are subject to change with proper notice to the public or by [the] beginning of each year.

(Ord. No. 2017-102, § 1, 4-20-2017)

Sec. 4-23. Intoxicating liquor; off sale.

- (a) No sale of intoxicating liquor may be made by an off-sale licensee:
 - (1) On Sundays, except between the hours of 11:00 a.m. and 6:00 p.m.;
 - (2) Before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;
 - (3) On Thanksgiving Day;
 - (4) On Christmas Day, December 25; or
 - (5) After 8:00 p.m. on Christmas Eve, December 24.
- (b) No delivery of alcohol to an off-sale licensee may be made by a wholesaler or accepted by an off-sale licensee on a Sunday. No order solicitation or merchandising may be made by a wholesaler on a Sunday.

(Ord. No. 2017-102, § 2, 4-20-2017)

Editor's note— Ord. No. 2017-102, § 2, 4-20-2017, provides the effective date of section 4-23 as July 1, 2017.

Secs. 4-24—4-43. Reserved.

DIVISION 2. LICENSES ²¹

[Sec. 4-44. License required.](#)

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Sec. 4-44. License required.

- (a) No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly, manufacture, import, sell, exchange, barter, dispose of or keep for sale any intoxicating liquor, without first having obtained a license therefor as hereinafter provided. Licenses shall be of two kinds: on-sale and off-sale.
- (b) On-sale licenses shall be issued only to permit the consumption of intoxicating liquor on the premises. Such licenses shall apply to clubs, restaurants and exclusive liquor stores.
- (c) Off-sale licenses shall be granted to permit the sale of intoxicating liquor at retail or wholesale in the original package for consumption off the premises only.

(Ord. No. 1200A, § 1200.02A, 12-3-2003)

Sec. 4-45. Application for license.

- (a) *Filing.* Every application for a license to sell either on-sale or off-sale alcoholic beverage shall be verified and filed with the city administrator/clerk. It shall state the name of the applicant, his age, representations as to his character with such references as may be required, his citizenship, whether the application is for on-sale or off-sale, the business in connection with which the proposed licensee will operate and its location, whether the applicant is the owner and operator of the business, how long he has been in that business at that place, and such other information, each application for licenses shall be in the form prescribed by the liquor control commissioner. No person shall make a false statement in an application.
- (b) *Liability insurance.* A liability insurance policy or other allowable proof of financial responsibility or evidence that such a policy or proof is not required shall be filed with the city administrator/clerk or designee prior to the time the actual on-sale or off-sale license is issued. Such liability insurance policy shall be in an amount set by the city council, subject to change with proper notice to affected business establishments before May 1 of any year, and shall specifically provide for the payment by the insurance company, on behalf of the insured, all sums which the insured shall become obligated to pay by reason of liability imposed upon him by law for injuries or damages to person other than employees, including the liability imposed upon the insured by reason of Minn. Stats. § 340A.801. Such liability insurance policy shall provide further that no cancellation for any cause can be made either by the insured or the insurance company without first giving ten days' notice to the city, in writing, of intention to cancel the same, addressed to the city administrator/clerk or designee, which shall provide that no payment of any claim by the insurance company shall in any manner decrease the coverage provided for in respect to any other claim brought against the insured or company thereafter. Such policy shall pay to the extent of the principal amount of the policy any damages for death or injury caused by or resulting from the violation of any law relating to the business for which such liquor license has been granted. The effective dates of issuance for the licenses, these dates being from July 1 through June 30 of each year.

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(Ord. No. 1200A, § 1200.03A, 12-3-2003)

State Law reference— Insurance requirements, Minn. Stats. § 340A.409.

Sec. 4-46. License fees.

- (a) *Required.* Each application for a license shall be accompanied by a receipt from the city administrator/clerk for payment in full of the required fee for the license. All fees shall be paid into the general fund of the city. Upon rejection of any application for a license, the city administrator/clerk shall refund the amount paid.
- (b) *Fees.* The annual fees for on-sale or off-sale licenses are set by the city's adopted fee schedule, and are subject to change with proper notice to the affected business establishments before May 1 of any year.
- (c) *Effective dates.* Each license for on-sale or off-sale shall be issued for a period of one year, from July 1 through June 30, except that if the application is made during the license year, the license may be issued for the remainder of the year, but in this event the full payable.
- (d) *Refunds.* A pro rata share of an annual license fee for a retail license to sell, either on-sale or off-sale, may be refunded to the licensee or to the licensee's estate if:
 - (1) The business ceases to operate because of destruction or damage;
 - (2) The licensee dies;
 - (3) The business ceases to be lawful for a reason other than a license revocation; or
 - (4) The licensee ceases to carry on the licensed business under the license.

(Ord. No. 1200A, § 1200.04A, 12-3-2003)

Sec. 4-47. Granting licenses.

- (a) *Preliminary investigation.* On an initial application for an on-sale or off-sale license, the applicant shall pay with his application an investigation fee of not to exceed \$500.00 for which the city shall conduct a preliminary background and financial investigation of the applicant. The application in such case shall be made on a form prescribed by the state, and with such additional information as the city council may deem necessary. If the city council deems it in the public interest to have an investigation made on a particular application for renewal of an on-sale license, it shall so determine. In any case, if the city council determines that a comprehensive background and financial investigation of the applicant is necessary, it may conduct the investigation through the police department, or contract with the state for such investigation. No license shall be issued or renewed if the results show to the satisfaction of the city council that issuance would not be in the public interest. If an investigation outside the state is required, the applicant shall be charged the costs not to exceed \$10,000.00, which shall be paid by the applicant after deducting any initial investigation fee already paid. The fee shall be payable by the applicant whether or not the license is granted.
- (b) *Issuance.* The city council shall investigate all facts set out in the application and not investigated in the preliminary background and financial investigation conducted pursuant to subsection (a) of this section. No off-sale license shall become effective until it, together with the security information furnished by the applicant, has been approved by the state commissioner of public safety.
- (c) *Person and premises licensed.* Each license shall be issued only to the applicant and for the premises described in the application. No on-sale or off-sale license may be transferred to another person or

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place. Any transfer of stock of a corporate licensee is deemed a transfer of the license and is prohibited.

- (d) *Persons ineligible for license.* No license shall be granted to or be held by any person:
- (1) Under the age of 21 years.
 - (2) Who has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested.
 - (3) Who is not of good moral character or repute.
 - (4) Who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage. The city administrator/clerk or designee may require that fingerprints be taken and forwarded to the Federal Bureau of Investigation for purposes of a criminal history check.
 - (5) Who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.

(Ord. No. 1200A, § 1200.05A, 12-3-2003)

State Law reference— Eligibility for license, Minn. Stats. § 340A.402; license investigations, Minn. Stats. § 340A.412, subd. 2; refunds, Minn. Stats. § 340A.408, subd. 5.

Sec. 4-48. General prohibition.

No license shall be issued for any place or any business ineligible for such a license under state laws.

- (1) *Delinquent taxes and charges.* No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the city are delinquent and unpaid.
- (2) *Charges.* The charges referred to in subsection (1) of this section may relate to unpaid water bills, and in being consistent with the policies of the city council, may relate to charges for legal fees incurred while enforcing the provisions of this chapter against the licensee or his bona fide employees.

(Ord. No. 1200A, § 1200.06A, 12-3-2003)

Sec. 4-49. Conditions of license.

- (a) *Generally.* Every on-sale or off-sale license is subject to the conditions in the following subsections and all other provisions of this division, and to regulations promulgated by the state, and to state laws which are applicable to liquor violations.
- (b) *Licensee's responsibility.* Every licensee is responsible for the conduct of his place of business and the condition of sobriety and order in it. It shall be the licensee's responsibility to employ reputable employees that will conduct business in his absence in a legal manner. The act of any employee on the licensed premises authorized to sell intoxicating liquor is deemed the act of the licensee as well, and the licensee shall be liable for all penalties provided by this division and the law equally with the employee.

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- (c) *Inspections.* Every licensee shall allow any peace officer, health officer, or properly designated officer or city employee to enter, inspect and search the premises of the licensee during business hours, and within 1½ hours after the closing time as prescribed by law; without a warrant.

(Ord. No. 1200A, § 1200.07A, 12-3-2003)

Sec. 4-50. Special provisions for caterer's liquor licenses.

Events that are catered in accordance with Minn. Stats. § 340A.404(12), as it may be amended from time to time, shall comply with the following additional sale provisions:

- (1) No one location shall have more than 48 days of catered events in one calendar year at which alcoholic beverages are served to the general public, and in no case shall any one event of this type be for more than four consecutive days.
- (2) All such caterer's licenses shall be approved by the city council, although no public hearing shall be required.

(Ord. No. 2012-104, § 3, 5-17-2012)

Editor's note— Ord. No. 2012-104, § 3, adopted May 17, 2012, added a new § 4-60 to the Code; however, said provisions have been redesignated as § 4-50, at the editor's discretion, for the purpose of maintaining consecutive section numbering within the division.

Secs. 4-51—4-71. Reserved.

FOOTNOTE(S):

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State Law reference— Retail licenses, Minn. Stats. § 340A.401 et seq. ([Back](#))

ARTICLE III. 3.2 PERCENT MALT LIQUOR

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DIVISION 1. GENERALLY

[Sec. 4-72. Definitions.](#)

[Sec. 4-73. Hours of sale; beer.](#)

[Sec. 4-74. Restrictions on consumption and display.](#)

[Secs. 4-75—4-91. Reserved.](#)

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Sec. 4-72. Definitions.

The terms defined in this section have the meanings given them in this section. The provisions of Minn. Stats. ch. 340A shall apply to this section.

Beer store means an establishment for the sale of beer, cigars, cigarettes, all forms of tobacco, beverages and soft drinks at retail.

(Ord. No. 1200A, § 1205.01, 12-3-2003)

Sec. 4-73. Hours of sale; beer.

- (a) *Hours.* No sale of beer shall be made on any Sunday between the hours of 1:00 a.m. and 12:00 noon, nor between the hours of 1:00 a.m. and 8:00 p.m. on the day of any statewide election. No sale shall be made between the hours of 1:00 a.m. and 8:00 a.m. on any weekday, Monday through Saturday inclusive.
- (b) *After hours.* All persons except the licensee, his employees and law enforcement officers shall be excluded from the premises within 30 minutes after the expiration of the time on any day when beer may legally be sold therein and all doors to said premises shall be closed and locked at that time. All persons except the licensee, his employees and law enforcement officers, shall thereafter be continuously excluded from the premises until the next time when liquor may again be legally sold on the premises.

(Ord. No. 1200A, § 1205.17, 12-3-2003)

State Law reference— Days and hours of sale, Minn. Stats. § 340A.504.

Sec. 4-74. Restrictions on consumption and display.

No person shall consume or display any intoxicating liquor on the premises of a licensee who is not also licensed to sell intoxicating liquors.

(Ord. No. 1200A, § 1205.19, 12-3-2003)

Secs. 4-75—4-91. Reserved.

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[Sec. 4-92. License required.](#)

[Sec. 4-93. License applications.](#)

[Sec. 4-94. License fees.](#)

[Sec. 4-95. Granting of license.](#)

[Sec. 4-96. Persons ineligible for license.](#)

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[Sec. 4-98. Conditions of license.](#)

[Sec. 4-99. Revocation.](#)

[Sec. 4-100. Seasonal outdoor sales licenses.](#)

Sec. 4-92. License required.

- (a) *Types of licenses.* No person, except wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale or otherwise, or keep or offer for sale, any beer within the city without first having received a license as hereinafter provided. Licenses shall be of three kinds:
- (1) Regular on-sale;
 - (2) Temporary on-sale;
 - (3) Off-sale.
- (b) *Regular on-sale.* Regular on-sale licenses shall be granted only to bona fide clubs, beer stores, exclusive on-sale liquor stores, drugstores, restaurants, and hotels where food is prepared and served for consumption on the premises. On-sale licenses shall permit the sale of beer for consumption on the premises only.
- (c) *Temporary on-sale.* Temporary on-sale licenses shall be granted only to religious or nonprofit organizations or associations for the sale of beer for consumption on the premises only.
- (d) *Off-sale.* Off-sale licenses shall permit the sale of beer at retail, in the original package, for consumption off the premises only.

(Ord. No. 1200A, § 1205.03, 12-3-2003)

Sec. 4-93. License applications.

- (a) Every application for a license to sell beer shall be made to the city administrator/clerk or designee on a form supplied by the city and containing such information as the city administrator/clerk or the council may require. It is unlawful to make any false statement in an application.
- (b) A liability insurance policy or other allowable proof of financial responsibility or evidence that such a policy or proof is not required shall be filed with the city administrator/clerk or designee prior to the time the actual on-sale or off-sale license is issued. Such liability insurance policy shall be in an amount set by the city council, subject to change with proper notice to affected business establishments before May 1 of any year, and shall specifically provide for the payment by the insurance company, on behalf of the insured, all sums which the insured shall become obligated to pay by reason of liability imposed upon him by law for injuries or damages to person other than employees, including the liability imposed upon the insured by reason of Minn. Stats. § 340A.801. Such liability insurance policy shall provide further that no cancellation for any cause can be made either by the insured or the insurance company without first giving ten days' notice to the city, in writing, of intention to cancel the same, addressed to the city administrator/clerk or designee, which shall provide that no payment of any claim by the insurance company shall in any manner decrease the coverage provided for in respect to any other claim brought against the insured or company thereafter. Such policy shall pay to the extent of the principal amount of the policy any damages for death or injury caused by or resulting from the violation of any law relating to the business for which such liquor license has been granted. The term of the liability insurance policy shall be equal to or greater than the term of the license.

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(Ord. No. 1200A, § 1205.05, 12-3-2003; Ord. No. 2013-102, § 1, 5-16-2013)

Sec. 4-94. License fees.

- (a) *Payment required.* Each application for a license shall be accompanied by a receipt from the treasurer for payment in full of the required fee for the license. All fees shall be paid into the general fund of the city. Upon rejection of any application for a license, the treasurer shall refund the amount paid.
- (b) *Terms of license.* All 3.2 percent malt liquor licenses shall exist for a fixed period not to exceed one year and shall expire on the last day of such fixed period as determined by the city council and as requested by the applicant. Temporary 3.2 percent malt liquor licenses are exempt from these requirements, as any temporary license shall be issued for a special event to which the sale of 3.2 percent malt liquor is incident and the license shall expire immediately upon the conclusion of the event as dated on the application.
- (c) *Fees.* The fees for a regular on-sale, off-sale, and temporary on-sale 3.2 percent malt liquor license are fixed by the city's adopted fee schedule. Temporary licenses will not be prorated, as a separate fee is set for temporary licenses.
- (d) *Refunds.* A pro rata share of an annual license fee for a retail license to sell, either on-sale or off-sale, may be refunded to the licensee or to the licensee's estate if:
 - (1) The business ceases to operate because of destruction or damage;
 - (2) The licensee dies;
 - (3) The business ceases to be lawful for a reason other than a license revocation; or
 - (4) The licensee ceases to carry on the licensed business under the license

(Ord. No. 1200A, § 1205.07, 12-3-2003; Ord. No. 2006-105, 5-3-2006; Ord. No. 2013-102, § 2, 5-16-2013)

State Law reference— Refunds, Minn. Stats. § 340A.408, subd. 5.

Sec. 4-95. Granting of license.

- (a) *Investigation and hearing.* The council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing, the council shall grant or refuse the application in its discretion.
- (b) *Transfers.* Each license shall be issued to the applicant only and shall not be transferable to another holder without approval of the council. Each license shall be issued only for the premises described in the application. No license may be transferred to another place without the approval of the council.

(Ord. No. 1200A, § 1205.09, 12-3-2003)

Sec. 4-96. Persons ineligible for license.

No retail license may be issued to:

- (1) A person under 21 years of age;
- (2) A person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest,

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whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;

- (3) A person not of good moral character and repute;
- (4) A person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler;
- (5) A person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage. The city administrator/clerk or designee may require that fingerprints be taken and forwarded to the Federal Bureau of Investigation for purposes of a criminal history check.

(Ord. No. 1200A, § 1205.11, 12-3-2003)

State Law reference— Similar provisions, Minn. Stats. § 340A.402.

Sec. 4-97. Places ineligible for license.

No license shall be granted for operation on any premises upon which taxes or assessments or other financial claims of the city or any other governmental body are delinquent or unpaid.

(Ord. No. 1200A, § 1205.13, 12-3-2003)

Sec. 4-98. Conditions of license.

- (a) *General conditions.* Every license shall be granted subject to the conditions in this section and all other provisions of this section and of any other applicable ordinance of the city or state law.
- (b) *Searches and seizures.* Any peace officer may enter, inspect and search the premises of a licensee during business hours without a search and seizure warrant and may seize all intoxicating liquors found on the licensed premises in violation of this chapter.
- (c) *Licensee responsibility.* Every licensee shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order.

(Ord. No. 1200A, § 1205.15, 12-3-2003)

Sec. 4-99. Revocation.

- (a) *Sanctions.* On a finding that the licensee has done any the following, the council may revoke the license or permit, suspend the license or permit for up to 60 days, impose a civil penalty of up to \$2,000.00 for each violation, or impose any combination of these sanctions:
 - (1) Sold alcoholic beverages to another retail licensee for the purpose of resale.
 - (2) Purchased alcoholic beverages from another retail licensee for the purpose of resale.
 - (3) Conducted or permitted the conduct of gambling on the licensed premises in violation of the law.

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- (4) Failed to remove or dispose of alcoholic beverages when ordered by the commissioner to do so under Minn. Stats. § 340A.508, subd. 3, or 5, failed to comply with an applicable statute, rule, or ordinance relating to alcoholic beverages.

No suspension or revocation takes effect until the license or permit holder has been given an opportunity for a hearing under Minn. Stats. §§ 14.57 through 14.69. This section does not require a political subdivision to conduct the hearing before an employee of the state office of administrative hearings.

- (b) *Imposition of penalty, suspension.* Imposition of a penalty or suspension by either the issuing authority or the commissioner does not preclude imposition of an additional penalty or suspension by the other so long as the total penalty or suspension does not exceed the stated maximum.

(Ord. No. 1200A, § 1205.21, 12-3-2003)

State Law reference— Similar provisions, Minn. Stats. § 340A.415.

Sec. 4-100. Seasonal outdoor sales licenses.

- (a) *Special license required.* The sale of liquors pursuant to any of the licenses issued in accordance with the Code shall be limited to sale and consumption inside of a structure on the licensed premises, unless the licensee has a current on-sale liquor license and applies for and receives permission from the city council for sale and consumption outside of the structure on the licensed premises as indicated by receipt of a license to conduct "seasonal outdoor sales."
- (b) *Application.* Any restaurant/club to which an on-sale license has been issued may make application to have an area that is contiguous to the completely enclosed licensed premises included in the area licensed to permit the sale and consumption of liquor in such contiguous area that is not wholly within a completely enclosed building. The contiguous area shall not be part of a public ground. Such application must be accompanied by a site drawing and required fee. Applications for outdoor sales may be submitted in connection with the applicant's on-sale liquor license application or at any other time during the on-sale liquor licensing year (July 1 through June 30).
- (c) *Review process.*
- (1) An application submitted to city hall will be reviewed by staff. A public hearing will be scheduled for the city council. Applications for the seasonal outdoor sales must be received at city hall 15 days prior to the next city council meeting for the purpose of public hearing publication.
- (2) A renewal application submitted to city hall in conjunction with an on-sale liquor license renewal will be reviewed by staff for compliance with this Code. A public hearing will be scheduled for the city council. Applications for the renewal of seasonal outdoor sales must be received at city hall 15 days prior to the next city council meeting for the purpose of public hearing publication.
- (d) *Review of application.* The application for seasonal outdoor sales of liquor shall be reviewed by city staff for the suitability of the proposed licensed area in light of the applicable fire, building and life safety codes, zoning ordinances, past performance of the licensee in maintaining order and obeying applicable laws in the licensed outdoor area and in the principal licensed premises, the adequacy of the proposal to provide for the safety of persons on the proposed premises, impact on the surrounding property, adequacy of lighting, appropriateness of noise level, suitability of ingress and egress arrangements including control of persons entering and leaving for purposes of preventing consumption by minors and safety arrangements. An application may be denied based on the following nonexclusive list of factors:
- (1) Inability to comply with fire, building and life safety codes.
- (2) Inability to comply with zoning ordinances.

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- (3) Occurrences of disorderly conduct.
 - (4) Demonstrated history or inability to provide safety on the premises.
 - (5) Adverse impact on surrounding land, inadequate lighting, inappropriate noise levels.
 - (6) Unsuitable ingress and egress arrangements, loss of control of persons entering and leaving the designated area.
 - (7) Such other grounds if the city finds that issuing the permit is not in the best interest of the general health welfare and safety of the citizenry.
- (e) *Description of outdoor area.* Each application for the outdoor sales, including renewals, shall contain a description of the outdoor area that is proposed to be licensed and shall be accompanied by a drawing of the proposed area to be licensed. Such application shall also include a detailed description of the barriers that will be used, method of seating, ingress and egress arrangements, security provisions, sanitary and fire arrangements, and lighting. The drawing required hereunder must include the dimensions of the area, barriers, tables, aisles, and equipment, and must be drawn proportionately to scale.
- (f) *Limitations on area licensed for seasonal outdoor sales.*
- (1) *Time.* Sales of liquor in the licensed area is limited to the hours commencing at 10:00 a.m. and ending at 12:00 a.m. No licensee, nor the employee, nor the agent of any licensee, shall serve, dispense or in any manner furnish intoxicating liquor in the licensed area at any other time; nor permit the presence of any open bottle or open receptacle containing intoxicating liquor in the licensed area within 30 minutes after the expiration of the time of any day when intoxicating liquor may be legally sold.
 - (2) *Access.* The primary access and egress shall be from the main premises or structure and no other access or egress shall be allowed other than those required as emergency exits.
 - (3) *Free passage controlled.* The premises shall be defined or structurally constructed so as to prohibit the free passage of any person or substance from the licensed area.
 - (4) *Supervision.* A designated employee shall be assigned, at all times of operation, the responsibilities of supervision of the activities within the outdoor sales area.
 - (5) *No live entertainment.* Live entertainment or the use of sound producing equipment in the licensed area is prohibited except as permitted by the city council through an amendment of the seasonal outdoor permit or special event permit. All noise shall be controlled in such a manner that it remains in compliance with noise control regulations set forth in this Code.
- (g) *Additional terms and conditions.* Any application granted for the licensed area premises will be granted upon such additional terms and conditions as the council may specify.
- (h) *Expiration.* Each seasonal outdoor sales license issued pursuant to this section expires June 30 of each year (July 1 through June 30). Application for the succeeding year may be made at any time during that year.
- (i) *No expectation of renewal.* Each outdoor sales license must be deemed experimental, and as such, no expectation must be had by the licensee that the licensing of the outdoor area will be renewed, even though no misconduct occurred in the outdoor area, or in the event the city council determines to repeal the general authorization for outdoor sales.
- (j) *Violations impact principal license.* Any violations of the provisions of this section regulating outdoors sales, or of the state law regulating the sale of liquors, which occur in the licensed area, shall be considered violations of the principal on-sale license for the premises.
- (k) *License fee.* The annual fee for an outdoor sales license shall be per fee schedule.

PART I - CODE OF ORDINANCES

Chapter 4 ALCOHOLIC BEVERAGES

(Ord. No. 2012-104, § 4, 5-17-2012)

FOOTNOTE(S):

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State Law reference— Retail licenses, Minn. Stats. § 340A.401 et seq. ([Back](#))