

CITY OF DELANO
COUNTY OF WRIGHT
STATE OF MINNESOTA

ORDINANCE NO. O-14-02

AN ORDINANCE AMENDING DELANO CITY CODE CHAPTER 5 LICENSING AND REGULATION OF ALCOHOLIC BEVERAGES, TO REGULATE THE PROVISION OF A BREWPUB ON-SALE/OFF-SALE LIQUOR LICENSE WITHIN THE CITY OF DELANO

THE CITY COUNCIL OF THE CITY OF DELANO ORDAINS:

Section 1. Chapter 5 Licensing and Regulation of Alcoholic Beverages, Section 502.01 Definitions, is hereby amended to read as follows:

Subd.25. "Taproom" means a room that is ancillary to the production of beer at a production brewery where the public can purchase and /or consume only the beer produced on site.

Subd. 26. "Tavern" means an establishment used exclusively for the retail sale of 3.2% malt liquor and the incidental sale of soft drinks and food.

Subd. 27. "Theater" means a building containing an auditorium in which live, dramatic, musical, dance, or literary performances are regularly presented to holders of tickets for those performances.

Subd.28. "Wholesaler" means any person engaged in the business of selling alcoholic beverages to retail dealers.

Subd.29. "Wine" means the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not less than one half of one percent nor more than 24% alcohol by volume for nonindustrial use.

Section 2. Chapter 5 Licensing and Regulation of Alcoholic Beverages, Section 503.01 License Required, is hereby amended to read as follows:

Subd. 14 **Brewery Taproom License.** A brewery 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. Applicant. This license may be issued to the holder of a brewer's license under Minnesota Statute 340.A301.

B. Conditions.

1. A brewer may hold only one (1) brewer taproom license under this section, and may not have an ownership of another brewery.

2. The on-sale of malt liquor may only be sold Monday through Saturday, unless a Sunday sales license is attained, and during the hours that "on-sale" of liquor may be made.
3. A brewery must demonstrate compliance with all zoning ordinance standards pertaining to production breweries.
4. All other provisions of this chapter shall be applicable to such licenses and licensees unless inconsistent with the provisions of this section.

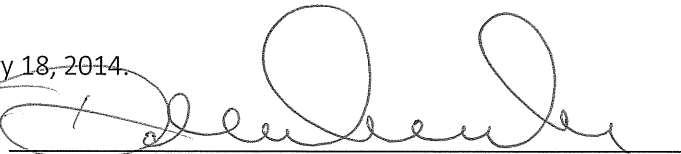
C. Nothing in this section shall preclude the holder of a brewer taproom license from also holding a license to operate a restaurant at the taproom location.

Subd. 15 Brewery License for Off-Sale of Malt Liquor. Brewers licensed under Minnesota Statute 340A.301 Subd.6, clause (c), (i) or (j), may be issued a license for off-sale of malt liquor at its licensed premises that has been produced and packaged by the brewer.

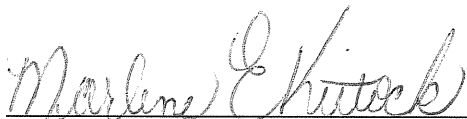
- A. The amount of malt liquor sold at off sale may not exceed 500 barrels annually.
- B. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores.
- C. The malt liquor must be packaged in 64 ounce containers known as growlers and may have the following packaging requirements:
 - i. Growlers must bear a twist-type closure, cork, stopper or plug.
 - ii. At time of sale, paper or plastic adhesive band, strip or sleeve shall be applied to the container and extend over the top of the closure, forming a seal.
 - iii. The band, strip or sleeve must bear the name and address of the brewer, and the container must 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, and shall be considered intoxicating liquor unless labeled otherwise.
- D. A brewer may only have one license under this subdivision.
- E. The brewer seeking the license may not brew more than 10,000 barrels of its own brands of malt liquor annually.

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

Approved by the Delano City Council on February 18, 2014.



Dale Graunke, Mayor



Attest: Marlene E. Kittock, City Clerk

Motion By: Jack Russek
Seconded By: Betsy Stolf
Graunke: Aye Vick: Aye
Stolf: Aye Russek: Aye
Schansberg: Absent