

**Ordinance No. 18-789**

**An Ordinance Amending Sections of Chapter 112 – Liquor Regulations - Definitions**

The City Council hereby ordains:

§ 112.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**3.2% MALT LIQUOR.** Malt liquor containing not less than 0.5% alcohol by volume, nor more than 3.2% alcohol by weight. This definition includes so-called “malt coolers” within the alcoholic content limits stated herein.

**ALCOHOLIC BEVERAGE.** Any beverage containing more than 0.5% alcohol by volume, including, but not limited to, 3.2% malt liquor, wine and liquor as defined in this section.

**AFFILIATE or SUBSIDIARY COMPANY.** A company in which a manufacturer or its stockholders own a majority of the stock.

**APPLICANT.** Any person making an application for a license under this chapter.

**APPLICATION.** A form with blanks or spaces thereon, to be filled in and completed by the applicant as a request for a license, furnished by the city and uniformly required as a prerequisite to the consideration of the issuance of a license for a business.

**BREWER.** A person who manufactures 3.2% malt liquor for sale.

**BUSINESS RECORDS.** Include, but are not limited to, articles of incorporation, bylaws, corporate minutes, records of sale and shipping documents, as well as lists of complaints whether or not those complaints have resulted in a filing with an appropriate government agency, and also include records relating to any litigation threatened or commenced against a license holder arising out of the operation of licensed premises pursuant to the license granted herein.

**CLUB.**

(1) An incorporated organization organized under the laws of the state for civic, fraternal, social or business purposes, for intellectual improvement or for the promotion of sports, or a congressionally chartered veterans’ organization, which:

- (a) Has more than 50 members;
- (b) Has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members; and

(c) Is directed by a board of directors, executive committee or other similar body chosen by the members at a meeting held for that purpose.

(2) No member, officer, agent or employee shall receive any profit from the distribution or sale of beverages to the members of the CLUB, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body. The CLUB or congressionally chartered veterans' organization must have been in existence for at least three years.

COMMISSIONER. The State Commissioner of Public Safety.

HOTEL. An establishment where food and lodging are regularly furnished to transients and which has:

- (1) A resident proprietor or manager;
- (2) A dining room serving the general public at tables and having facilities for seating at least 30 guests at one time; and
- (3) At least ten guest rooms.

A HOTEL qualifying under this chapter shall submit proof to the City Council that not less than 20% of the combined gross sales of alcohol and food sales of the establishment for which the on-sale license is to be used are from the serving of food. Upon the request of the City Administrator, the applicant shall submit a financial statement signed by an independent accountant that indicates the total gross alcohol and total gross food sales of the HOTEL for the calendar year or fiscal year preceding the date of the renewal application. Complimentary food and beverages are not included in the gross sales calculation, but their fair market value shall be included in reports and financial statements provided to the City as required above.

INDEPENDENT ACCOUNTANT. An accountant engaged in the practice of public accountancy who is not an employee of, on the staff of or otherwise affiliated with the licensed premises or the party holding the license at issue. An accountant who derives more than one-third of his or her gross income from services performed for the license holder is not INDEPENDENT, as defined herein. The term INDEPENDENT ACCOUNTANT includes, but is not limited to, certified public accountants and licensed public accountants.

INTOXICATING LIQUOR or LIQUOR. Ethyl alcohol and distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2% of alcohol by weight. This definition includes so-called "wine coolers" and "malt coolers" within the alcoholic content limits stated herein.

LICENSE. A document, issued by the city to an applicant, permitting him or her to carry on and transact the business stated therein.

LICENSE FEE. The money paid to the city pursuant to an application and prior to issuance of a license to transact and carry on the business stated therein.

**LICENSEE.** An applicant who, pursuant to his or her approved application, holds a valid, current, unexpired license, which has neither been revoked nor is then under suspension, from the city for carrying on the business stated therein.

**LICENSED PREMISES.** The premises described in the issued license.

**MALT LIQUOR.** Any 3.2% malt liquor, ale or other beverage made from malt by fermentation and containing not less than 0.5% alcohol by volume.

**MANUFACTURER.** Every person who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending or by the combination of different materials, prepares or produces alcoholic beverages for sale.

**MEAL.** Entrees and sandwiches offered on a restaurant menu. The term does not include appetizers, snacks and non-meal-related food.

**MINOR.** Any natural person who has not attained the age of 21 years.

**OFF-SALE.** The sale of alcoholic beverages in original packages for consumption off the licensed premises only.

**ON-SALE.** The sale of alcoholic beverages for consumption on the licensed premises only.

**PACKAGE and ORIGINAL PACKAGE.** Any container or receptacle holding alcoholic beverages, which container or receptacle is corked, capped or sealed by a manufacturer or wholesaler.

**RESTAURANT.** An establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly served at tables to the general public, and having seating capacity for at least 30 guests. A RESTAURANT qualifying under this chapter shall submit proof to the City Council that not less than 40% of the gross sales of the establishment for which the on-sale license is to be used are from the serving of food. Upon the request of the City Administrator, the applicant shall submit a financial statement signed by an independent accountant that indicates the total gross sales of the establishment and the total food sales of the RESTAURANT for the calendar year or fiscal year preceding the date of the renewal application.

**SALE, SELL and SOLD.** All barbers and all manners or means of furnishing alcoholic beverages to persons, including the furnishing in violation or evasion of law.

**WHOLESALE.** Any person engaged in the business of selling alcoholic beverages to a licensee from a stock maintained in a warehouse.

**WINE.** A beverage made without rectification or fortification by the fermentation of sound ripe grapes, grape juice, other fruits or honey, and also carbonated wine, wine made from condensed grape must, wine made from other agricultural products, imitation wine, compounds sold as WINE, vermouth, cider, perry and sake, containing not less than 0.5%, nor more than

14%, alcohol by volume. This definition includes so-called “wine coolers” within the alcoholic content limits stated herein.

(2004 Code, § 112.001) (Ord. 93-76, passed 3-23-1993; Ord. 98-217, passed 2-10-1998)

#### § 112.002 LICENSE FEES; FIXING; REFUNDING.

(A) Fixing fees. Except as otherwise specifically provided, all fees for licenses provided for in this chapter, including, but not by way of limitation, license fees, investigation and administration fees, shall be fixed and determined by the Council, adopted by ordinance and uniformly enforced. The fees may, from time to time, be amended by the Council by ordinance. A copy of the ordinance shall be kept on file in the office of the City Administrator and open to inspection during regular business hours. For the purpose of fixing these fees, the Council may categorize and classify; provided that, the categorization and classification shall be included in the ordinance authorized by this section.

(B) Refundment. A pro rata share of an annual license fee for a license to sell alcoholic beverages, either on-sale or off-sale, shall be refunded to the licensee, or to his or her 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 suspension; or
- (4) The licensee ceases to carry on the licensed business under the license.

(2004 Code, § 112.002)

#### GENERAL LICENSING; PROCEDURES AND REQUIREMENTS

##### § 112.015 APPLICATION AND FEE.

(A) Application. All applications shall be made at the office of the City Administrator upon forms prescribed by the city, or if by the Commissioner, then together with additional information as the Council may desire. Information required may vary with the type of business organization making application. All questions asked or information required by the application forms shall be answered fully and completely by the applicant. Every application for the issuance or renewal of an alcoholic beverage license must include a copy of each summons received by the applicant during the preceding year under M.S. § 340A.802, as it may be amended from time to time. Upon the request of the City Administrator, the applicant shall make the books and records of the business available for inspection at any time either before the license is issued or during the period of time the license is in full force and effect.

(B) False statements. It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in an application, or any

willful omission to state any information called for on the application form shall, upon discovery of that falsehood, work an automatic refusal of license or, if already issued, shall render any license issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this chapter, or any part thereof.

(C) Application and investigation fees. At the time the initial application is made, an applicant for a license under this chapter shall accompany the application with payment of a fee to be considered an application and investigation fee, not refundable to the applicant, to cover the cost of the city in processing the application and the investigation of the applicant. No application fee shall be required of an applicant for a temporary 3.2% malt liquor license.

(2004 Code, § 112.015) (Ord. 93-76, passed 3-23-1993) Penalty, see § 10.99

#### § 112.016 LICENSE PROCEDURES.

(A) Hearing. Prior to granting an initial liquor license, a public hearing shall be held by the Council after notice by at least one publication in the official newspaper at least ten days prior to the hearing. Opportunity shall be given any person to be heard for or against granting the license. After the hearing, the Council may, in its discretion, grant or refuse the license. A public hearing may be held, but is not required, on renewal of liquor licenses and other licenses under this chapter.

(B) Granting. The Council may approve any application for the period of the remainder of the then current license year or for the entire ensuing license year. All applications including proposed license periods must be consistent with this chapter. Prior to consideration of any application for a license, the applicant shall pay the license fee and, if applicable, pay the investigation fee. Upon rejection of any application for a license, or upon withdrawal of an application before consideration by the Council, the license fee shall be refunded to the applicant. Failure to pay any portion of a fee when due shall be cause for revocation.

(C) Issuing. If an application is approved, the City Administrator shall forthwith issue a license pursuant thereto in the form prescribed by the city or the Commissioner, as the case may be, and upon payment of the license fee. All licenses shall be on a calendar year basis unless otherwise specified herein. For licenses issued and which are to become effective other than on the first day of the licensed year, the fee to be paid with the application shall be a pro rata share of the annual license fee. Licenses shall be valid only at one location and on the premises therein described.

(D) Transfer. The license granted under this chapter is for the person and the premises named on the approved license application. No transfer of a license shall be permitted from place to place or from person to person without complying with the requirements of an original application, except in the case in which an existing non-corporate licensee is incorporating and the incorporation does not affect the ownership, control or interest of the existing licensed establishment. An establishment licensed under this chapter shall immediately notify the city of the sale or transfer of the establishment. The City Council, in its discretion, may execute a

management agreement which covers the period of time between the sale or transfer of the business and the issuance of the new owner's license and this management agreement shall thus control of all intoxicating liquor sales in the existing licensee or a manager responsible to the existing licensee. The agreement shall be approved by the City Council.

(E) Refusal and termination. The Council may, in its sole discretion and for any reasonable cause, refuse to grant any application including any application to renew a liquor license or any other license under this chapter. Licenses shall terminate only by expiration, revocation or refund under the circumstances provided for herein.

(F) Public interest. No license under this chapter may be issued, transferred or renewed if the results of any investigation show, to the satisfaction of the Council, that the issuance, transfer or renewal would not be in the public interest.

(G) Revocation or suspension. The Council may revoke or suspend, for a period of time it deems proper, a license granted under the provisions of this chapter, or impose a civil fine not to exceed \$5,000 for each violation on a finding that the licensee has failed to comply with a statute, regulation or provision of this code of ordinances relating to alcoholic beverages. Upon conviction of any licensee or agent or employee of a licensee for violating any law relating to the sale or possession of 3.2% malt liquor, wine or liquor upon premises of the licensee, a license granted under the provisions of this chapter may be suspended or revoked. License revocation shall be immediate if mandated by statute. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing before the Council, a committee of the Council, or a hearing under the Administrative Procedures Act, being M.S. §§ 14.001 to 14.69, as they may be amended from time to time, as may be determined by the Council in action calling the hearing. The hearing shall be called by the Council upon written notice to the licensee served in person or by certified mail not less than 15, nor more than 30, days prior to the hearing date, stating the time, place and purpose thereof. As additional restrictions or regulations on licensees under this chapter, and in addition to grounds for revocation or suspension stated in this code or statute, the following shall also be grounds for this action:

(1) The licensee suffered or permitted illegal acts upon licensed premises unrelated to the sale of 3.2% malt liquor, wine or intoxicating liquor;

(2) The licensee had knowledge of illegal acts upon licensed premises, but failed to report the same to police;

(3) The licensee failed or refused to cooperate fully with police in investigating alleged illegal acts upon licensed premises; or

(4) The activities of the licensee created a serious danger to public health, safety or welfare.

(H) Corporate applicants and licensees. A corporate applicant, at the time of application, shall furnish the city with a list of all persons who have an interest in the corporation and the extent of that interest. The list shall name all shareholders and show the number of shares held by each, either individually or beneficially for others. It is the duty of each corporate

licensee to notify the City Administrator in writing of any change in legal ownership or beneficial interest in the corporation or in its shares. Any change in the ownership or beneficial interest in the shares entitled to be voted at a meeting of the shareholders of a corporate licensee, which results in the change of voting control of the corporation by the persons owning the shares therein, shall be deemed equivalent to a transfer of the license issued to the corporation, and any license shall be revoked 30 days after this type of change in ownership or beneficial interest of shares unless the Council has been notified of the change in writing and has approved it by appropriate action. The Council, or any officer of the city designated by it, may at any reasonable time examine the stock transfer records and minute books of any corporate licensee in order to verify and identify the shareholders, and the Council or its designated officer may examine the business records of any other licensee to the extent necessary to disclose the interest which persons other than the licensee have in the licensed business. The Council may revoke any license issued upon its determination that a change of ownership of shares in a corporate licensee or any change of ownership of any interest in the business of any other licensee has actually resulted in the change of control of the licensed business so as materially to affect the integrity and character of its management and its operation, but no such action shall be taken until after a hearing by the Council on notice to the licensee.

(2004 Code, § 112.016) (Ord. 95-144, passed 4-25-1995; Ord. 98-217, passed 2-10-1998; Ord. 00-280, passed 7-25-2000; Ord. 04-384, passed 7-27-2004) Penalty, see § 10.99

#### § 112.017 DUPLICATE LICENSES.

Duplicates of all original licenses under this chapter may be issued by the City Administrator without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of the fee adopted by ordinance of the Council for issuance of the duplicate. All duplicate licenses shall be clearly marked "Duplicate".

(2004 Code, § 112.017)

#### § 112.018 POSTING REQUIRED.

All licensees shall conspicuously post their licenses in their places of business.

(2004 Code, § 112.018)

#### § 112.019 RESIDENT MANAGER OR AGENT.

(A) Before a license is issued under this chapter to an individual who is a non-resident of the city, to more than one individual whether or not they are residents of the city, or to a corporation, partnership or association, the applicant or applicants shall appoint in writing a natural person who is a resident of the city as its manager or agent. This resident manager or agent shall, by the terms of his or her written consent:

- (1) Take full responsibility for the conduct of the licensed premises; and
- (2) Serve as agent for service of notices and other processes relating to the license.

(B) This manager or agent shall be subject to an investigation and shall be a person who, by reason of age, character, reputation and other attributes, could qualify individually as a licensee. If the manager or agent ceases to be a resident of the city or ceases to act in that capacity for the licensee without appointment of a successor, the license issued pursuant to this appointment shall be subject to revocation or suspension.

(2004 Code, § 112.019)

#### § 112.020 ELIGIBILITY.

(A) No license under this chapter may be issued to:

- (1) A person not a citizen of the United States or a resident alien;
- (2) A person who within five years of the license application has been convicted of a willful violation of a federal or state law, or local ordinance governing the manufacture, sale, distribution or possession for sale or distribution of alcoholic beverages;
- (3) A person who has had an alcoholic beverage 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 5% of the capital stock of a corporate 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 thus-described person is in any manner interested; or
- (4) A person under the age of 21 years.

(B) No person holding a license from the Commissioner as a manufacturer, brewer or wholesaler may have any ownership, in whole or in part, in a business holding an alcoholic beverage license from the city.

(2004 Code, § 112.020)

#### § 112.021 RENEWAL.

Applications for renewal of all licenses under this chapter shall be made at least 60 days prior to the date of expiration of the license, and shall contain information as is required by the city. This time requirement may be waived by the Council for good and sufficient cause.

(2004 Code, § 112.021)



§ 112.022 DELINQUENT TAXES AND CHARGES.

No license under this chapter shall be granted for operation on any premises upon which taxes, assessments or installments thereof, or other financial claims of the city, are owed and are delinquent and unpaid.

(2004 Code, § 112.022)

§ 112.023 PARKING REQUIREMENTS.

(A) No initial license shall be granted for operation on premises unless those premises include a surfaced off-street parking area within 100 feet of a public entrance and have a parking capacity of one car space for each three people of seating capacity.

(B) This off-street parking area shall be owned or leased by the owner of those premises; or, in the sole discretion of the City Council, the parking requirement may be satisfied by the use of municipal parking facilities (off-street) if the same are located within 100 feet of a public entrance to the license holder's premises.

(2004 Code, § 112.023) (Ord. 98-217, passed 2-10-1998)

§ 112.024 CONDITIONAL LICENSES.

Notwithstanding any provision or law to the contrary, the Council may, upon a finding of the necessity therefor, place special conditions and restrictions, in addition to those stated in this chapter, upon any license as it, in its discretion, may deem reasonable and justified.

(2004 Code, § 112.024)

§ 112.025 PREMISES LICENSED.

Unless expressly stated therein, a license issued under the provisions of this chapter shall be valid only for a space that is compact and contiguous situated on the premises described in the license, and all transactions relating to a sale under the license must take place on the licensed premises. It is the responsibility of the license holder to advise the City Council of any substantial remodeling of the premises, including, but not limited to, any enlarging, alteration or extension of the premises.

(2004 Code, § 112.025) (Ord. 98-217, passed 2-10-1998; Ord. 14-0735, passed 10-28-2014)

§ 112.026 FINANCIAL RESPONSIBILITY; INSURANCE CERTIFICATE.

(A) Financial responsibility of licensees.

(1) Proof. No alcoholic beverage license shall be issued or renewed unless and until the applicant has provided proof of financial responsibility, imposed by statute, by filing with the city a certificate that there is in effect an insurance policy or pool providing minimum coverages of:

(a) Fifty thousand dollars because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 because of injury to or destruction of property of others in any one occurrence; and

(b) Fifty thousand dollars for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in any one occurrence.

(2) Exception. This division (A) does not apply to on-sale 3.2% malt liquor licensees with sales of 3.2% malt liquor of less than \$25,000 for the preceding year, nor to off-sale 3.2% malt liquor licensees with sales of 3.2% malt liquor of less than \$50,000 for the preceding year, nor does it apply to holders of on-sale wine licenses with sales of wine of less than \$25,000 for the preceding year. An affidavit of the licensee shall be required to establish the exemption under this division (A).

(3) Documents submitted to Commissioner. All proofs of financial responsibility and exemption affidavits filed with the city under this division (A) shall be submitted by the city to the Commissioner.

(B) Insurance certificate requirements.

(1) Whenever an insurance certificate is required by this chapter, the applicant shall file with the City Administrator a certificate of insurance showing:

(a) The limits are at least as high as required;

(b) Coverage is effective for at least the license term approved; and

(c) The insurance will not be cancelled or terminated without 30 days' written notice served upon the City Administrator.

(2) Cancellation or termination of coverage shall be grounds for license revocation.

(2004 Code, § 112.026)

## LICENSED PREMISES; REGULATIONS

### § 112.040 INSPECTIONS.

(A) In light of the high risk of involvement with illegal conduct an establishment serving intoxicating liquor poses to the general public, the Police Department, or other designee of the City Council, shall have the right to enter, inspect and search the licensed premises without a search and seizure warrant during the hours in which the licensed premises are open for the sale of intoxicating liquor. The business records of the licensee, including income tax returns, shall be available for inspection during the hours in which the licensed premises are open for the sale of intoxicating liquor.

(B) In light of the high risks associated with the sale of alcoholic beverages, all premises licensed under this chapter shall at all times be open to inspection by any police officer to determine whether or not this chapter and all other laws are being observed. Business records of the licensee shall also be available for inspection by city officials during the days in which the licensed premises are open for the sale of alcoholic beverages.

(2004 Code, § 112.040) (Ord. 98-217, passed 2-10-1998)

#### § 112.041 PREMISES AMENDMENT.

A holder of an on-sale intoxicating liquor license shall notify the City Council, at least 30 days in advance, of any event in which the licensee proposes to amend the liquor license premises to provide for liquor service in a compact and contiguous area not included in the original license application. The City Council, in its sole discretion, shall consider, review and rule upon all these amendments to the licensed premises.

(2004 Code, § 112.041) (Ord. 98-217, passed 2-10-1998)

#### § 112.042 EMPLOYER RESPONSIBILITY.

Any sale of an alcoholic beverage in or from any premises licensed under this chapter by any employee authorized to make that sale in or from that place is the act of the employer as well as of the person actually making the sale; and every employer is liable to all of the penalties, except criminal penalties, provided by law for that sale, equally with the person actually making the sale.

(2004 Code, § 112.042)

#### § 112.043 GAMBLING PROHIBITED.

It is unlawful for any licensee to keep, possess or operate, or permit the keeping, possession or operation, on licensed premises, of dice or any other gambling device, or permit raffles to be conducted, except those as are authorized by statute or this code of ordinances.

(2004 Code, § 112.043) Penalty, see § 10.99

§ 112.044 NUDITY AND OBSCENITY PROHIBITED.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NUDITY. Uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.

SADO-MASOCHISTIC ABUSE. Flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

SEXUAL CONDUCT. Human masturbation, sexual intercourse or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals, in an act of apparent sexual stimulation or gratification.

SEXUAL EXCITEMENT. The condition of human male or female genitals or the breasts of the female when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

(B) Unlawful act. It is unlawful for any person issued a license provided for in this chapter to permit upon licensed premises any nudity by any agent, employee, patron or other person.

(2004 Code, § 112.044) Penalty, see § 10.99

UNLAWFUL SALES, POSSESSION AND CONSUMPTION

§ 112.055 MINORS; PROOF OF AGE.

(A) Consumption. It is unlawful for any:

(1) Licensee to permit any minor to consume alcoholic beverages on licensed premises; or

(2) Minor to consume alcoholic beverages, except in the household of the minor's parent or guardian, and then only with the consent of that parent or guardian.

(B) Purchasing. It is unlawful for any:

(1) Person to sell, barter, furnish or give alcoholic beverages to a minor unless that person is the parent or guardian of the minor, and then only for consumption in the household of that parent or guardian;

(2) Minor to purchase or attempt to purchase any alcoholic beverage; or

(3) Person to induce a minor to purchase or procure any alcoholic beverage.

(C) Possession. It is unlawful for a minor to possess any alcoholic beverage with the intent to consume it at a place other than the household of the minor's parent or guardian. Possession of an alcoholic beverage by a minor at a place other than the household of the parent or guardian is prima facie evidence of intent to consume it at a place other than the household of the minor's parent or guardian.

(D) Entering licensed premises. It is unlawful for any minor, as defined in this chapter, to enter licensed premises or the Municipal Liquor Dispensary for the purpose of purchasing or consuming any alcoholic beverage.

(1) It is not unlawful for any person who has attained the age of 18 years to enter licensed premises for the following purposes:

(a) To perform work for the establishment, including the serving of alcoholic beverages, unless otherwise prohibited by statute;

(b) To consume meals; or

(c) To attend social functions that are held in a portion of the establishment where liquor is not sold.

(2) It is unlawful for a licensee to permit a person under the age of 18 years to enter licensed premises unless attending a social event at which alcoholic beverages are not served, or in the company of a parent or guardian.

(E) Misrepresentation of age. It is unlawful for a minor to misrepresent his or her age for the purpose of purchasing an alcoholic beverage.

(F) Proof of age. Proof of age for purchasing or consuming alcoholic beverages may be established only by a valid driver's license, a state identification card or, in the case of a foreign national, by a valid passport.

(2004 Code, § 112.055) Penalty, see § 10.99

#### § 112.056 OPEN CONTAINERS RESTRICTED.

(A) Except when authorized through a liquor license, franchise or other permission granted by the City Council, it is unlawful for any person to consume or possess, in an unsealed container, any alcoholic beverage on or in any:

- (1) City park between the hours of 10:00 p.m. and 8:00 a.m.;
- (2) Street;
- (3) Public property;
- (4) Private parking lot to which the public has access; or
- (5) Any business not licensed to sell alcoholic beverages.

(B) This section shall not apply to the possession of an unsealed container in a motor vehicle when the container is kept in the trunk of that vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purpose of this section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

(2004 Code, § 112.056) (Ord. 14-0734, passed 10-28-2014) Penalty, see § 10.99

#### § 112.057 ALCOHOLIC BEVERAGES ON SCHOOL GROUNDS RESTRICTED.

It is unlawful for any person to introduce upon, or have in his or her possession upon or in, any school ground, schoolhouse or school building, any alcoholic beverage, except for experiments in laboratories and except for those organizations which have been issued temporary licenses to sell 3.2% malt liquor, and for any person to possess 3.2% malt liquor as a result of a purchase from those organizations holding temporary licenses.

(2004 Code, § 112.057) Penalty, see § 10.99

#### § 112.058 UNLAWFUL SALES AND CONSUMPTION.

(A) It is unlawful for any person to knowingly induce another to make an illegal sale or purchase of an alcoholic beverage.

(B) It is unlawful for any licensee to sell or serve an alcoholic beverage to any person who is obviously intoxicated.

(C) It is unlawful for any licensee to fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises.

(D) It is unlawful for any licensee to sell an alcoholic beverage on any day, or during any hour, when that sale is not permitted by law.

(E) It is unlawful for any licensee to allow consumption of an alcoholic beverage on licensed premises on any day, or during any hour, when that consumption is not permitted by law.

(F) It is unlawful for any person to purchase an alcoholic beverage on any day, or during any hour, when that sale is not permitted by law.

(2004 Code, § 112.058) Penalty, see § 10.99

#### § 112.059 OTHER UNLAWFUL ACTS.

(A) No person shall consume, nor shall any on-sale licensee permit, any consumption of alcoholic beverages in an on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.

(B) No on-sale licensee shall permit any glass, bottle or other container containing alcoholic beverages to remain upon any table, bar, stool or other place where customers are served, more than 30 minutes after the time when a sale can legally occur.

(C) No person, other than the licensee and any employee, shall remain on the on-sale licenses premises more than 30 minutes after the time when a sale can legally occur.

(D) No licensee shall display alcoholic beverages at any time that alcoholic beverages are not available for sale.

(E) Any violation of any condition of this section may be grounds for revocation or suspension of the license.

(2004 Code, § 112.059) (Ord. 08-0501, passed 5-13-2008) Penalty, see § 10.99

#### 3.2% MALT LIQUOR

#### § 112.070 LICENSE REQUIRED.

(A) It is unlawful for any person, directly or indirectly, on any pretense or by any device, to sell, barter, keep for sale or otherwise dispose of 3.2% malt liquor, as part of a commercial transaction, without a license therefor from the city.

(B) This section shall not apply to sales by manufacturers to wholesalers or to sales by wholesalers to persons holding 3.2% malt liquor licenses from the city.

(C) Annual on-sale 3.2% malt liquor licenses may be issued only to drug stores, restaurants, hotels, bowling centers, clubs and establishments used exclusively for the sale of 3.2% malt liquor with the incidental sale of tobacco and soft drinks.

(2004 Code, § 112.070) Penalty, see § 10.99

#### § 112.071 TEMPORARY 3.2% MALT LIQUOR LICENSE.

(A) Applicant. A club or charitable, religious or non-profit organization shall qualify for a temporary on-sale 3.2% malt liquor license.

(B) Conditions.

(1) An application for a temporary license shall state the exact dates and place of proposed temporary sale.

(2) No applicant shall qualify for a temporary license for more than a total of seven days in any calendar year.

(3) The Council may, but at no time shall, it be under any obligation whatsoever to, grant a temporary 3.2% malt liquor license on premises owned or controlled by the city. This type of license may be conditioned, qualified or restricted as the Council sees fit.

(a) If the premises to be licensed are owned or under the control of the city, the applicant shall file with the city, prior to issuance of the license, a certificate of liability insurance coverage in at least the sum of \$100,000 for injury to any one person and \$300,000 for injury to more than one person, and \$10,000 for property damage, naming the city as an insured during the license period.

(b) The license shall be issued only on the condition that the applicant will not sell in excess of \$10,000 (retail value) worth of 3.2% malt liquor in any calendar year, and thereupon shall be exempt from proof of financial responsibility as provided for herein.

(2004 Code, § 112.071)

#### § 112.072 HOURS AND DAYS OF SALES.

No sale of 3.2% malt liquor shall be made between the hours of 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between the hours of 1:00 a.m. and 10:00 a.m. on Sunday.

(2004 Code, § 112.072) (Ord. 97-213, passed 11-25-1997) Penalty, see § 10.99

#### INTOXICATING LIQUOR

#### § 112.085 LICENSE REQUIRED.

(A) It is unlawful for any person, directly or indirectly, on any pretense or by any device, to sell, barter, keep for sale or otherwise dispose of intoxicating liquor as part of a commercial transaction, without a license therefor from the city.

(B) This section shall not apply to:

(1) Potable liquors as are intended for therapeutic purposes and not as a beverage;



- (2) Industrial alcohol and its compounds not prepared or used for beverage purposes;
- (3) Wine in the possession of a person duly licensed under this chapter as an on-sale wine licensee;
- (4) Sales by manufacturers to wholesalers duly licensed as such by the Commissioner; or
- (5) Sales by wholesalers to persons holding intoxicating liquor licenses from the city.

(C) The city may issue annual on-sale intoxicating liquor licenses only to restaurants, hotels, clubs, or congressionally chartered veterans' organizations; provided that, liquor sales will be made only to members and bona fide guests. The city, at the option of the City Council, may also issue joint 3.2% malt liquor and wine licenses. The City Council may, at its sole discretion, provide that the licensee may contract for intoxicating liquor catering services with the holder of a full year on-sale intoxicating liquor license issued by the city. A license from the Commissioner is also required.

(2004 Code, § 112.085) (Ord. 95-146, passed 4-25-1995; Ord. 98-217, passed 2-10-1998)  
Penalty, see § 10.99

#### § 112.086 SPORTS, CONVENTION OR CULTURAL FACILITIES LICENSE.

The Council may authorize any holder of an on-sale intoxicating liquor license, which under this section shall include clubs and restaurants, issued by the city or by an adjacent municipality, to sell liquor at any convention, banquet, conference, meeting or social affair conducted on the premises of a sports, convention or cultural facility owned by the city, or instrumentality thereof having independent policy-making and appropriating authority and located within the city. The licensee must be engaged to sell liquor at the event by the person or organization permitted to use the premises, and may sell liquor only to persons attending the event. The licensee shall not sell liquor to any person attending or participating in any amateur athletic event. These sales may be limited to designated areas of the facility. All sales of this type shall be subject to all laws relating thereto.

(2004 Code, § 112.086) (Ord. 02-309, passed 3-26-2002; Ord. 02-309, passed 4-23-2002)  
Penalty, see § 10.99

#### § 112.087 TEMPORARY INTOXICATING LIQUOR LICENSE.

(A) License authorized. Notwithstanding any provision of this code of ordinances to the contrary, the Council may issue a license for the temporary on-sale of intoxicating liquor in connection with a social event sponsored by the licensee. This license may provide that the

licensee may contract with the holder of a full-year on-sale license, which under this section shall include clubs and restaurants issued by the city, for liquor catering services.

(B) Applicant. The applicant for a license under this section must be a club or charitable, religious or other non-profit organization in existence for at least three years.

(C) Terms and conditions of license.

(1) No license is valid until approved by the Commissioner.

(2) No license shall be issued for more than three consecutive days.

(3) All licenses and licensees are subject to all provisions of statutes and this code relating to liquor sale and licensing. The licensee shall provide proof of financial responsibility coverage and, in the case of catering by a full-year on-sale licensee, the caterer shall provide proof of the extension of that coverage to the licensed premises.

(4) Licenses may authorize sales on premises other than those owned or permanently occupied by the licensee.

(D) Insurance required. The Council may, but at no time shall it be under any obligation whatsoever to, grant a temporary intoxicating liquor license on premises owned or controlled by the city. This type of license may be conditioned, qualified or restricted as the Council sees fit. If the premises to be licensed are owned or under the control of the city, the applicant shall agree to indemnify, defend and hold harmless the city and file with the city, prior to issuance of the license, a certificate of liability insurance coverage in at least the sum of \$300,000 for injury to any one person, \$1,000,000 for injury to more than one person and \$10,000 for property damage, naming the city as an insured during the license period.

(2004 Code, § 112.087)

#### § 112.088 HOURS AND DAYS OF SALES.

No on-sale of intoxicating liquor shall be made between the hours of 1:00 a.m. and 8:00 a.m. on Sunday, nor between 12:00 midnight and 8:00 a.m. on Monday, nor between the hours of 1:00 a.m. and 8:00 a.m. on Tuesday through Saturday. No off-sale of intoxicating liquor shall be made on Sundays, except between the hours of 11:00 a.m. and 6:00 p.m., nor before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday, nor on Thanksgiving Day; or Christmas Day, December 25. No sale of intoxicating liquor shall be made after 8:00 p.m. on December 24. 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.

A restaurant, club, or hotel which has seating capacity for lease 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 8:00 AM on Sundays and 12:00 AM on Mondays.

An establishment serving intoxicating liquor on Sundays must obtain a Sunday license. The license must be issued by the City Council for a period of one year, and the fee for a license may not exceed \$200.

(2004 Code, § 112.088) (Ord. 96-172, passed 9-10-1996; Ord. 97-213, passed 11-25-1997; Ord. 98-217, passed 2-10-1998; Ord. 10-0558, passed 9-14-2010) Penalty, see § 10.99

§ 112.089 ON-SALE WINE LICENSE REQUIRED.

- (A) It is unlawful for any person, directly or indirectly, on any pretense or by any device, to sell, barter, keep for sale or otherwise dispose of wine on-sale, as part of a commercial transaction, without a license therefor from the city.
  
- (B) This section shall not apply to:
  - (1) Sales by manufacturers to wholesalers duly licensed as such by the Commissioner;
  - (2) Sales by wholesalers to persons holding on-sale or off-sale intoxicating liquor licenses from the city;
  - (3) Sales by wholesalers to persons holding on-sale wine licenses from the city; or
  - (4) Sales by on-sale intoxicating liquor licensees on days and during hours when on-sale liquor sales are permitted.

(2004 Code, § 112.089) Penalty, see § 10.99

§ 112.090 HOURS AND DAYS OF WINE ON-SALES.

No on-sale of wine shall be made between the hours of 1:00 a.m. and 10:00 a.m. on Sunday, nor between the hours of 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday.

(2004 Code, § 112.090) (Ord. 97-213, passed 11-25-1997) Penalty, see § 10.99

§ 112.091 INTOXICATING MALT LIQUORS.

(A) It is unlawful for any person, directly or indirectly, on any pretense or by any device, to sell, barter, keep for sale or otherwise dispose of intoxicating malt liquors, as part of a commercial transaction, without a liquor license pursuant to either § 112.085 of this chapter or this section. A holder of an on-sale wine license who is also licensed to sell 3.2% malt liquors at

on-sale and whose gross receipts are at least 60% attributable to the sale of food, may sell intoxicating malt liquors at on-sale without any additional license from the city.

(B) The seller qualifying under this section shall submit proof to the City Council that not less than 60% of the gross sales of the establishment are from the serving of food. Upon request of the City Administrator, the seller shall submit a financial statement signed by an independent accountant that indicates the total gross sales of the establishment and the total food sales of the seller for the calendar year or fiscal year preceding the date of the seller's license renewal application.

(2004 Code, § 112.091) (Ord. 95-140, passed 3-28-1995) Penalty, see § 10.99

#### § 112.092 INTOXICATING LIQUOR OR ON-SALE WINE LICENSE; REGULATIONS AND RESTRICTIONS.

(A) Licenses in connection with premises of another. A license may not be issued to a person in connection with the premises of another to whom a license could not be issued under the provisions of this chapter. This division (A) does not prevent the granting of a license to a proper lessee because the person has leased the premises of a minor, a non-citizen who is not a resident alien, or a person who has been convicted of a crime other than a violation of this chapter.

(B) Employment of minors. No person under 18 years of age may sell or serve intoxicating liquor or wine on licensed premises.

(C) Premises eligible. On-sale wine licenses shall be granted only to restaurants, as defined in this chapter; provided, however, for purposes of this section, the restaurant shall have appropriate facilities for seating not less than 25 guests at one time.

(2004 Code, § 112.092) (Ord. 98-217, passed 2-10-1998) Penalty, see § 10.99

#### § 112.093 CATERERS; SPECIAL PROVISIONS.

(A) City Council findings. The City Council makes the following findings regarding the need to enact additional sale provisions governing persons selling or furnishing alcoholic beverages pursuant to a caterer's permit issued pursuant to M.S. § 340A.404(12), as it may be amended from time to time. This statute authorizes the holder of such a permit to provide alcoholic beverages at unlicensed locations; provided that, the sale is incidental to a larger food service. This division (A) is enacted in order to preserve the incidental nature of the caterer's permit and to preserve the underlying state and local framework for permanent on-sale intoxicating liquor licenses. The issuance of a caterer's permit does not allow a person to, in effect, operate a permanent on-sale intoxicating liquor establishment; rather it entitles the person to provide temporary alcoholic beverages as an incidental part of a food service that prepares meals at special locations apart from the licensee's permanent location. The location

requirements in this section for the sale of alcoholic beverages at catered events are enacted to assure compliance with existing state and local provisions regarding on-sale licenses. Numerous events conducted at one location where alcoholic beverages are provided by caterers thwarts the licensing scheme for permanent on-sale intoxicating liquor establishments.

(B) Regulations. Events that are catered in accordance with M.S. § 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.

(2004 Code, § 112.093) (Ord. 98-217, passed 2-10-1998) Penalty, see § 10.99

## MUNICIPAL LIQUOR DISPENSARY

### § 112.105 ESTABLISHMENT.

A Municipal Liquor Dispensary is hereby established to be operated within the city for the off-sale of alcoholic beverages. The Dispensary shall be at a place or places as the Council shall determine and may be either leased or owned by the city. It shall be in the charge of a person known as the manager who shall have assistants as may be necessary.

(2004 Code, § 112.105)

### § 112.106 LIQUOR DISPENSARY FUND.

A Liquor Dispensary Fund is hereby created into which all revenues received from the operation of the Dispensary shall be paid, and from which all operating expenses shall be paid. Any surplus accumulating in this Fund may, from time to time, be transferred to the General Fund by ordinance of the Council, and expended for any municipal purpose.

(2004 Code, § 112.106)

## CONSUMPTION AND DISPLAY

### § 112.120 LICENSE REQUIRED.

It is unlawful for any business establishment or club not holding an on-sale liquor license to directly or indirectly, or on any pretense or by any device, sell, barter, keep for sale or otherwise dispose of any liquid for the purpose of mixing the same with liquor, or permit its members to bring and keep a personal supply of liquor in lockers assigned to those members, without a license therefor from the city.

(2004 Code, § 112.120) Penalty, see § 10.99

#### § 112.121 RESTRICTIONS AND REGULATIONS.

(A) Eligible licensees.

(1) Consumption and display permits may be issued only to:

(a) An applicant who has not, within five years prior to the application, been convicted of a felony or of violating any provision of this chapter or rule adopted under this chapter;

(b) A restaurant;

(c) A hotel;

(d) An establishment licensed for the sale of 3.2% malt liquor;

(e) A resort as defined in section M.S. § 157.15, as it may be amended from time to time;

(f) A club as defined in section M.S. § 340A.101, Subd. 7, as it may be amended from time to time, or an unincorporated club otherwise meeting that definition; and

(g) A bed and breakfast facility as defined in M.S. § 340A.4011, Subd. 1, as it may be amended from time to time.

(2) A consumption and display permit may not be issued to a club holding an on-sale intoxicating liquor license.

(3) If the license issued under this section is cancelled, suspended or revoked or allowed to lapse, for whatever reason, no renewal or reissuance of the annual license under this section will be permitted.

(B) Application. Application for a license under this section shall be made at least ten days in advance of the effective date for the license, and the application shall be referred to the Chief of Police, who will make an investigation to determine whether issuance of the license would cause a nuisance to any adjoining property owners, or if the license should be denied for any other reason.

(C) Unlawful act. It is unlawful to sell liquor on licensed premises.

(D) License expiration. In order to coordinate the expiration of a consumption and display license with a state permit, all licenses shall expire on March 31 of each year.

(E) State permit required. Licenses shall be issued only to holders of a consumption and display permit from the Commissioner.

(F) Lockers. A club to which a license is issued under this section may allow members to bring and keep a personal supply of liquor in lockers on the club's premises. All bottles kept on the premises must have attached labels signed by the member. No minor may keep a supply of liquor on club premises.

(G) Hours and days. No licensee may permit a person to consume or display liquor, and no person may consume or display liquor, between 1:00 a.m. and 10:00 a.m. on Sundays, or between 1:00 a.m. and 8:00 a.m. on Monday through Saturday.

(2004 Code, § 112.121) (Ord. 97-213, passed 11-25-1997; Ord. 13-717, passed 9-10-2013)  
Penalty, see § 10.99

#### § 112.122 ONE-DAY CONSUMPTION AND DISPLAY LICENSE.

(A) License required. Any non-profit organization desiring to serve liquids for the purpose of mixing with liquor and permitting the consumption and display of liquor in conjunction with a social activity sponsored by it, shall first obtain a license therefor from the city. It is unlawful for any such organization to fail to obtain this license.

(B) Term. The term of this license shall be one day only.

(C) Application. Application for a license under this section shall be made at least ten days in advance of the effective date for the license, and the application shall be referred to the Chief of Police, who will make an investigation to determine whether issuance of the license would cause a nuisance to any adjoining property owners, or if the license should be denied for any other reason.

(D) Limitation on number. The city shall issue no more than ten licenses in any calendar year.

(E) License fee. The fee for a one-day license is \$25.

(F) Approval. In addition to Council approval, the license must be approved by the Commissioner of Public Safety.

(2004 Code, § 112.122) Penalty, see § 10.99

#### LICENSES RELATED TO BREWERS

§ 112.135 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BREW ON-PREMISE STORE.** Facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store.

**BREW PUBS.** Brewer that is a restaurant with a full on-sale intoxicating liquor license that brews their own beer for consumption on their licensed premise only.

**BREW PUBS OFF-SALE.** Brew pubs (as defined in this section) may sell product (growlers) brewed on-premise to be consumed off-premise in 64 oz. bottles or 750 ml. bottles.

**BREWER OFF-SALE (GROWLERS).** A brewer who brews less than the amount of barrels indicated in M.S. § 340A.301, Subd. 6(d) and (c), as it may be amended from time to time, of malt liquor in a year may sell malt liquor brewed by the brewer for consumption off-premise.

**BREWERS.** Persons who manufacture malt liquor for sale.

**TAPROOMS.** Allows for sale of the brewer's own beer for consumption at the brewery location.

(Ord. 14-08731, passed 8-12-2014)

§ 112.136 TAPROOM LICENSE.

A brewer licensed under M.S. § 340A.301, Subd. 6(c), (i), or (j), as it may be amended from time to time, may be issued an on-sale liquor license for the “on sale” of malt liquor produced on the licensed premises, subject to the following conditions:

(A) The on-sale of malt liquor may only be made during the days and hours that “on-sale” of liquor may be made.

(B) A brewer may only hold one brewer taproom license under this chapter.

(C) The only beverage alcohol that may be sold or consumed on the premises of a brewery taproom will be the malt liquor produced by the brewer upon the brewery premises.

(D) The annual license fee shall be set in accordance with M.S. § 340A.408, as it may be amended from time to time.

(E) Liquor liability insurance is in effect in the coverage amounts indicated in § 112.026 of this chapter.

(F) Licensed brewer taprooms may operate a restaurant on the premises without additional licensure.



(G) License holders under this section are exempt from the restaurant requirements as defined in § 112.001 of this chapter.

(Ord. 14-08731, passed 8-12-2014) Penalty, see § 10.99

#### § 112.137 SMALL BREWER OFF-SALE LICENSE.

A brewer licensed under M.S. § 340A.301, Subdivision 6(d), (i), or (j), as it may be amended from time to time, may be licensed for the “off-sale” of malt liquor produced and packaged on the licensed premises, subject to the following conditions:

(A) Off-sale of malt liquor may only be made during the hours that “off-sale” of liquor may be made;

(B) The malt liquor shall be packaged in sixty-four-ounce containers commonly known as “growlers” or in 750 milliliter bottles;

(C) The malt liquor sold at “off-sale” must be removed from the licensed premise before the applicable closing time at exclusive liquor stores;

(D) The “growler” must be sealed in such a manner that the seal must be broken in order to open the container and the seal must bear the name and address of the brewer. The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor and bear the name and address of the brewer selling the malt liquor.

(E) The annual license fee shall be set in accordance with M.S. § 340A.408, as it may be amended from time to time.

(F) Liquor liability insurance is in effect in the coverage amounts indicated in § 112.026 of this chapter.

(G) The establishment must pass inspection by the Minnesota Alcohol and Gambling Division.

(Ord. 14-08731, passed 8-12-2014) Penalty, see § 10.99

#### § 112.138 BREW PUB ON-SALE LICENSE.

(A) A brew pub license holder must be a restaurant as defined in § 112.135 of this chapter with a full on-sale intoxicating liquor license.

(B) An applicant for the brew pub on sale license must meet all of the requirements imposed by the city for the issuance of an on-sale intoxicating liquor license.

(C) A brew pub on-sale license holder may brew their own malt liquor for consumption on their licensed premise only.

(D) A brew pub on-sale license holder must be in conformity with M.S. § 340A.301, Subd. 7(b), as it may be amended from time to time.

(E) The license holder must pass inspection by the Minnesota Alcohol and Gambling Division.

(Ord. 14-08731, passed 8-12-2014) Penalty, see § 10.99

#### § 112.139 BREW PUB OFF-SALE LICENSE.

(A) An applicant for the brew pub off sale license must meet all of the requirements imposed by the city for the issuance of an on-sale intoxicating liquor license.

(B) The malt liquor to be sold for off-premise consumption shall be packed in 64 oz. bottles commonly known as “growlers” or in 750 ml. bottles in conformity with M.S. § 340A.301, Subd. 7(b), as it may be amended from time to time.

(C) The annual license fee shall be set in accordance with M.S. § 340A.408, as it may be amended from time to time.

(D) Hours and days of malt liquor sales under this license by the brewer cannot exceed those days and hours of sale of the exclusive municipal liquor store.

(E) The establishment must pass inspection by the Minnesota Alcohol and Gambling Division.

(Ord. 14-08731, passed 8-12-2014) Penalty, see § 10.99

#### § 112.140 BREW ON-PREMISE STORE.

(A) Alcoholic beverages may not be sold or otherwise provided to customers of a brew on premises store, unless the owner of the brew on premises store holds the appropriate liquor license.

(B) Customers using the brew on premises store must be of the minimum age required to purchase intoxicating liquor.

(C) Malt liquor brewed by a customer in the store must not be sold and must be used by the customer solely for personal or family use.

(Ord. 14-08731, passed 8-12-2014) Penalty, see § 10.99

Adopted by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Attest:

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Gary T. Forcier, Mayor

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Matthew Jaunich, City Administrator