

CITY OF DELANO
COUNTY OF WRIGHT
STATE OF MINNESOTA

ORDINANCE NO. O-17-01

An Ordinance amending Delano City Code Chapter 5 regarding Restaurant Movie Theaters and adopting by reference City Code Section 105.01, which among other things contains penalty provisions.

THE CITY COUNCIL OF THE CITY OF DELANO ORDAINS:

Section 1. City Code Chapter 5, Section 502.01, Subd. 24 is amended by deleting provision E in its entirety.

Section 2. City Code Chapter 5, Section 502.01 is amended by renumbering existing Subdivisions 25, 26, 27 and 28 as 26, 27, 28 and 29 respectively and adding a new Subdivision 25 to read as follows:

Subd. 25. "Restaurant Movie Theater" is an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, which has a minimum interior seating capacity of not less than fifty (50) people and which contains a movie theater in which movies or motion pictures are shown.

Section 3. City Code Chapter 5, Section 503.01, Subd. 5 is deleted in its entirety and replaced with the following:

Subd. 5 On-Sale Intoxicating Liquor License.

- A. General. An applicant may apply for an on-sale intoxicating liquor license for a hotel, restaurant, bowling center, club, congressionally chartered veteran's organization or theater.
- B. Restaurant Movie Theater. An applicant may apply for an on-sale intoxicating liquor license for a restaurant movie theater if all of the following conditions are met:
 - 1. The restaurant movie theater is under the control and ownership of a single person. No part of the restaurant or the movie theater, including but not limited to the property, equipment and operations, shall be owned or controlled by separate persons.
 - 2. The restaurant movie theater consists of one stand-alone structure containing a minimum of 24,000 square feet.
 - 3. The restaurant movie theater has a minimum of 25 tables, each with a table top containing a minimum of 433 square inches. The tables shall be permanently attached to the floor and the seats shall be permanently attached to the floor or the table.
 - 4. The restaurant movie theater has a manager appointed pursuant to Section 506.01, Subd. 2 of this Chapter, which manager operates both the restaurant and the movie theater.

- Section 4. City Code Chapter 5, Section 503.01, Subd. 12, provision A is amended by inserting the words "restaurant movie theater," after the word "restaurant,".
- Section 5. City Code Chapter 5, Section 507.01, Subd. 5 is amended by inserting the following sentence prior to the final sentence of the paragraph: "A restaurant movie theater shall be conducted in such manner that the principal part of the business for a license year is the serving of food and the sale of movie tickets."
- Section 6. City Code Chapter 5 is amended by inserting a new Section 508.02 to read as follows:

SECTION 508.02. RESTAURANT MOVIE THEATER RESTRICTIONS.

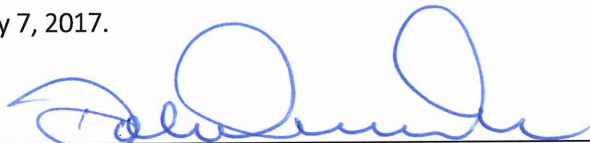
Subd. 1. The following are in addition to all other unlawful acts set forth in this Chapter. It is unlawful for any restaurant movie theater licensee to:

- A. Offer any discounts or happy hours.
- B. Offer or sell wine or distilled spirits by the bottle.
- C. Offer or sell wine in any amount exceeding 8 fluid ounces per serving.
- D. Offer or sell distilled spirits in any amount exceeding 3 fluid ounces per serving.
- E. Offer or sell malt liquor in any amount exceeding 24 fluid ounces per serving.
- F. Offer or sell any alcoholic beverages containing more than 50% alcohol by volume.
- G. Offer or sell any alcoholic beverage not in the original packaging without using a measuring device.
- H. Offer or sell any alcoholic beverage to any person without requiring adequate proof of age. Such proof of age may be established only as set forth in Minnesota Statutes Section 340A.503, Subd. 6.
- I. Offer or sell any more than 1 alcoholic beverage to one person in the same sale transaction.

- Section 7. City Code Section 105.01 entitled "Violation a Misdemeanor or Petty Misdemeanor" is hereby adopted in its entirety by reference as though repeated verbatim herein.

THIS AMENDMENT SHALL BE IN FULL FORCE AND EFFECTIVE IMMEDIATELY FOLLOWING ITS PASSAGE AND PUBLICATION.

Approved by the Delano City Council on February 7, 2017.


Dale Graunke, Mayor


Attest: Brian Bloch, Finance Director/Clerk

