

CHAPTER 5
LICENSING AND REGULATION OF ALCOHOLIC BEVERAGES

SECTION 502.01. DEFINITIONS.

In addition to the definitions set forth in Minnesota Statute Chapter 340A, and unless otherwise stated in specific Sections, the following words and terms shall have the meanings stated:

Subd. 1. “Alcoholic beverage” means any beverage containing more than one-half of one percent alcohol by volume.

Subd. 2. “Applicant” means any person making an application for a license under this Chapter.

Subd. 3. “Application” means a form with blanks or spaces thereon, to be filled in and completed by the Applicant as his or her request for a license, furnished by the City and required as a prerequisite to the consideration of the issuance of a license pursuant to this Chapter.

Subd. 4. “Bed and Breakfast Facility” means a place of lodging that:

- A. Provides not more than eight rooms for rent to no more than 20 guests at a time;
- B. Is located on the same property as the owner’s personal residence;
- C. Provides no meals, other than breakfast served to persons who rent rooms; and
- D. Was originally built and occupied as, or was converted to, a single-family residence prior to being used as a place of lodging.

Subd. 5. “Bowling Center” is an establishment which is under the control of the single proprietor or manager where the primary business is bowling, but which, incidental to its primary bowling business, may also include other family recreational activities, sales and services and equipment sales including, but not limited to, arcade games, billiards, and food and beverages.

Subd. 6. “Brewer” is a person who manufactures malt liquor for sale.

Subd. 7. “Brew pub” is a brewer who also holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted by Minnesota 2015 Session Laws Chapter 9, Article 1, Section 3 to be codified as Minnesota Statutes Section Chapter 340A.24, subdivision 2.

Subd. 8. “Brewer Taproom” is a brewer licensed under section 340A.301, subdivision 6, clause (c), (i), or (j) who also holds a retail license to sell on-sale malt liquor produced by the brewer for consumption on the premises of or adjacent to a brewery location owned by the brewer.

Subd. 9. “Club” is an incorporated organization 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 veteran’s organization. In addition, the organization shall:

- A. Have more than 30 members and have been in existence for at least three years;
- B. Have 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;
- C. Be governed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. 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.

Subd. 10. "Growler" is malt-liquor sold off-sale by a small brewer or brew pub, which has been produced and packaged by the brewer in 64-ounce containers commonly known as growlers or in 750 milliliter bottles.

Subd. 11. "Guest" means a person not a member of the club licensee but present on the club licensed premises in the company of a host member at all times while on the licensed premises.

Subd. 12. "Host Member" means a member of a club licensee who is entertaining a guest.

Subd. 13. "Hotel" is an establishment where food and lodging are regularly furnished to transients and which has:

- A. A dining room serving the general public at tables and facilities for seating at least 30 guests at one time; and
- B. A minimum of 10 guest rooms.

Subd. 14. "License" means a documented approval issued by the City to an applicant permitting the applicant to carry on and transact the business stated therein.

Subd. 15. "Intoxicating Liquor" means ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight.

Subd. 16. "Licensee" means an applicant, including the applicant's agents or employees who, pursuant to an approved application, holds a valid, current, unexpired license, which has neither been revoked nor suspended.

Subd. 17. "Manufacturer" means any person who, by any process of manufacturing, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces alcoholic beverages for sale.

Subd. 18. "Malt Liquor" is any beer, ale, or other beverage made from malt by fermentation and containing not less than one half of one percent alcohol by volume.

Subd. 19. "3.2% Malt Liquor" means malt liquor containing not less than one half of one percent alcohol by volume nor more than 3.2% alcohol by weight.

Subd. 20. “Member” means any person in good standing according to rules and regulations of the licensed club, wherever located, having evidence of current membership upon his person.

Subd. 21. “Off-sale” means the retail sale of alcoholic beverages in original packages for consumption only off the premises where sold.

Subd. 22. “On-sale” means the retail sale of alcoholic beverages for consumption on the premises where sold only.

Subd. 23. “Package” means any sealed or corked container of alcoholic beverages.

Subd. 24. “Restaurant” 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 and which meets the following standards:

- A. It shall have a full commercial State licensed kitchen where meals are prepared on site.
- B. It shall have a full service dinner menu with meals served at tables.
- C. It shall have minimum interior seating capacity of not less than fifty (50) people.
- D. It shall be compliant with all Building and Fire Codes and meet all health standards of the Minnesota Food Code.

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.

Subd. 26. “Small Brewer” is a brewer licensed under section 340A.301, subdivision 6, clause (c), (i), or (j) who also holds a retail license to sell off-sale malt liquor at its licensed premises which has been produced and packaged by the brewer.

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 who sells 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.