

## CHAPTER 5

### LICENSING AND REGULATION OF ALCOHOLIC BEVERAGES

#### SECTION 503.01. LICENSE REQUIRED.

**Subd. 1. License Required.** It is unlawful for any person to directly or indirectly, on any pretense or by any device, sell, barter, keep for sale, charge for possession, or otherwise dispose of alcoholic beverages as part of a commercial transaction without having obtained the license or permit required by this Chapter and/or Minnesota Statutes Chapter 340A. The licenses permitted under this Chapter are as follows: 3.2% Malt Liquor (Subd. 3); Temporary 3.2% Malt Liquor (Subd. 4); Intoxicating Liquor (Subd. 5), Temporary Intoxicating Liquor (Subd. 6); On-Sale Wine (Subd. 7); Brew Pub On-Sale and Off-Sale (Subd. 8); Brewer Taproom; (Subd. 9); Small Brewer Off-Sale (Subd. 10); Consumption and Display/Bottle Club (Subd. 11); Sunday Sales (Subd. 12); Community Festival (Subd. 13); Caterers (Subd. 14).

This Section shall not apply to (1) to possession or handling for sale or otherwise of sacramental wine or to any representative of any religious order or for use in connection with a legitimate religious ceremony; (2) to such potable liquors as are prescribed by licensed physicians and dentists for therapeutic purposes; (3) to industrial alcohol and its compounds not prepared or used for beverage purposes; (4) to sales by manufacturers to wholesalers duly licensed as such by the State of Minnesota and to sales by wholesalers to persons holding on-sale or off-sale licenses from the City.

**Subd. 2. License Not Required.** No license under this Chapter is required for a bed and breakfast facility to provide at no additional charge to a person renting a room at the facility not more than two glasses per day each containing not more than four fluid ounces of wine. Wine so furnished may be consumed only on the premises of the bed and breakfast facility. A bed and breakfast facility may furnish wine under this Subsection only if the facility is registered with the commissioner of public safety.

**Subd. 3. 3.2% Malt Liquor License.** An applicant may apply for an on-sale and/or off-sale 3.2% malt liquor license.

On-sale 3.2% malt liquor licenses shall be issued only to clubs, bowling centers, restaurants, hotels and theaters.

Off sale 3.2% malt liquor licenses shall be issued only to grocery stores and grocery convenience stores.

#### **Subd. 4. Temporary 3.2% Malt Liquor License.**

- A. Applicant. A club or a charitable, religious, or non-profit organization, duly incorporated as a non-profit or a religious corporation under the laws of the State of Minnesota and having its registered office and principal place of activity within the City ("organization"), may apply 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 the proposed temporary sale.

2. Any such license may be conditioned, qualified or restricted as the Council determines appropriate.
3. If the premises to be licensed is 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 \$100,000.00 for injury to any one person and \$300,000.00 for injury to more than one person, naming the City as an additional insured during the license period.

**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 movie theater, including but limited to the property, equipment and operations, shall be owned or controlled separate persons.
  2. The restaurant movie theater consists of one stand-along 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. The table shall be divided proportionately between the movie screening rooms in which alcoholic beverages are allowed.
  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.

**Subd. 6. Temporary On-Sale Intoxicating Liquor License.** A club, charitable, religious or other non-profit organization in existence for at least three years, or a political committee registered under Minn. Stat. § 10A.14 (collectively "Organization"), may apply for a temporary license for the on-sale of intoxicating liquor in connection with a social event held within the City and sponsored by the Organization. The license may authorize the on-sale of intoxicating liquor for not more than four consecutive days, and may authorize on-sales on premises other than premises the Organization owns or permanently occupies. No more than three four-day, four three-day, six two-day, or 12 one-day temporary licenses, in any combination not to exceed 12 days per year, temporary on-sale intoxicating liquor licenses may be issued to any one Organization for any one location within any 12 month period. In addition, no more than one temporary intoxicating on-sale liquor license may be issued for the sale of alcoholic beverages to any one Organization, or for any one location, within any 30-day period unless the licenses are issued in connection with an event officially designated a community festival by the City. The license may provide that the Organization may contract for liquor catering services with the holder of a full year intoxicating liquor license issued by any municipality. Temporary intoxicating on-sale liquor licenses are subject to all laws

and ordinances governing the sale of intoxicating liquor except those relating to insurance required by Minn. Stat. § 340A.409 or by city code and except for those which in their nature are not applicable. No temporary license issued under this Section shall be valid unless first approved by the Minnesota Commissioner of Public Safety.

**Subd. 7. On-Sale Wine License.** A theater or a restaurant with facilities for seating at least 25 guests at one time may apply for an on-sale wine license.

**Subd. 8. Brew pub On-Sale and Off-Sale (Growler) Malt Liquor License.**

- A. A brew pub may apply for an intoxicating liquor and/or 3.2 malt liquor on-sale brew pub license for a restaurant operated in the place of manufacture. On-sale brew pub licenses are subject to all conditions and restrictions contained in Minnesota 2015 Session Laws Chapter 9, Article 1, Section 3 to be codified as Minnesota Statutes Section 340A.24.
- B. A brew pub that holds an on-sale brew pub license may apply for a malt liquor off-sale brew pub license. Off-sale brew pub licenses are subject to all conditions and restrictions contained in Minnesota 2015 Session Laws Chapter 9, Article 1, Sections 3 and 6 to be codified as Minnesota Statutes Sections 340A.24 and 340A.285.

**Subd. 9. Brewer Taproom License.** A brewer taproom may apply for a malt liquor on-sale brewer taproom license. Brewer taproom licenses are subject to all conditions and restrictions contained in Minnesota 2015 Session Laws Chapter 9, Article 1, Section 4 to be codified as Minnesota Statutes § 340A.26.

**Subd. 10. Small Brewer Off-Sale (Growler) License.** A small brewer may apply for a malt liquor off-sale small brewer license. Small brewer licenses are subject to all conditions and restrictions contained in Minnesota 2015 Session Laws Chapter 9, Article 1, Sections 5 and 6 to be codified as Minnesota Statutes §§ 340A.28 and 340A.285.

**Subd. 11. Consumption and Display/Bottle Club.** Consumption and Display permits, otherwise known as bottle club permits, shall be issued only after the applicant has obtained a permit from the Public Safety Commissioner pursuant to Minn. Stat. § 340A.414 and shall be issued only to restaurants, hotels and clubs.

**Subd. 12. Sunday Sales License.**

- A. Sunday On-Sale. A restaurant, restaurant movie theater, club, bowling center, brew pub, or hotel, which has a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may apply for a Sunday on-sale intoxicating liquor license for the sale of intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 8:00 a.m. on Sundays and 1:00 a.m. on Mondays, all subject to Minnesota Statutes Section 340A.504, Subd. 3.
- B. Brewer Taproom. A brewer taproom may apply for a Sunday on-sale malt liquor license subject to Minnesota 2015 Session Laws Chapter 9, Article 1, Section 4 to be codified as Minnesota Statutes Section 340A.26 for the sale of malt liquor for consumption on the premises between the hours of 8:00 a.m. on Sundays and 1:00 a.m. on Mondays.

C. **Sunday Off-Sale.** Brew pubs and small brewers may apply for Sunday off-sale growler licenses subject to Minnesota 2015 Session Laws Chapter 9, Article 2, Sections 2 and 3 to be codified as Minnesota Statutes Sections 340A.24 and 340A.285 for the sale of malt liquor at off-sale between the hours of 8:00 a.m. on Sundays and 1:00 a.m. on Mondays.

**Subd. 13. Community Festival.** The holder of an on-sale intoxicating liquor license may dispense intoxicating liquor off premises at a community festival held within the City, so long as the licensee obtains a permit from the City, on terms and conditions acceptable to the City, and based upon acceptable evidence that the licensee has liability insurance, as prescribed by this Chapter, to cover the event.

**Subd. 14. Caterers.**

- A. Prior to the sale of intoxicating liquor within the City under a caterer's permit issued pursuant to Minn. Stat. 340A.404, Subd. 12, the holder of the caterer's permit shall provide to the City the following: (i) a copy of a valid State issued caterer's permit; (ii) a copy of a valid State issued restaurant license; and (iii) proof of compliance with the financial responsibility and insurance requirements set forth in City Code Section 505.01, Subd. 1 and Subd. 2.
- B. A caterer's permit is auxiliary to the primary on-sale license held by the licensee.
- C. The restrictions and regulations which apply to the sale of intoxicating liquor on the licensed premises also apply to the sale under the authority of a caterer's permit, and any act that is prohibited on the licensed premises is also prohibited when the licensee is operating other than on the licensed premises under a caterer's permit.
- D. Any act, which if done on the licensed premises would be grounds for cancellation or suspension of the on-sale licensee, is grounds for cancellation of both the on-sale license and the caterer's permit if done when the permittee is operating away from the licensed premises under the authority of the caterer's permit.
- E. The permittee shall notify, prior to any catered event, the Wright County Sheriff.
- F. If the primary license ceases to be valid for any reason, the caterer's permit ceases to be valid.
- G. All holders of caterer's permits shall comply with City Code Section 507.01, City Code Section 510.01, and all laws and ordinances governing the sale of intoxicating liquor except those laws and ordinances which by their nature are not applicable.