

LIQUOR
Chapter 135

135. Liquor Licensing

135.010 Definitions.

- (1) "3.2 malt liquor" means any malt liquor containing not more than three and two-tenths (3.2) percent alcohol by weight.
- (2) "Brewer" means a person who manufactures malt liquor for sale.
- (3) "Brewpub" means a restaurant establishment holding an on-sale intoxicating liquor license in which malt liquor is brewed or manufactured solely for sale and consumption on tap on the licensed premises that shall be owned by the brewer.
- (4) "Brewer Taproom" means an area on the premises of a brewery or on premises adjacent to a brewery owned by the brewer in which the brewer sells or otherwise provides exclusively malt liquor produced by the brewer for consumption within the brewer taproom.
- (5) "Cocktail Room" means an area on the premises of a microdistillery or on premises adjacent to a microdistillery and owned by the distiller in which the distiller sells or otherwise provides exclusively distilled spirits produced by the distiller for consumption within the cocktail room.
- (6) "Distilled Spirits" means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.
- (7) "Intoxicating liquor" means ethyl alcohol, distilled, fermented, spirituous, vinous or malt liquid of any kind potable as a beverage, which contains an alcoholic content in excess of three and two-tenths (3.2) percent thereof by weight or four (4) percent by volume.
- (8) "Microdistillery" means a distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.
- (9) "Off sale" shall mean the sale of liquor in original packages, in retail stores, for consumption off or away from the premises where sold.
- (10) "On sale" shall mean the sale of liquor by the glass for consumption on the premises only.
- (11) "Package" or "original package" shall mean and include any container or receptacle holding liquor, which container or receptacle is corked or sealed.
- (12) "Sale" and "sell" shall mean all barter and all manner or means of furnishing intoxicating liquor or liquors in violation or evasion of law.

135.020 License Required. It shall be unlawful for any person to sell or offer to sell intoxicating liquor for consumption at any time or place within the limits of the City without first having obtained a license therefore and paying the fee as set forth in accordance with Section 90.030.

135.025 Types of Liquor Licenses. A person may make application for the following types of liquor licenses:

- (1) On-Sale Intoxicating Liquor. On-sale intoxicating liquor licenses may be issued to those establishments allowed under Minnesota State Statute §340A.404, and shall permit on-sale of liquor only for consumption on the licensed premises only.
- (2) Off-Sale Intoxicating Liquor. Off-sale intoxicating liquor licenses may be issued to an exclusive liquor store and shall permit off-sales of liquor only.
- (3) On-Sale Wine. On-sale wine licenses may be issued only to restaurants meeting the qualifications of Minnesota Statutes §340A.404(5), and shall permit the sale of wine not exceeding 24 percent alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food. To qualify for a license under this section, a restaurant

must have appropriate facilities for seating at least 25 guests at one time. The holder of an on-sale wine license, who also is licensed to sell 3.2 percent malt liquor on-sale and whose gross receipts are at least 60 percent attributable to the sale of food, may sell intoxicating malt liquors at on-sale without an additional license.

- (4) Intoxicating Liquor Sunday Sales. A Sunday on-sale license may be issued to a restaurant, club, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license for consumption on the premises in conjunction with the sale of food.
- (5) On-Sale 3.2% Malt Liquor. An on-sale 3.2% malt liquor license shall permit the licensee to sell 3.2% malt liquor for consumption on the licensed premises only. It shall be unlawful for any person licensed to sell 3.2% malt liquor, but not licensed to sell intoxicating liquor, to have intoxicating liquor in their possession on said licensed premises.
- (6) Off-Sale 3.2% Malt Liquor. An off-sale 3.2% malt liquor license shall permit the licensee to sell 3.2% malt liquor in original packages for consumption off the premises only. It shall be unlawful for any person licensed to sell 3.2% malt liquor, but not licensed to sell intoxicating liquor, to have intoxicating liquor in their possession on said licensed premises.
- (7) Consumption and Display Permit. No business establishment or club which does not hold an on-sale intoxicating liquor license may directly or indirectly allow the consumption and display of alcoholic beverages or knowingly serve any liquid for the purpose of mixing with intoxicating liquor without first having obtained a permit from the State and City. A Consumption and Display Permit shall only be issued to those entities allowed under Minnesota Statutes § 340A.414(2).
- (8) Temporary On-Sale. A club or charitable, religious, or non-profit organization may be issued a temporary on-sale license for the sale of intoxicating liquor or 3.2% malt liquor for a period of three (3) consecutive days or less. A temporary on-sale license may also be issued to a brewer who manufactures fewer than 3,500 barrels of malt liquor in a year or a microdistillery in connection with a social event sponsored by the brewer or microdistillery.
- (9) Brewer Taproom On-Sale. A brewer taproom license may be issued to a state licensed brewer. A brewer taproom license authorizes on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. A brewer may only have one taproom license and may not have ownership interest in a brewpub. A brewer taproom license may only be issued to a brewer that brews less than 250,000 barrels of malt liquor annually or a winery that produces less than 250,000 gallons of wine annually. A taproom may be open and conduct on-sale business on Sunday's with an additional Sunday Sales license. No single entity may hold both a brewer taproom and a cocktail room license, and a brewer taproom and a cocktail room may not be co-located.
- (10) Small Brewer Off-Sale. A small brewer off-sale license may be issued to a state licensed brewer. A small brewer off-sale license authorizes the off-sale of malt liquor at a brewer's licensed premises that has been produced and packaged by the brewer. A brewer may only have one small brewer off-sale license and the amount of malt liquor sold at off-sale may not exceed 500 barrels annually. A small brewer off-sale license may only be issued to a brewer that brews less than 250,000 barrels of malt liquor annually or a winery that produces less than 250,000 gallons of wine annually.
 - (a) Malt liquor authorized for off-sale shall be packaged in 64-ounce containers commonly known as "growlers" or in 750 milliliter bottles. The containers or bottles shall bear a twist-type closure, cork, stopper, or plug. At the time of sale, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extended over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening the container or bottle. The adhesive band, strip, or sleeve shall 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, bear the name and address of the brew pub or brewer selling the malt liquor, and shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise.

- (11) **Brewpub.** A brewpub may be issued an on-sale intoxicating liquor or 3.2% malt liquor license for a restaurant operated in the place of manufacture. A brewpub that holds an on-sale license may also be issued an off-sale license for the sale of malt liquor produced and packaged on the licensed premises. A brewpub's total retail sales at on- or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels.
 - (a) Malt liquor authorized for off-sale shall be packaged in 64-ounce containers commonly known as "growlers" or in 750 milliliter bottles. The containers or bottles shall bear a twist-type closure, cork, stopper, or plug. At the time of sale, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extended over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening the container or bottle. The adhesive band, strip, or sleeve shall 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, bear the name and address of the brew pub or brewer selling the malt liquor, and shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise.
- (12) **Microdistillery Cocktail Room.** An on-sale microdistillery cocktail room license may be issued to a state licensed microdistillery and shall permit the licensee to sell distilled liquor produced by the distiller for consumption on-site. A microdistillery may only have one on-sale cocktail room license. No single entity may hold both a cocktail room and a brewer taproom license and a cocktail room and a brewer taproom may not be co-located.
- (13) **Microdistillery Off-Sale.** A microdistillery off-sale license may be issued to a state licensed microdistillery for the off-sale of distilled spirits manufactured on-site. The license may allow the sale of one 375 milliliter bottle per customer per day of product manufactured on site.

135.030 **Application.** Applications for licenses shall be filed in writing for presentation to the Council and shall be signed and verified by the applicant in person, and if the applicant is a corporation, by an officer of the corporation. Each such application shall contain the following information:

- (1) The name and place of residence of the applicant.
- (2) The location of the premises upon which the applicant proposes to sell such liquor and an exact description of the particular place within the building structure where such sales are proposed.
- (3) Whether the applicant has ever been engaged in a similar business and if so, the location thereof and the date when so engaged.
- (4) Such other information as the State Alcohol and Gambling Enforcement Division, the Council or City Clerk requires.

135.032 **Application Fee.**

- (1) At the time of any new application, a fee set forth in accordance with Section 90.030, shall be paid for processing the application and investigating the applicant, which will not be returned even though the license may be refused.
- (2) At the time of any renewal application, a fee set forth in accordance with Section 90.030, shall be paid for processing the application and investigating the applicant, which will not be returned even though the license may be refused.

135.040 **Investigation.** Such application shall be forthwith transmitted to the Council for investigation. After the Council has completed its investigation, which shall include inspection of the premises

by the local fire chief and a search to determine whether or not the applicant has a police record, the Council shall either grant or deny the application for license, provided:

- (1) Where the application is for an "off sale" liquor license and the applicant is the holder of an "on sale" 3.2 percent malt liquor license issued by the Council to sell 3.2 percent malt liquor, the Council shall not grant such "off sale" liquor license until the applicant surrenders their license to sell 3.2 percent malt liquor. If an "off sale" license is granted, the resolution granting it shall direct the City Clerk to issue the license whenever the bond hereinafter provided for has been approved by the Council and the Commissioner of Public Safety advises the City Clerk that they approve of the issuance of the license to the particular applicant.
- (2) If an "on sale" license is granted, such resolution shall direct the City Clerk to issue the same whenever the bond hereinafter provided for has been approved by the Council.
- (3) Should the applicant for a license not be granted, the resolution refusing the same shall authorize and direct the proper City officials to refund the applicant the deposit made at the time of the filing of the application.

135.050 Places Ineligible for License.

- (1) Not more than one retailer's license shall be directly or indirectly issued to any one place in the City, nor shall any retailer's "on sale" or "off sale" license be directly or indirectly issued for any place for which a license of another class has been granted.
- (2) No "on sale" or "off sale" license shall be effective beyond the compact and contiguous space named in such license and for which the same was granted.
- (3) No license shall be issued for premises located within an area wherein such use of the premises is prohibited by the zoning code nor within an area where such sales are forbidden by the state law or any other provision of the City Code.
- (4) No license shall be issued for premises located within four hundred (400) feet of any school building or church building.
- (5) No "off sale" license shall be issued for any place where 3.2 percent malt beverages shall be sold for consumption on the premises.
- (6) No license shall be granted or renewed for operation on any premises on which taxes, assessments or other financial claims of the City or of the State are due, delinquent or unpaid. In the event an action has been commenced pursuant to the provisions of Chapter 278 Minnesota Statutes questioning the amount or validity of taxes, the Council may, on application by the licensee, waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof, which remain unpaid for a period exceeding one (1) year after becoming due.

135.060 Persons Ineligible for License.

- (1) Not more than one (1) retailer's license shall be directly or indirectly issued to any one person in the City.
- (2) No license shall be issued to any person in connection with the premises of another to whom no license could be issued under the provisions of Minn. Stat. Ch. 340A provided, however, that this provision shall not prevent the granting of a license to a proper lessee by reason of the fact that the lessee shall lease premises of a minor, non-citizen or a person who has been convicted of a crime other than a violation of this chapter or Minn. Stat. Ch. 340A.
- (3) No license shall be issued to anyone other than a citizen of the United States, over twenty-one (21) years of age, of good moral character and repute, nor to any persons hereafter convicted of any willful violation of any law of the United States or the State of Minnesota, or any City Code with regard to the manufacture, sale, distribution or possession for sale or distribution of intoxicating liquor, nor to any person whose license under the State Liquor

Control Act or this chapter shall be revoked for any willful violation of such act or provision.

- 135.070 Hours of Operation. "On sale" and "off sale" sale of liquor, as to days and hours of sale, shall be in conformity with Minn. Stat. Ch. 340A, as it may be amended from time to time.
- 135.072 Sale Within Building. Sale and consumption of "on sale" intoxicating liquors is limited to within the building or in approved outside eating and drinking areas at the address designated on the license.
- 135.074 Sale at Vadnais Heights Commons. Sale and/or consumption of "on sale" intoxicating liquor is allowed outside of the Vadnais Heights Commons only when provided by a vendor approved by the City holding an on sale intoxicating liquor caterer's permit and with the following conditions:
- (1) Alcoholic beverages are allowed in an area up to 40 feet of the north wall (inclusive of the sidewalk) between the east wall of the Public Works Building and west wall of Vadnais Heights Commons.
 - (2) Alcoholic beverages are allowed within an approved enclosed tented area.
 - (3) Sales of alcoholic beverages are limited to no later than midnight on Sunday through Saturday.
- 135.080 Persons on the Premises. It shall be unlawful for any private club, bar, or any other business or establishment dealing with the dispensing, serving or providing of liquor to allow any person or persons within the confines or upon the premises of said business or establishment, other than employees of said business or establishment, who are then and there engaged in the exercise of their employment, after 1:30 a.m. and before the hour provided by law for the reopening of said business or establishment.
- 135.090 Employees on the Premises. It shall be unlawful for any person or persons or employee or employees to consume liquor of any kind on the premises or within the confines of the above-said business between the above-said hours.
- 135.100 Bond. No "on sale" license shall be granted until a bond in the amount of Three Thousand Dollars (\$3,000) has been approved by and filed with the City Clerk; no "off sale" license shall be granted until the bond in the amount of One Thousand Dollars (\$1,000) has been approved by and filed with the City Clerk. Applications for 3.2% malt liquor licenses shall not require a bond.

The surety on such bond shall be a surety company duly licensed to do business in the State of Minnesota, and all bonds, after approval of the City, shall be deposited with the City Clerk. All such bonds, whether "off sale" or "on sale," shall be conditioned as follows:

- (1) That the licensee will obey the law relating to such licensed business.
- (2) That the licensee will pay to the municipality, when due, all taxes, license fees, penalties and other charges provided by law.
- (3) That in the event of any violation of the provisions of any law relating to the business for which the license has been granted for the sale of intoxicating liquor, such bond shall be forfeited to the municipality in which such license was issued.
- (4) That the licensee will pay, to the extent of the principal amount of such bond, any damages for death or injury caused by or resulting from the violation of any provisions of law relating to the business for which such licensee has been granted a license, and further conditioned that such recovery may be had also against the surety on their bond.

The amount specified in any bond required is hereby declared to be a penalty and the amount recoverable shall be measured by the actual damages, provided however that the surety thereon shall not be liable for any amount in excess of the penal amount of the bond. All such bonds shall be for the benefit of the obligee and of all persons suffering damages by reason of the breach of the conditions thereof. Such bonds shall run to the City as obligee, and in the event of a forfeiture of any such bond for violation of the law, the District Court of Ramsey County may forfeit the penal sum of the said bond to the City.

- 135.110 Transfer of License. No license granted hereunder shall be transferable from person to person or from place to place without the consent of the Council, which consent shall be evidenced by resolution passed by the Council. No license granted for a specified part of any particular premises shall permit sales of such liquor on a part of such premises not specified in the license; provided, however, that the Council may, by resolution, grant the right to use such other portion of the premises for such sales.

The transfer of stock in any corporate licensee shall be deemed a transfer within the meaning of this section, and no such transfer of stock shall be made without the consent of the Council. It is hereby made the duty of the officers of any corporation holding a license issued under the authority of this chapter to notify the Council of any proposed sale or transfer of any stock in such corporation, and no such sale or transfer shall be effective without the consent of the Council given in the manner above set forth. The transfer of any stock without the knowledge and consent of the Council shall be deemed sufficient cause for revocation by the Council of any license granted to such corporation under the authority of this chapter.

Such corporate officers shall also notify the Council whenever any change is made in the officers of any such corporation, and the failure to so notify the Council shall likewise be sufficient cause for revocation of any liquor license granted to such corporation.

- 135.120 Revocation of License. Any license granted hereunder may be revoked for a violation of any provision of this chapter or of Minn. Stat. Ch. 340A. If the violator is the holder of an "on sale" license, such license may be revoked by the Council. If the violator is the holder of an "off sale" license, such license may be revoked by the Council or it may be revoked by the Commissioner of Public Safety, but if revoked by the Council, such revocation shall not be made until the Council has held a public hearing.

- 135.122 Renewal of License. The Council may refuse to renew a license granted under this chapter for the same reasons that it may revoke a license under Section 135.120 and, in addition, for violation of any provision of the City Code which pertains to conditions of the premises or land upon which the liquor premise is located.

- 135.130 Conditions of License. The conditions of the license granted pursuant to this chapter:
- (1) Any act by any clerk, barkeeper, agent, servant or employee of any licensee hereunder in violation of this chapter shall be deemed the act of the employer and licensee of such place as well as that of said clerk, barkeeper, agent, servant or employee, and every such employer and licensee shall be liable to all the penalties provided for the violation of same, equally with said clerk, barkeeper, agent, servant or employee.
 - (2) Any sale of intoxicating liquor by any clerk, barkeeper, agent, servant or employee made in or from any place duly licensed to sell 3.2 percent malt liquor but not duly licensed to sell intoxicating liquor shall be deemed the act of the employer and licensee, as well as that of the person actually making the sale, and every such employer and licensee of such place

shall be liable to all the penalties provided for such sale equally with the person making the sale.

- (3) All sales shall be made in full view of the public.
- (4) No liquor shall be sold or furnished for any purpose whatever to any person under twenty-one (21) years of age or to a habitual drunkard or to one obviously intoxicated or to any person to whom such sale is prohibited by any law of this State or this chapter.
- (5) No sale shall be made in any place or in any part of a building where such sales are prohibited by the State law or this chapter.
- (6) No person under the age of 18 years shall be employed in any rooms where intoxicating liquors are sold at retail "on sale." However, persons under the age of 18 may be employed as musicians or to perform the duties of a bus person, host or dishwashing services in places defined as a restaurant, hotel, motel or other multi-purpose building serving food in rooms in which intoxicating liquors are sold at retail "on sale."
- (7) Every licensee is hereby made responsible for the conduct of their place of business and required to maintain order and sobriety in such place of business.
- (8) No licensee shall keep, possess or operate or permit the keeping, possession or operation of, an any licensed premises or in any room adjoining the licensed premises, any pinball machine, slot machine, dice, or any gambling device or apparatus, nor permit any gambling therein, except as otherwise permitted pursuant to Chapter 127 of the City Code, nor permit the licensed premises or any room in the same or any adjoining building directly or indirectly under their control to be used as a resort for prostitutes or other disorderly persons.
- (9) The license issued to said licensee shall be posted in a conspicuous place in that portion of the premises for which the license has been issued.
- (10) The licensee shall maintain the premises in compliance with all provisions of the City Code, including the structure and land upon which the liquor premises is situated.

135.140 Misrepresentation of Age to Purchase Intoxicating Liquor. It shall be unlawful for any person under the age of twenty-one (21) years to represent himself or herself as of the age of twenty-one (21) years or over that age, for the purpose of obtaining from any other person intoxicating liquor. "Intoxicating liquor" is hereby defined to mean and include any distilled, fermented, spirituous, vinous or malt liquid of any kind potable as a beverage which contains an alcoholic content in excess of one-half (1/2) of one (1) percent by volume.

135.150 Duration of Liquor Licenses. All liquor licenses as provided for herein shall run for a period of one (1) calendar year commencing July 1 of each year.

135.160 Duration of Intoxicating Liquor Licenses. All intoxicating liquor licenses as provided for herein shall run for a period of one (1) calendar year commencing July 1 of each year.

135.170 Minors Prohibited. No person under the age of 21 years may enter a licensed establishment except to work, consume meals at a restaurant, or attend social functions held in a portion of the premises where liquor is not sold.

(Source: Ord. 28; Ord. 30; Ord. 54; Ord. 75; Ord. 150; Ord. 192; Ord. 206; Ord. 217; Ord. 284; Ord. 314; Ord. 386; Ord. 542, Ord. 630; Ord. 689; Ord. 706, 1-4-17)