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**AN ORDINANCE**  
of the  
**CITY OF**  
**MINNEAPOLIS**

By: Lilligren

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**Amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to Liquor and Beer: In General.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 360.30 of the above-entitled ordinance be amended to read as follows:

**360.30. Liquor caterer's license.** A holder of a State of Minnesota caterer's permit issued under the provisions of Minnesota Statutes, Section 340A.404(12) may apply to operate under such caterer's permit in the City of Minneapolis using a form provided by the ~~director of licenses and consumer services~~ licensing official. Liquor catering shall be allowed in all zoning districts as defined in Chapters 546, 547, 548, 549, and 550, notwithstanding Minneapolis City Charter, Chapter 4, Section 5(b). Holders of a liquor caterer's license shall comply with all provisions of the statutes, ordinances, and rules governing the retail sale of alcoholic beverages. A liquor caterer's license fee shall be as established in Appendix J, License Fee Schedule.

Events that are catered in Minneapolis in accordance with Minnesota Statutes, Section 340A.404(12) shall comply with the following provisions:

- (1) A liquor caterer shall keep a record of each event they cater in Minneapolis. The record shall include the location of the event, the date and time, the event contact name(s) and phone number(s), and shall provide this register to city staff upon request. It is the responsibility of the licensee to reapply for license bundles when the number of days has been reached for a particular amount of licenses purchased in advance.
- (2) The city council may by resolution establish a list of premises for which a liquor caterer may not provide services at an event without explicit approval of city council.
- (3) All events that a liquor caterer provides alcohol for must be private and not open to the public. The event coordinator shall provide a list of people who may attend the event to the liquor caterer.

- (4) No sale of beverage alcohol shall occur after 1:00 a.m.
- (5) All servers of alcohol at a catered event must have received alcohol server training as approved by the ~~director of licenses and consumer services~~ licensing official and shall be at least eighteen (18) years of age.
- (6) A liquor caterer shall staff the event with at least one (1) employee from the original licensed establishment.
- (7) A liquor caterer shall notify the police precinct and business licensing at least twenty-four (24) hours prior to any alcohol catered event pertinent details about the event using a form provided by the ~~director of licenses and consumer services~~ licensing official.
- (8) No single location in Minneapolis shall have a single liquor catered event lasting more than three (3) consecutive days, unless the license is issued in connection with a civic event or community festival as designated by the ~~director of licenses and consumer services~~ licensing official.
- (9) An application for a liquor caterer's license may be denied, or an issued license may be suspended, or revoked without refund, for any of the following reasons:
  - a. The operation of an event does or will unreasonably disturb the peace, quiet or repose of surrounding residential or commercial areas.
  - b. The operation of an event does or will contribute to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the event's location.
  - c. Any violation of the laws relating to the sale or service of alcoholic beverages.
  - d. Licensee's refusal to supply books of account and contracts pertaining to an event as set forth in this section.
  - e. Any violation of the terms of this section.
  - f. Any other good cause related to the operation of the business or venue.
- (10) Any violation of the provisions set forth in Title 14 in the Minneapolis Code of Ordinances by a licensee or his employee, agent or servant, while operating under a liquor caterer's license which occurs on the premises being catered, shall cause the licensee and his employee, agent, or

servant to be subject to civil, criminal, or administrative action as provided by Title 14 and other applicable law.

- (11) Both state and city permits/licenses must be available for display upon request of any law enforcement officer or investigator designated by the ~~director~~ licensing official for any catered event.
- (12) Liquor caterers shall maintain adequate security at catered events in Minneapolis. The caterer may coordinate this with the host facility.
- (13) If an event is to be held outside, the applicant shall indicate how the alcohol will be confined to a particular area. Exclusive outdoor events must provide at least one (1) toilet per every fifty (50) attendees.
- (14) Liquor caterers shall submit to and/or facilitate any site inspections by police, fire, or other regulatory or health agency.
- (15) Licenses issued under this section shall expire on August first of each year.

Section 2. That Section 360.70 of the above-entitled ordinance be amended to read as follows:

**360.70. Special late hours food license.** (a) Any person operating under an on-sale liquor, wine or beer license who desires to remain open for the service of food later than the hours provided in section 364.100 and section 368.70 may apply to the city council for a special late hours food license. Application shall be made on a form provided by the ~~division of licenses and consumer services~~ licensing official, containing such information as the ~~division~~ licensing official deems necessary to verify that the conditions of this section have been met and to make a recommendation regarding the application. The annual fee for a special late hours food license shall be as established in Appendix J, License Fee Schedule.

- (b) The number of special late hours food licenses at any time issued and outstanding shall not exceed fifty (50).
- (c) No special late hours food license shall be issued unless the establishment complies at all times with the following conditions:
  - (1) The establishment shall be a banquet facility as defined in section 362.425(b) in which the meal service required by section 362.425(b) is actually available during the special hours of operation authorized under the license, or
  - (2) The establishment shall be a restaurant which:

- (i) Meets the standards set forth in section 362.390 and the standards in section 362.395 relating to percentage of revenue derived from the sale of food and nonalcoholic beverages, and
  - (ii) Maintains a substantial menu available during special late hours which includes at least four entrees, sandwiches, or other principal food items, and
  - (iii) Keep its business open for at least eight (8) continuous hours daily except Sunday, twelve (12) months a year, not including any hours authorized by its special late hours food license.
- (d) The city council may issue a special late hours food license subject to additional conditions including, but not limited to:
  - (1) Limitation on the special late hours of operation or the days of the week on which special late hours are authorized;
  - (2) Requirements concerning menu items;
  - (3) Requirements concerning staffing or security levels;
  - (4) Any other requirement reasonably related to concerns of security, noise, litter, parking or traffic.
- (e) The city council may deny, revoke, suspend or refuse to renew a special late hours food license for any of the following reasons:
  - (1) The existence of special late hours disturbs the peace, quiet or repose of surrounding residential or commercial areas;
  - (2) The existence of special late hours contributes to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the establishment;
  - (3) Any violation of the laws relating to sale or service of alcoholic beverages;
  - (4) Any violation of the terms of this section;
  - (5) Any other good cause related to the operation of the establishment.
- (f) Nothing herein shall permit the operation of live entertainment, singing or dancing after 2:00 a.m. regardless of the class of on-sale license held by an establishment. The operation of live entertainment, singing, or dancing after 2:00 a.m. shall require a special late hours operation license under section 360.75.

Section 3. That Section 360.90 of the above-entitled ordinance be amended to read as follows:

**360.90. Insurance required when licensee hires off-duty city employees.** (a) No person having an "on sale" license issued pursuant to Chapter 362, 363 or 366 shall hire an off-duty city police officer to work at the licensed premises unless such person shall have filed ~~in the department of licenses and consumer services~~ with the licensing official:

- (1) A notarized agreement that in consideration of the granting of such a license, the licensee will hold the city harmless and assume the defense of the city against any claim or lawsuit against it, by reason of the licensee's employee also being an off-duty city police officer;
- (2) An insurance policy, or certificate of insurance thereof, written by a company authorized to do business in the State of Minnesota insuring the licensee, his or her officers, employees and agents against public liability or damages in the sum of three hundred thousand dollars (\$300,000.00) for each accident or occurrence for injury or death, and five thousand dollars (\$5,000.00) property damage, or may substitute a combined single limit of liability of three hundred thousand dollars (\$300,000.00) for injury, death or property damage; and
- (3) An insurance policy with worker's compensation coverage, fully covering such off-duty city police officer during periods of employment by the licensee.

The city and all off-duty city police officers employed by the licensee to work at the licensed premises shall be included as additional assureds in such public liability policy. No such policy shall contain a provision excluding from coverage the willful torts of any such off-duty city police officer, including but not limited to assault, false arrest, false imprisonment and malicious prosecution. Every such public liability policy and worker's compensation policy shall contain a provision that no cancellation thereof shall become effective without thirty (30) days' prior notice in writing to the department of licenses and consumer services.

(b) An insurance company which refuses to defend the city or its off-duty police officer under a public liability insurance policy purporting to provide the coverage as required by this section may be deemed an unacceptable insurer by the city council.

(c) Violation of this section may be grounds for suspension or revocation of said license.

Section 4. That Section 360.100 of the above-entitled ordinance be amended to read as follows:

**360.100. Regulation of outdoor areas in on-sale liquor, wine, and beer establishments.** The following regulations shall apply to all outdoor areas in on-sale liquor, wine, and beer establishments, including establishments holding sidewalk cafe permits:

(a) Every outdoor area must be approved as part of the original licensed premises or by the granting of an application for expansion of the licensed premises. Any expansion of the outdoor area of a licensed premises shall require a public hearing and notification as described in section 265.300 of this Code.

(b) Entertainment:

- (1) Every outdoor area shall be deemed presumptively to be licensed as Class E, unless a higher class of license has been expressly granted to the outdoor area by the city council in the manner required by this Code.
- (2) In the central commercial district described in section 360.10, the city council may grant a license to an outdoor area in any class.
- (3) Outside the central commercial district described in section 360.10, no outdoor area shall be granted a license higher than Class D and entertainment shall only be permitted on private property on street level.
- (4) Regardless of the class of license issued to an outdoor area, the city council may further restrict the days, hours, nature, volume, and other aspects of entertainment in any outdoor area, including a prohibition against all forms of nonlive music, radio, television, and other entertainment, to protect the safety, repose, and welfare of residents, businesses and other uses near the establishment.
- (5) The city council may authorize an establishment to conduct entertainment not otherwise allowed under its license in an outdoor area by permit temporarily for special events. Application for such permit shall be filed with the ~~department of licenses and consumer services~~ licensing official on a form prescribed by the ~~director~~ licensing official. The fee for a temporary entertainment permit shall be as established in Appendix J, License Fee Schedule.

(c) Service and capacity restrictions outside the downtown/eastbank commercial district. It is the policy of the city council that outdoor areas, located outside the downtown and eastbank commercial district described in section 360.10, are intended primarily for the service of patrons at tables and for the consumption of alcoholic beverages in conjunction with food service. Outside the downtown and eastbank commercial district described in section 360.10, no bar shall be located in an outdoor area except a service bar for the exclusive use of employees. Service shall be provided

only at tables, however, this shall not prohibit patrons from carrying beverages from an inside area to the outdoor area. Customers shall not be allowed to occupy the outdoor area in greater numbers than the seating or service area capacity permits. An exemption to the service bar requirement of this subsection may be granted to an establishment which demonstrates that it regularly maintained a bar open for service to customers in its outdoor area prior to April 1, 1989.

(d) The licensee shall provide food service in all outdoor areas during all hours of operation. Food service may consist of less than the full menu, but shall at all times offer a substantial choice of main courses, other food items, and nonalcoholic beverages.

(e) All new and remodeled outdoor areas shall be handicap accessible. All existing outdoor areas shall comply with building codes relating to handicap accessibility. No outdoor area shall reduce existing handicap accessibility.

(f) The city council may restrict the hours of operation of an outdoor area based upon proximity of the area to residential dwelling units, and upon considerations relating to the safety, repose, and welfare of residents, businesses, and other uses near the establishment.

(g) The city council may require that access to and egress from an outdoor area only be through the door connecting it to the remainder of the premises, or to property controlled by the licensee.

(h) The licensee shall be responsible for picking up trash and litter generated by the operation of the outdoor area within a reasonable distance from the area.

(i) The city council may review the operation of any outdoor area in connection with the renewal of the on-sale license for the establishment, or at any other time for good cause. Violation of the terms and conditions of this section shall be grounds for revocation, suspension, or refusal to renew the on-sale license for that portion of the licensed premises pertaining to the outside area.

(j) All special restrictions relating to the hours of operation and types of entertainment in an outdoor area shall be endorsed on an addendum to the license certificate and posted in the establishment with the license certificate.

(k) In any on-sale liquor, wine, and beer establishment where the licensee has city council approval to operate an outdoor area, and which is located within the Central Commercial District, as defined in section 360.10, the licensee is prohibited from serving any alcoholic malt beverage or non-alcoholic beverage in an original container manufactured from glass after 11:00 p.m. In addition to the prohibition on serving alcoholic malt beverages or non-alcoholic beverages in original containers manufactured from glass, the licensee shall not allow patrons to carry such beverage containers from an indoor area into an outdoor area.

Section 4. That Section 360.130 of the above-entitled ordinance be amended to read as follows:

**360.130. Incomplete license applications.** (a) Any application for a license under Title 14 of this Code that does not contain all requested and/or necessary information shall be deemed incomplete. An application remaining incomplete for one hundred twenty (120) days may be administratively denied by the ~~director of licenses~~ licensing official. The ~~director~~ licensing official shall notify the applicant of any deficiencies at least thirty (30) days prior to administrative denial.

(b) If the application remains incomplete after being given thirty-day notice, the ~~director~~ licensing official shall send written notice that the application is denied. Applicants shall not be allowed to engage in any activities for which a license is required. Application fees shall not be refunded.

(c) An applicant may, prior to denial, send a written request to extend the application deadline. The ~~director~~ licensing official may extend the deadline for good cause. An applicant may appeal a license or extension denial to the city council within ten (10) days of notification of the denial.

**AN ORDINANCE  
of the  
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MINNEAPOLIS**

**By: Lilligren**

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**Amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 362.35 of the above-entitled ordinance be amended to read as follows:

**362.35. Temporary on-sale liquor license.** (a) A club or charitable, religious or other nonprofit corporation in existence for at least three (3) years or a political committee registered under Minnesota Statutes Section 10A.14 may obtain an "on-sale" license to sell liquor for consumption on premises specified in the license, including school buildings and school grounds.

(b) Application for temporary on-sale liquor license shall be made on forms provided by the ~~director~~ licensing official and shall contain the following:

- (1) The name, address and purpose of the organization, together with the names and addresses of its officers and evidence of nonprofit status or of its status as a club under section 360.10 above.
- (2) The purpose for which the temporary on-sale liquor license is sought, together with the place, dates and hours during which liquor is to be sold.
- (3) Consent of the owner or manager of the premises, or a person or group with lawful responsibility for the premises.
- (4) A specific description of the area in which alcoholic beverages are to be dispensed and consumed which area shall be compact and contiguous in accordance with section 360.15
- (5) Such other information as the ~~director~~ licensing official may deem necessary.

(c) A temporary on-sale liquor license may be issued subject to the following conditions:

- (1) Such license shall be issued for a period not to exceed six (6) consecutive days.
- (2) No individual organization shall be granted more than three (3) four-day, four (4) three-day, six (6) two-day or twelve (12) one-day licenses in any combination not to exceed twelve (12) days per calendar year.
- (3) The overall purpose of the license shall be to enhance the stated purpose of the applicant organization and no private organizer or promoter shall derive excessive profits from the event. The ~~director~~ licensing official may require presentment of the temporary licensee's and full year on-sale licensee's books of account and contracts entered into for purposes of the event to aid in the determination of compliance with this section.
- (4) No such license shall be issued for the sale of liquor on school grounds or in school buildings or within three hundred (300) feet thereof when regularly scheduled classes are being held in the school.
- (5) No more than twelve (12) licenses shall be granted in any one calendar year at any location.
- (6) The licensee must contract for liquor services with the holder of a full-year on-sale intoxicating liquor license issued by the City of Minneapolis whose employees have received training within the twelve (12) month period preceding the event under an approved alcohol server awareness program and who provides evidence of liquor liability insurance covering the event.

(d) The fee for a temporary liquor license shall be as established in Appendix J, License Fee Schedule.

(e) Entertainment. A temporary on-sale liquor licensee may present entertainment as set forth in section 362.30(b) through (f) for an additional fee as established in Appendix J, License Fee Schedule.

(f) The city council may deny, revoke, suspend a license for any of the following reasons:

- (1) The existence of temporary liquor disturbs the peace, quiet or repose of surrounding residential or commercial areas.

- (2) The existence of temporary liquor contributes to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the establishment.
- (3) Any violation of the laws relating to the sale or service of alcoholic beverages.
- (4) Licensee's refusal to supply books of account and contracts pertaining to the event as set forth in section 362.35(c)(3).
- (5) Any violation of the terms of this section.
- (6) Any other good cause related to the operation of the establishment.

(g) Licenses issued under this section are subject to all laws and ordinances governing the sale of intoxicating liquor except those laws and ordinances which by their nature are not applicable.

(h) ~~Director of licenses and consumer services~~ Licensing official to grant temporary on-sale liquor license in certain instances. When an application for a license for temporary on-sale liquor has been filed too late to be considered on the regular agendas of the ~~public safety and regulatory services committee and the city council~~ or the appropriate committee of the council prior to the scheduled date of the event, the ~~director of licenses and consumer services~~ licensing official may issue the license if the application is filed and complete, the fee including a fifty (50) percent late fee has been paid, and the required conditions listed above have been met. The ~~director~~ licensing official may also deny, suspend or revoke those licenses which he/she has issued based on the reasons listed above for which the city council may deny, suspend or revoke such licenses. The issuance of a temporary on-sale liquor license is subject to compliance with all applicable health and safety laws. Concurrence with the issuance of the temporary on-sale liquor license shall be obtained from the chair of the ~~public safety and regulatory services committee~~ appropriate committee of the city council and the council member representing the affected ward prior to the issuance of the license by the licensing official.

Section 2. That Section 362.36 of the above-entitled ordinance be amended to read as follows:

**362.36. Temporary expansion of license.** (a) On-sale liquor, wine and beer establishments may obtain a temporary expansion of license for premises directly adjacent and contiguous to a permanently licensed premises and for entertainment not otherwise allowed under the establishment's permanent license.

- (1) Application for a temporary expansion of license shall be made on forms provided by the ~~director~~ licensing official and shall contain the following:

- a. The name and addresses of the on-sale license holder and its owners, officers or partners.
  - b. A specific description and diagram of the area in which the temporary expansion activity is to occur. This area must be compact and contiguous to the permanently licensed premises, and be contained by physical enclosure devices.
  - c. Written consent of the owner or manager of the premises, or a person or group with lawful responsibility for the premises.
  - d. The purpose for which the temporary expansion is sought, and a detailed description of the planned activities including projected attendance, entertainment, food and beverage service, security plans, and hours of operation.
  - e. Proof that auxiliary permits for purposes of amplified music, short term food, block event, temporary structures, temporary utilities, etc., have been obtained.
  - f. Such other information as the ~~director~~ licensing official may deem necessary.
- (2) An individual licensee may be granted up to such number of temporary expansion licenses for the duration of not more than two (2) consecutive days so as not to exceed twelve (12) days in any twelve-month period.
  - (3) The applicant shall file proof that the liability insurance required by this code of ordinances and by Minnesota Statutes Chapter 340A apply to the expanded area.
  - (4) The hours of operation of a temporary expansion of license shall not exceed those hours authorized at the permanent premises, or any lesser hours specified as a condition of the temporary expansion of premises license.
  - (5) The fees for a temporary expansion license shall be as established in Appendix J, License Fee Schedule.
  - (6) The city council may deny, revoke, suspend a license for any of the following reasons:
    - a. The existence of a temporary expansion disturbs the peace, quiet or repose of surrounding residential or commercial areas.

- b. The existence of a temporary expansion contributes to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the establishment.
  - c. Any violation of the laws relating to the sale or service of alcoholic beverages.
  - d. Any violation of the terms of this section.
  - e. Any other good cause related to the operation of the establishment.
- (7) Licenses issued under this section are subject to all laws and ordinances governing the sale of intoxicating liquor except those laws and ordinances which by their nature are not applicable.
- (8) ~~Director of licenses and consumer services~~ Licensing official to grant temporary expansion license in certain instances. When an application for a license for temporary expansion license has been filed too late to be considered on the regular agendas of the ~~public safety and regulatory services committee and the city council~~ or the appropriate committee of the council prior to the scheduled date of the event, the ~~director of licenses and consumer services~~ licensing official may issue the license if the application is filed and complete, the fee including a fifty (50) percent late fee has been paid, and the required conditions listed above have been met. The ~~director~~ licensing official may also deny, suspend or revoke those licenses which he/she has issued based on the reasons listed above for which the city council may deny, suspend or revoke such licenses. The issuance of a temporary expansion license is subject to compliance with all applicable health and safety laws.

(b) ~~Director of licenses and consumer services~~ Licensing official to grant temporary expansion of premises and temporary entertainment licenses in certain places. When an application for a permit for temporary expansion of premises has been filed fewer than thirty (30) days prior to the scheduled date of the event or too late to be considered on the regular agendas of the ~~public safety and regulatory services committee and the city council~~ or the appropriate committee of the council prior to the scheduled date of the event, the ~~director of licenses and consumer services~~ licensing official may issue the permit if the following conditions have been met:

- (1) The application form has been completed and filed.
- (2) The fee, including a fifty (50) percent late fee has been paid.
- (3) The applicant has not been denied an application for temporary expansion of premises by the city council since any temporary expansion granted within the previous eighteen (18) months.

- (4) The premises have not been designated by resolution of the city council pursuant to subsection 362.36(c) as requiring city council approval for a temporary expansion of premises.

(c) The city council may by resolution establish a list of premises for which a temporary expansion of premises must be approved by the city council and for which the ~~director~~ licensing official may not issue a permit for a temporary expansion under subsection 362.36(b).

Section 3. That Section 362.37 of the above-entitled ordinance be amended to read as follows:

**362.37. Target Center liquor licenses.** (a) *Definitions.* As used in this chapter, the following terms shall mean:

*Miniature bottle.* A bottle containing fifty (50) milliliters or less of intoxicating or non-intoxicating liquor.

*Target Center.* The Target Center sports arena located at 600 First Avenue North and all expansions and additions thereto.

(b) *Licenses authorized.*

- (1) The city council may issue one or more on-sale or combination on-sale and off-sale intoxicating liquor licenses to the owner of the Target Center, or to an entity holding a concessions contract with the owner for use on the premises of the Target Center.
- (2) Each license shall authorize sales on all days of the week to holders of tickets for events at the Target Center and to the owners of the Target Center and the owners' guests.
- (3) Licenses issued pursuant to this chapter may be issued for space that is not compact and contiguous, provided that all such space is within the Target Center building and is included in the description of the licensed premises on the approved license application. Provided further that all food and beverage facilities covered by one license shall be operated by a single person, firm, or corporation.

(c) *Restrictions.*

- (1) No intoxicating liquor shall be dispensed at any event held under the auspices of the Minnesota State High School League. No intoxicating liquor shall be dispensed at any other amateur athletic event without the prior approval of the director of licenses and consumer services.

- (2) The licensee shall submit at least twenty-one (21) days in advance to the director of licenses and consumer services a monthly list of concerts, amateur athletic events and other special events at which the licensee intends to sell or serve alcoholic beverages on the arena floor or general seating areas. Upon request of the ~~director~~ licensing official, the licensee shall provide a report of any special measures which will be implemented, generally or for a particular event, to control or restrict the consumption of alcoholic beverages.

(d) *Special provisions.*

- (1) A person licensed to make off-sales within the Target Center building may deliver alcoholic beverages to rooms and suites within the Target Center building (1) between midnight and 8 a.m. on Monday through Thursday, and (2) between midnight and 8 a.m. and between 10 p.m. and midnight on Friday through Sunday. No such delivery may be made to a room or suite within the building when an event utilizing the room or suite is in progress.
- (2) A licensee may dispense intoxicating liquor in miniature bottles if the intoxicating liquor is poured from the miniature bottles, mixed into another beverage, and dispensed on the premises by employees of the licensee.

(e) *License fees.* The city council shall set the fees for the license or licenses in the Target Center at that amount which would be charged if separate licenses were required for each compact and contiguous area and for the operation of an off-sale liquor facility.

Section 4. That Section 362.60 of the above-entitled ordinance be amended to read as follows:

**362.60. Payment and receipt for fee; refunds.** (a) The applicant shall, on or before filing of an application, pay to the ~~department of licenses and consumer services~~ licensing official the fees required under section 362.50, as established in Appendix J, License Fee Schedule, and the ~~department~~ licensing official shall give to such applicant a receipt in duplicate, a copy of which receipt shall be filed with such application.

- (b) If any application for a new "on sale" or "off sale" license or for a renewal of an "on sale" or "off sale" license is denied or withdrawn, the fee paid under section 362.50(a) shall be retained according to the sum specified in Appendix J, License Fee Schedule. If any application for a special license permitting the sale of intoxicating liquor on Sunday is denied or withdrawn, the sum established in Appendix J, License Fee Schedule shall be retained, and any sum over the amount specified in Appendix J, License Fee Schedule may be refunded.

Section 5. That Section 362.100 of the above-entitled ordinance be amended to read as follows:

**362.100. Application procedure.** Every application for a license to sell liquor, including applications for renewal of existing licenses or for recording changes in the ownership or management of establishments having existing licenses, or for an expansion of licensed premises, shall be made only upon forms furnished by the ~~department of licenses and consumer services~~ licensing official and when completed by the applicant, shall be filed with ~~said department~~ the licensing official, and a record of the same made therein. The application shall then be referred by ~~said department~~ the licensing official to the license inspector of the police department, who, upon having completed investigation thereof, shall direct the same to the ~~department of licenses and consumer services~~ licensing official.

Section 6. That Section 362.150 of the above-entitled ordinance be amended to read as follows:

**362.150. Insurance required.** At the time of filing any application for any type of liquor license, the applicant shall file with the city, through the ~~department of licenses and consumer services~~ licensing official, a liability insurance policy, or other evidence of financial responsibility, which fully satisfies all of the requirements of Minnesota Statutes, Section 340A.409. Such insurance shall be provided by an insurer authorized to do business in the State of Minnesota.

Section 7. That Section 362.260 of the above-entitled ordinance be amended to read as follows:

**362.260. Investigation.** The police license inspector shall investigate into the truthfulness of the statements set forth in the application, and into any other matters he or she considers relevant to the application, and shall endorse his or her findings thereon. The applicant shall furnish to the police license inspector such evidence as he or she may reasonably require in support of the statements set forth in the application. Upon completing his or her report, the police license inspector shall return the application to the ~~office of the department of licenses and consumer services~~ licensing official. The applicant shall file such security as may be required by law with the ~~office of the department of licenses and consumer services~~ licensing official, which security shall be approved as to form and execution by the city attorney.

Section 8. That Section 362.290 of the above-entitled ordinance be amended to read as follows:

**362.290. Hearings on applications.** If the application shall be for a new license under this chapter, including an application for a new Class A through Class D liquor license for premises which have not previously been licensed for music, dancing or live entertainment, such application shall be referred to the appropriate committee of the city

council. The ~~department of licenses and consumer services~~ licensing official shall notify by mail all residents, to the extent such notice is feasible, and property owners within six hundred (600) feet of the main entrance of the proposed establishment, except that where the application is for a license within a B4 zoned district or in the downtown or East Bank commercial districts described in section 362.430, the ~~department~~ licensing official shall only be required to notify all residents and property owners within three hundred (300) feet of the main entrance of the proposed establishment. Said notice shall go to the owners of record in the office of the county auditor of the time and place at which such application shall be considered by the appropriate committee of the city council. The ~~director~~ licensing official shall also notify the appropriate neighborhood group(s) and business association(s) of the time and place of the hearing. The ~~director of the licenses and consumer services department~~ licensing official shall assess and the applicant shall remit to the Minneapolis Finance Department prior to public notification, all specific expenses incurred by the city, including those from identification of the property residents and owners, production of the notice, interdepartmental processing fees, and postage costs. The first hearing on said application shall be held at the time and place regularly fixed for the meeting of the committee.

After the first hearing on any application for a new license or for a new Class A through Class D license where any of the area within three hundred (300) feet is within a residentially zoned district, the council member of the ward where the proposed premises would be located may hold a meeting on the application during evening hours at a location in the approximate vicinity of the premises proposed to be licensed. If that council member holds such a meeting, he or she shall notify the appropriate committee of the city council of the time and place of the meeting and that committee shall not act on the application until after that meeting, if that meeting is held within forty-five (45) days after the first hearing on the application. If the council member of the ward where the proposed premises would be located does not hold such a meeting within forty-five (45) days after the first hearing on the application, the committee or two (2) of its members or its staff shall hold a meeting on the application during evening hours at a location in the approximate vicinity of the premises proposed to be licensed. The chair of said committee shall notify the council member of the ward affected by the application of the time and place when the committee will consider the application, and the application shall not be disposed of by the committee until after such meeting if the application is for a new license or a new Class A through Class D license and until after the application shall have been brought before and considered by the committee at two (2) regular meetings thereof.

The final action of the committee upon any application referred to in this chapter shall be reported to the city council and by it considered and acted upon according to law.

Section 9. That Section 362.300 of the above-entitled ordinance be amended to read as follows:

**362.300. Renewal procedure.** If the application shall be for the renewal of an existing license, the ~~director of licenses and consumer services~~ licensing official shall immediately transmit the same to the appropriate committee of the city council, whereupon the application may be summarily acted upon by said committee and referred to the city council for immediate action.

Section 10. That Section 362.310 of the above-entitled ordinance be amended to read as follows:

**362.310. Affidavit regarding employee benefits.** No application to record change in the owners, officers, directors or shareholders of a licensed business shall be granted unless there has been submitted in support of the application an affidavit of the original licensee that the following acts, verifiable by the ~~director of licenses and consumer services~~ licensing official, have been performed:

- (a) That original licensee has posted notice in a conspicuous place or places on the licensed premises notifying all employees of the time, place and date of hearing on the application;
- (b) That said notice was so posted continuously for a period of at least fourteen (14) days prior to the date of said hearing;
- (c) That he or she has paid all wages due and owing to all employees or that a valid agreement adequately described therein has been reached with regard to payment of such wages;
- (d) That he or she has made payment to all employees in satisfaction and in lieu of vacation or holiday time earned by all employees or that a valid agreement adequately described therein has been reached with regard to such vacation or holiday time earned;
- (e) That he or she has satisfactorily and completely complied with all obligations pertaining to employer contributions to employee benefit programs, including but not limited to pension plans, hospital, medical life insurance and profit-sharing programs.

Section 11. That Section 362.390 of the above-entitled ordinance be amended to read as follows:

**362.390. "On sale" licenses outside former patrol limits.** (a) "On sale" licenses shall be issued for any premises outside the liquor patrol limits existing on January 1, 1975, only to restaurants, hotels, and clubs which qualify under the definitions for such establishments contained in section 360.10 of this Code of Ordinances, and which comply with Minneapolis City Charter, Chapter 4, Section 5 (first) and the additional restaurant requirements in subsection (b).

(b) As used in this section, "restaurant" shall mean an establishment:

- (1) Which is under the control of a single proprietor or manager.
- (2) Which has suitable kitchen facilities including a stove, refrigerator, work table, dishwashing and utensil-washing sink with sanitizing heater.
- (3) Which has facilities for seating not fewer than fifty (50) guests at one time at tables.
- (4) Which employs an adequate staff to provide the usual and suitable table service to its guests.
- (5) Where, in consideration of payment of money, meals are regularly served at tables to the general public.
- (6) Where the meal service consists of no less than four (4) entrees, complete with vegetable, salad, bread or rolls, or sandwiches or other principal food items as approved by the ~~director of licenses and consumer services~~ licensing official, and a choice of non-alcoholic beverages. Prepackaged complete meals shall not be included in the enumerated main entrees.
- (7) Where such meal service is provided through the normal operating hours.
- (8) In which the equipment and premises meet the provisions of all food and health codes.

(c) The business records of the licensee, including federal and state tax returns, shall be available for inspection by duly authorized representatives of the city or of the city council, at all reasonable times.

Section 12. That Section 362.460 of the above-entitled ordinance be amended to read as follows:

**362.460. Issuance and posting of license.** Upon the granting by the city council of the application, a license shall be issued by the ~~department of licenses and consumer services~~ licensing official containing the name and address of the licensee and a description of the premises for which such license is granted, which license shall be signed by the ~~director of licenses and consumer services~~ licensing official and shall have attached thereto the seal of the city, and the same shall be kept posted at all times in a conspicuous place in the premises for which license is issued.

Section 13. That Section 362.470 of the above-entitled ordinance be amended to read as follows:

**362.470. Death of licensee.** The duly appointed, qualified and acting personal representative of the estate of a deceased licensee may operate under any license issued to the deceased licensee, for not more than ninety (90) days after the death of such licensee, upon the filing by said personal representative with the ~~department of licenses and consumer services~~ licensing official of a certified copy of his or her appointment as such. The qualifications of an applicant for an original license under this chapter shall also apply to such personal representative, except insofar as such qualifications shall also be required by any other law.

Section 14. That Section 362.475 of the above-entitled ordinance be amended to read as follows:

**362.475. Bankruptcy.** The duly appointed, qualified and acting trustee of the assets of a bankrupt licensee may operate under any license issued to the bankrupt licensee, and under any renewal thereof issued to such trustee, upon filing by said trustee with the ~~department of licenses and consumer services~~ licensing official of a certified copy of his or her appointment as such. The trustee shall be granted only one renewal of said license, except that for good cause shown, the city council may grant further renewals. The qualifications of an applicant for an original license under this chapter shall also apply to such trustee, except insofar as such qualifications shall also be required by any other law.

Section 15. That Section 362.490 of the above-entitled ordinance be amended to read as follows:

**362.490. Premises to be open to inspection.** The premises named in any license shall at all times while open to the public be open also to inspection and examination by the licensing official or any police, fire, regulatory code official or inspector, or health officer of the city.

2013-Or-\_\_\_\_

**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By: Lilligren**

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**Amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Wine Licenses.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 363.35 of the above-entitled ordinance be amended to read as follows:

**363.35. Licensed premises.** A license to sell wine limits sales of wine to the premises designated in the license application. Prior to the sale of wine by a licensee in expanded or diminished premises, an application to expand or diminish the licensed premises shall be submitted to the department of licenses and consumer services licensing official. Permission to expand a licensed premises may allow, in the expanded area, those activities and privileges of a class lesser than or equal to the class of license held for the main premises. The license fee shall be the fee prescribed for the highest class of license held by the premises, and shall not be prorated.

Section 2. That Section 363.41 of the above-entitled ordinance be amended to read as follows:

**363.41. Temporary on-sale wine license.** (a) A club or charitable, religious or other nonprofit corporation in existence for at least three (3) years or a political committee registered under Minnesota Statutes, Section 10A.14, may obtain an "on-sale" license to sell wine for consumption on premises specified in the license, including school buildings and school grounds. The license may also include the sale of intoxicating malt beverages or 3.2% malt beverages.

(b) Application for temporary on-sale wine license shall be made on forms provided by the director and shall contain the following:

- (1) The name, address and purpose of the organization, together with the names and addresses of its officers and evidence of nonprofit status or of its status as a club under section 362.35(a) above.

- (2) The purpose for which the temporary on-sale wine license is sought, together with the place, dates and hours during which wine is to be sold.
- (3) Consent of the owner or manager of the premises, or a person or group with lawful responsibility for the premises.
- (4) A specific description of the area in which alcoholic beverages are to be dispensed and consumed which area shall be compact and contiguous in accordance with section 360.15
- (5) Such other information as the director may deem necessary.

(c) A temporary on-sale wine license may be issued subject to the following conditions:

- (1) Such license shall be issued for a period not to exceed six (6) consecutive days.
- (2) No individual organization shall be granted more than three (3) four-day, four (4) three-day, six (6) two-day or twelve (12) one-day, licenses, in any combination not to exceed twelve (12) days per calendar year.
- (3) The overall purpose of the license shall be to enhance the stated purpose of the applicant organization and no private organizer or promoter shall derive excessive profits from the event. The ~~director~~ licensing official may require presentment of the temporary licensee's and full year on-sale licensee's books of account and contracts entered into for purposes of the event to aid in the determination of compliance with this section.
- (4) No such license shall be issued for the sale of wine on school grounds or in school buildings or within three hundred (300) feet thereof when regularly scheduled classes are being held in the school.
- (5) No more than twelve (12) licenses shall be granted in any one (1) calendar year at any location.
- (6) The licensee must contract for wine services with the holder of a full-year on-sale intoxicating liquor or on-sale wine license issued by the City of Minneapolis whose employees have received training within the twelve (12) month period preceding the event under an approved alcohol server awareness program and who provides evidence of liquor liability insurance covering the event.

(d) The fee for a temporary wine license shall be as established in Appendix J, License Fee Schedule.

(e) Entertainment. A temporary on-sale wine licensee may present entertainment as set forth in section 362.30(b) through (f) for an additional fee of as established in Appendix J, License Fee Schedule.

(f) The city council may deny, revoke, suspend a license for any of the following reasons:

- (1) The existence of temporary wine disturbs the peace, quiet or repose of surrounding residential or commercial areas.
- (2) The existence of temporary wine contributes to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the establishment.
- (3) Any violation of the laws relating to the sale or service of alcoholic beverages.
- (4) Licensee's refusal to supply books of account and contracts pertaining to the event as set forth in section 362.35(c)(3).
- (5) Any violation of the terms of this section.
- (6) Any other good cause related to the operation of the establishment.

(g) Licenses issued under this section are subject to all laws and ordinances governing the sale of intoxicating liquor except those laws and ordinances which by their nature are not applicable.

(h) ~~Director of licenses and consumer services~~ Licensing official to grant temporary on-sale wine license in certain instances. When an application for a license for temporary on-sale wine has been filed too late to be considered on the regular agendas of ~~the public safety and regulatory services committee and the city council~~ or the appropriate committee of the council prior to the scheduled date of the event, the ~~director of licenses and consumer services~~ licensing official may issue the license if the application is filed and complete, the fee including a fifty (50) percent late fee has been paid, and the required conditions listed above have been met. The ~~director~~ licensing official may also deny, suspend or revoke those licenses which he or she has issued based on the reasons listed above for which the city council may deny, suspend or revoke such licenses. The issuance of a temporary on-sale wine license is subject to compliance with all applicable health and safety laws. Concurrence with the issuance of the temporary on-sale wine license shall be obtained from the chair of the ~~public safety and regulatory services committee~~ appropriate committee of the city council and the council member representing the affected ward prior to the issuance of the license.

Section 3. That Section 363.42 of the above-entitled ordinance be amended to read as follows:

**363.42. Wine license issued pursuant to Charter Amendment Number 144.**

Restaurants located in certain zoning districts may obtain and on-sale wine license notwithstanding the seven (7) acre commercial zoning requirement of Chapter 4, Section 5 of the Minneapolis Charter, subject to the following provisions:

(a) *Definitions.* As used in this section, unless some other meaning is clearly required by the context, the following words and phrases shall mean:

*Restaurant:* An establishment, under the control of a single proprietor or manger, having appropriate facilities for the preparation and serving of a variety of at least four complete meals, having not fewer than twenty-five (25) seats at tables and the application is for a Class E or Class D wine license, and where, in consideration of payment therefore, meals are regularly served at tables to the general public, and which employs an adequate staff to provide the usual and suitable service to its guests, and which has gross sales revenue during each fiscal year from the sale of food and beverages not containing alcohol in an amount of not less than seventy (70) percent of its total gross revenue from the sale of food and beverages.

*Bar or bar area:* Structures, furniture other than freestanding tables and booths, or waiting areas, where consumption of alcoholic beverages is the primary activity.

*Meal:* A variety and combination of food items which may contain entrees, sandwiches, combination salads, pizza, soup, breads, vegetables or fruits, contained in a menu as approved by the ~~director~~ licensing official.

(b) *Wine, intoxicating malt liquor, or 3.2 percent malt liquor.* May only be served to patrons seated for regular dining that have ordered or have been served a meal.

(c) Establishments licensed under this section may not have a bar or bar area. Counter area existing as of the effective date of this section equipped for the service of food and drink to patrons in full view of and conducted as part of the service of the dining room shall not be considered a bar or bar area.

(d) *Hours of operation:* Establishments licensed under this section shall not exceed the lawful hours of operation established in chapter 363.40 (a) of this Code. The city council may require establishments licensed under this section to further reduce their hours of operation upon consideration of, but not limited to, one (1) or more of the following factors:

- (1) Proximity to permitted or conditional residential uses.
- (2) Nature of the business and its impact of noise, light, and traffic.

- (3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area, and specific development standards.
  - (4) History of complaints related to the use.
- (e) Full menu service shall remain available during all of the establishments hours of operation.
- (f) *Percentage of food sold.*
- (1) Establishments licensed under this section shall provide an accounting of the actual percentage of gross receipts attributable to the sale of food and non-alcoholic beverages during the immediately preceding calendar year. This requirement shall be established by an affidavit of the licensee on a form provided by the ~~director~~ licensing official. Such affidavit shall be submitted with each application for issuance of renewal of the license, or at other times as the ~~director~~ licensing official may request. Such statements shall be subject to verification by the city and the license applicant shall make such records available as may be necessary to verify such statements. The applicant shall upon request furnish the city certified copies of any state sales tax returns covering the sale of food and beverages. The ~~director~~ licensing official, and any time and from time to time, may require that such accounting be verified and confirmed by an independent and licensed certified public accountant who is a member of the Minnesota Society of Certified Public Accountants. Failure or refusal of a licensee to provide such accountings upon request, or any false statements in any such accounting, shall be grounds for denial, suspension or revocation of all licenses held by such licensee for the on-sale of wine.
  - (2) In the event the city disputes the license applicant's statements, the matter shall be submitted to a neutral certified public accountant agreed upon by the city and the applicant. The certified public accountant shall make a determination based on accepted accounting principles, which shall be binding on both parties. The license applicant shall post a bond or cash in an amount that the city believes reasonably necessary to pay the cost of the audit.
- (g) *Posting of license and outdoor seating plan.* Each licensee under this section shall conspicuously post the license certificate that shall list the authorized number of both indoor and outdoor seats. The licensee shall also post the approved outdoor seating plan immediately adjacent to the license certificate.
- (h) All other provisions of this Title 14 shall apply unless by their nature are not applicable.

(i) This section 363.42 shall not apply to establishments in the Linden Hills neighborhood, until adoption of the Linden Hills Zoning Code Overlay. The Linden Hills neighborhood is defined as the area bounded by 36th Street and Lake Calhoun Parkway to the north, William Berry Parkway and Lake Harriet to the east, 47th Street and Fulton neighborhood to the south, and France Avenue and the cities of Edina and St. Louis Park to the west.

Section 4. That Section 363.60 of the above-entitled ordinance be amended to read as follows:

**363.60. Payment and receipt for fee.** (a) The applicant shall, on or before the filing of an application, pay to the ~~department of licenses and consumer services~~ licensing official the fee required by section 363.50, and the ~~department~~ licensing official shall give to such applicant a receipt in duplicate, a copy of which receipt shall be filed with such application.

(b) If any application for a license or for a transfer of a license is denied by the city council or withdrawn by the applicant, the fee paid under section 363.50(a) shall be refunded to the applicant.

Section 5. That Section 363.100 of the above-entitled ordinance be amended to read as follows:

**363.100. Application procedure.** (a) Every application for an "on sale" wine license, including applications for renewal of existing licenses and change of ownership of existing licenses, and applications for expanded or diminished licensed premises, shall be made only upon forms furnished by the ~~department of licenses and consumer services~~ licensing official, and when completed by the applicant, shall be filed ~~with the said department,~~ and a record of the same made therein. The application shall then be referred ~~by said department~~ to the license inspector of the police department, who, upon having completed investigation thereof, shall direct the same to the ~~department of licenses and consumer services~~ licensing official.

(b) Any person desiring renewal of an "on sale" wine license shall make and file on or before sixty (60) days prior to the expiration of the license year a verified written application to the city council, through the ~~department of licenses and consumer services~~ licensing official in form as prescribed by the liquor control commission. If, in the judgment of the council, good and sufficient cause is shown by an applicant for failure to file the application for a license on or before sixty (60) days prior to the expiration of the license year, the council may, if the other provisions of this chapter are complied with, grant such application.

Section 6. That Section 363.150 of the above-entitled ordinance be amended to read as follows:

**363.150. Insurance required.** At the time of filing any application for a wine license, the applicant shall file with the city, through the ~~department of licenses and consumer services~~ licensing official, a liability insurance policy, or other evidence of financial responsibility, which fully satisfies the requirements of Minnesota Statutes, Section 340A.409, unless the applicant establishes by affidavit that it meets one of the exceptions provided in Minnesota Statutes, Section 340A.409, Subdivision 4. Such insurance, when required, shall be provided by an insurer authorized to do business in the State of Minnesota.

Section 7. That Section 363.260 of the above-entitled ordinance be amended to read as follows:

**363.260. Investigation.** The police license inspector shall investigate into the truthfulness of the statements set forth in the application, and into any other matters he or she considers relevant to the application, and shall endorse his or her findings thereon. The applicant shall furnish to the police license inspector such evidence as he or she may reasonably require in support of the statements set forth in the application. Upon completing his or her report, the police license inspector shall return the application to the ~~office of the department of licenses and consumer services~~ licensing official. The applicant shall file such security as may be required by law with the ~~office of the department of licenses and consumer services~~ licensing official, which security shall be approved as to form and execution by the city attorney.

Section 8. That Section 363.290 of the above-entitled ordinance be amended to read as follows:

**363.290. Hearings on applications.** If the application shall be for a new license, under this chapter, including an application for a new Class A through Class D license for premises which have not previously been licensed for music, dancing or live entertainment, such application shall be referred to the appropriate committee of the city council. The ~~department of licenses and consumer services~~ licensing official shall notify by mail all residents, to the extent such notice is feasible, and property owners within six hundred (600) feet of the main entrance of the proposed establishment, except that where the application is for a license within a B-4 zoned district, or in the downtown or east bank commercial districts described in section 362.430, the department shall only be required to notify all residents and property owners within three hundred (300) feet of the main entrance of the proposed establishment, said notice going to the owners of record in the office of the county auditor, of the time and place at which such application shall be considered by the appropriate committee of the city council. The ~~director~~ licensing official shall also notify the appropriate neighborhood group(s) and business association(s) of the time and place of the hearing. The ~~director of the licenses and consumer services department~~ licensing official shall assess, and the applicant shall remit to the Minneapolis Finance Department prior to public notification, all specific expenses incurred by the city, including those from identification of the property residents and owners, production of the notice, interdepartmental processing fees, and postage costs. The chair of said committee shall notify the council member of the ward

affected by the application of the time and place when the committee will consider the application and the application shall not be disposed of by the committee until the same shall have been considered by the committee at two (2) regular meetings thereof. The final action of the committee upon any application referred to in this chapter shall be reported to the city council and by it considered and acted upon according to law.

Section 9. That Section 363.300 of the above-entitled ordinance be amended to read as follows:

**363.300. Renewal procedure.** If the application shall be for the renewal of an existing license, the ~~director of licenses and consumer services~~ licensing official shall immediately transmit the same to the appropriate committee of the city council, whereupon the application may be summarily acted upon by said committee and referred to the city council for immediate action.

Section 10. That Section 363.360 of the above-entitled ordinance be amended to read as follows:

~~**363.360. Conviction: Suspension or revocation.** Upon conviction of the licensee, or of any agent or employee of said licensee, for violation of any of the provisions of law relating to the sale, possession, manufacture or transportation of wine or beer upon the premises of the licensee operated under said license, all licenses of the licensee shall be forthwith revoked, unless it shall appear that such violation was not willful on the part of the licensee, in which case, and in lieu of such revocation, such licenses may be suspended for a period of ten (10) days for the first violation or offense, for a period of thirty (30) days for the second violation or offense, and for the third violation or offense said licenses shall be revoked forthwith, which suspension or revocation shall be in addition to other penalties provided by this Code.~~ **Suspension, revocation and other adverse license action.** Upon a finding by the city council that the licensee, or any agent or employee of said licensee, has failed to comply with any of the provisions of law relating to the sale, purchase, distribution, possession, manufacture or transportation of wine or beer upon the premises of the licensee operated under said license, all licenses of the licensee shall be subject to adverse action pursuant to Minn. Statute Section 340A.415 and as otherwise provided by this Code.

Section 11. That Section 363.410 of the above-entitled ordinance be amended to read as follows:

**363.410. Issuance and posting of license.** Upon the approval by the city council of the application, and approval by the liquor control commissioner, a license shall be issued by the ~~office of the department of licenses and consumer services~~ licensing official containing the name and address of the license and a description of the premises for which such license is granted, which license shall be signed by the ~~director of licenses and consumer services~~ licensing official, and the same shall be kept posted

at all times in a conspicuous place in the premises for which license is issued.

Section 12. That Section 363.420 of the above-entitled ordinance be amended to read as follows:

**363.420. Death of licensee.** The duly appointed, qualified and acting personal representative of the estate of a deceased licensee may operate under any license issued to the deceased licensee, for not more than ninety (90) days after the death of such licensee, upon the filing by said personal representative with the ~~office of the department of licenses and consumer services~~ licensing official of a certified copy of his or her appointment as such. The qualifications of an applicant for an original license under this chapter shall also apply to such personal representative, except insofar as such qualifications shall also be required by any other law.

Section 13. That Section 363.425 of the above-entitled ordinance be amended to read as follows:

**363.425. Military service of licensee.** Any person licensed to sell wine who shall enter any of the services of the Armed Forces of the United States may continue as holder of such license, and may have the same renewed in his or her name, together with any food license held in connection with the conduct of the business, by giving to a person selected by him or her a power of attorney to manage and conduct the business while said licensee is in the armed forces, and to apply for renewals of all such licenses for and on behalf of such licensee. Such power of attorney shall state that such licensee has entered the Armed Forces of the United States and shall designate the particular branch thereof. In addition to the authority and power to manage and conduct the business, such power of attorney, if the licensee shall so desire, may also provide for the authority to sell and dispose of such business. Any application for the renewal of any such license shall be made by the person holding such power of attorney for and on behalf of the licensee, but all information required in the license application shall pertain to the person so appointed to manage and conduct the business of the licensee, and no person not qualified under this chapter to hold or obtain such license in his or her own name, shall be authorized to conduct or manage such business under said power of attorney, nor shall the application of any such person be accepted. Furthermore, the provisions of this chapter shall not apply unless the person appointed power of attorney shall notify the ~~department of licenses and consumer services~~ licensing official within thirty (30) days of the time the licensee entered the armed forces.

Section 14. That Section 363.440 of the above-entitled ordinance be amended to read as follows:

**363.440. Premises to be open to inspection.** The premises named in any license shall at all times while open to the public be open also to inspection and examination by the licensing official or any police, fire, regulatory code official or inspector, or health officer of the city.

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**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By: Lilligren**

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**Amending Title 14, Chapter 366 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Beer Licenses.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 366.40 of the above-entitled ordinance be amended to read as follows:

**366.40. Temporary "on sale" beer license.** (a) A club or charitable, religious or nonprofit organization not included within the term "bona fide" club as defined in section 360.10 may obtain a temporary "on sale" license to sell beer on premises specified in the license, including school buildings and school grounds. The fee for such license shall be as established in Appendix J, License Fee Schedule.

(b) Application for a temporary "on sale" beer license shall be made in conformance with the provisions of section 366.110(a).

(c) The application for such temporary "on sale" beer license shall contain the following:

- (1) The name and address of the organization.
- (2) The purpose for which the organization is organized.
- (3) The purpose for which the temporary "on sale" beer license is desired.
- (4) The address of the place where beer is to be sold.
- (5) The dates and hours at which beer is to be sold.

(d) A temporary "on sale" beer license shall be issued subject to the following conditions:

- (1) Such license shall be issued for a period not to exceed ten (10) days.

- (2) No individual organization shall be granted such license more than four (4) times per calendar year.
- (3) No such license shall be issued for the sale of beer on school grounds or in school buildings or within three hundred (300) feet thereof when regularly scheduled classes are being held in such school.
- (4) No such license shall be issued for the sale of beer within three hundred (300) feet of any church on any day upon which regularly scheduled church activities are conducted in such church; provided, however, that this restriction shall not apply if the authorized representative of such church consents in writing to the sale of beer under a temporary license at such times.
- (5) The distances referred to in subsection (c) and (d) shall be calculated as provided in section 366.270.
- (6) No more than twelve (12) licenses shall be granted in any one calendar year at any location, except for the Minneapolis Park and Recreation Board Parade Stadium.
- (7) In the case of an event to be held upon publicly owned property, or where projected attendance is in excess of one thousand (1,000) persons; a certificate that there is in effect for the license period an insurance policy or pool providing at least fifty thousand dollars (\$50,000.00) of coverage because of bodily injury to any one person in any one occurrence, three hundred thousand dollars (\$300,000.00) because of bodily injury to two (2) or more persons in any one occurrence, ten thousand dollars (\$10,000.00) because of injury to or destruction of property of others in any one occurrence, fifty thousand dollars (\$50,000.00) for loss of means of support of any one person in any one occurrence, and three hundred thousand dollars (\$300,000.00) for loss of means of support of two (2) or more persons in any one occurrence. An annual aggregate policy limit for dramshop liability of not less than three hundred thousand dollars (\$300,000.00) per policy period may be included in the policy provisions. The policy shall cover all liability imposed by Section 340A.801, Minnesota Statutes. In the case of property owned or controlled by the City of Minneapolis, the city shall be named as an additional insured.

(e) ~~Director of licenses and consumer services~~ Licensing official to grant temporary on-sale beer license in certain instances. When an application for a license for temporary on-sale beer has been filed too late to be considered on the regular agendas of the ~~public safety and regulatory services committee and the city council~~ or the appropriate committee of the council prior to the scheduled date of the event, the ~~director of licenses and consumer services~~ licensing official may issue the license if the application is filed and complete, the fee including a fifty (50) percent late fee has been

paid, and the required conditions listed above have been met. The ~~director~~ licensing official may also deny, suspend or revoke those licenses which he or she has issued based on the reasons listed above for which the city council may deny, suspend or revoke such licenses. The issuance of a temporary on-sale beer license is subject to compliance with all applicable health and safety laws. Concurrence with the issuance of the temporary on-sale beer license shall be obtained from the chair of the ~~public safety and regulatory services committee~~ appropriate committee of the city council and the council member representing the affected ward prior to the issuance of the license.

Section 2. That Section 366.70 of the above-entitled ordinance be amended to read as follows:

**366.70. Payment and receipt for fee.** (a) The applicant shall, on or before the filing of such application, pay to the ~~department of licenses and consumer services~~ licensing official the license fee required for the kind of license applied for, and the ~~department~~ licensing official shall give to such applicant a report in duplicate, a copy of which receipt shall be filed with such application.

(b) Notwithstanding the provisions of any other ordinance, if an application for an "on sale" license is denied by the city council or withdrawn by the applicant, the amount as established in Appendix J, License Fee Schedule, shall be retained from any money deposited by the applicant, to defray the costs of the city in processing and investigating the application and any sum over the amount established in Appendix J may be refunded to the applicant.

Section 3. That Section 366.110 of the above-entitled ordinance be amended to read as follows:

**366.110. Application forms and procedures.** Every application for a license to sell beer, including applications for changes in ownership or expansion of premises, shall be made only upon forms furnished by the ~~department of licenses and consumer services~~ licensing official and, when completed by the applicant, shall be filed ~~by the same department~~ and a record of the same made therein. An application for a change in ownership or expansion of an "on sale" premises shall be accompanied by a nonrefundable investigation fee as established in Appendix J, License Fee Schedule. A licensee holding an "off sale" beer license shall not be required to make application for an expansion of premises. Notwithstanding the above-stated requirements, a licensee which is a publicly held corporation or a wholly owned subsidiary of a publicly held corporation need not file an application nor pay an investigation fee for changes in shareholders of the publicly held corporations nor changes in officers of either the publicly held corporation or the wholly owned subsidiary. An application and investigation fee must be submitted for changes in shareholders of the wholly owned subsidiary corporation and/or changes in managers. An application and investigation fee must be submitted for a change in manager when the licensee is a nonresident individual.

The application for an "on sale" beer license shall then be referred by the ~~department of licenses and consumer services~~ to the license inspector of the police department, who upon having completed investigation thereof, shall direct the same to the ~~department of licenses and consumer services~~ licensing official. The application for a new "off sale" beer license or for the renewal of an "off sale" beer license shall be recorded and investigated by the ~~department of licenses and consumer services~~ licensing official.

Section 4. That Section 366.150 of the above-entitled ordinance be amended to read as follows:

**366.150. Investigation of application.** The police license inspector shall investigate into the truthfulness of the statements set forth in all "on sale" beer applications, and into any other matters he or she considers relevant to the application, and shall endorse the findings thereof. All "off sale" beer applications shall be investigated by the ~~department of licenses and consumer services~~ licensing official. The applicant shall furnish to the proper investigator such evidence as the investigator may reasonably require in support of the statements set forth in said application. Upon completion of the report, the application shall be filed with the ~~department of licenses and consumer services~~ licensing official.

Section 5. That Section 366.180 of the above-entitled ordinance be amended to read as follows:

**366.180. Hearings on applications.** If the application shall be for a new "on sale" license, under this chapter, including a new Class A through Class D license for premises which have not previously been licensed for music, dancing or live entertainment, such application be referred to the appropriate committee of the city council. The ~~department of licenses and consumer services~~ licensing official shall notify by mail all residents, to the extent such notice is feasible, and property owners within six hundred (600) feet of the main entrance of the proposed establishment, except that where the application is for a license within a B-4 zoned district, or in the downtown or east bank commercial districts described in section 362.430, the ~~department~~ licensing official shall only be required to notify all residents and property owners within three hundred (300) feet of the main entrance of the proposed establishment, said notice going to the owners of record in the office of the county auditor of the time and place at which such application shall be considered by committee. The ~~director~~ licensing official shall also notify the appropriate neighborhood group(s) and business association(s) of the time and place of the hearing. The ~~director of the licenses and consumer services~~ department licensing official shall assess and the applicant shall remit to the Minneapolis Finance Department prior to public notification, all specific expenses incurred by the city, including those from identification of the property residents and owners, production of the notice, interdepartmental processing fees, and postage costs. The first hearing on said application shall be held at the time and place regularly fixed for the meeting of the committee, but succeeding hearings may be had at any special or regular meeting thereof. The chair of the committee shall cause the council member of

the ward affected by said application to be notified of the time and place when the committee will consider said application, and such application shall not be disposed of by the committee until the same shall have been brought before and considered by the committee at two (2) regular meetings thereof. The final action of the committee upon any application referred to in this chapter shall be reported to the city council and by it considered and acted upon according to law.

Section 6. That Section 366.190 of the above-entitled ordinance be amended to read as follows:

**366.190. Action on "off sale" applications.** If the application shall be one for "off sale" beer license, such application, upon being investigated by the ~~department of licenses and consumer services~~ licensing official, shall be presented by that department to the appropriate committee at its next regular meeting.

Section 7. That Section 366.200 of the above-entitled ordinance be amended to read as follows:

**366.200. Renewal procedure.** If the application shall be for the renewal of an existing license, the ~~department of licenses and consumer services~~ licensing official shall immediately transmit the same to the appropriate committee of the city council, and the chair of said committee shall cause the council member of the ward wherein such business establishment is located to be notified and furnish him or her with an opportunity to be heard before said committee; whereupon the application may be summarily acted upon by the committee and referred to the city council for immediate action.

Section 8. That Section 366.250 of the above-entitled ordinance be amended to read as follows:

~~**366.250. Suspension or revocation on conviction.** Upon conviction of the licensee, or of any agent or employee of said licensee, for violation of any of the provisions of law or of this Code relating to the sale, possession, manufacture or transportation of beer upon the licensed premises, all licenses of the licensee shall be forthwith revoked, unless it shall appear that such violation was not willful on the part of the licensee, in which case and in lieu of such revocation, such licenses may be suspended for a period of ten (10) days for the first violation or offense, for a period of thirty (30) days for the second violation or offense and for the third violation or offense, said licenses shall be revoked forthwith. This suspension or revocation shall be in addition to any other penalty provided.~~ **Suspension, revocation and other adverse license action.** Upon a finding by the city council that the licensee, or any agent or employee of said licensee, has failed to comply with any of the provisions of law relating to the sale, purchase, distribution, possession, manufacture or transportation of beer upon the premises of the licensee operated under said license, all licenses of the licensee shall be subject to adverse action pursuant to Minn. Statute Section 340A.415 and as otherwise provided by this Code.

Section 9. That Section 366.330 of the above-entitled ordinance be amended to read as follows:

**366.330. Issuance and posting of license.** Upon the granting by the city council of the application, a license shall be issued by the ~~department of licenses and consumer services~~ licensing official containing the name and address of the licensee and a description of the premises for which such license is granted, which license shall be signed by the ~~director of said department~~ licensing official and shall have attached thereto the seal of the city, and the same shall be kept posted at all times in a conspicuous place in the premises for which license is issued.

Section 10. That Section 366.340 of the above-entitled ordinance be amended to read as follows:

**366.340. Death of licensee.** The duly appointed, qualified and personal representative of the estate of a licensee may conduct the business authorized by any license issued under the terms of this chapter to the deceased licensee, for not more than ninety (90) days after the death of such licensee, upon filing by said personal representative with the ~~department of licenses and consumer services~~ licensing official, of a certified copy of his or her appointment as such. The qualifications of an applicant for an original license under this chapter shall also apply to such personal representative, except insofar as such qualifications shall also be required by any other law.

Section 11. That Section 366.350 of the above-entitled ordinance be amended to read as follows:

**366.350. Military service of licensee.** Any person licensed to sell beer who shall enter any of the services of the Armed Forces of the United States may continue as holder of such license, and may have the same renewed in his or her name, together with any food license held in connection with the conduct of the business, by giving to a person selected by him or her a power of attorney to manage and conduct the business while said licensee is in the armed forces and to apply for renewals of all such licenses for and on behalf of such licensee. Such power of attorney shall state that such licensee has entered the Armed Forces of the United States, and shall designate the particular branch thereof. In addition to the authority and power to manage and conduct the business, such power of attorney, if the licensee shall so desire, may also provide for the authority to sell and dispose of such business. Any application for the renewal of any such license shall be made by the person holding such power of attorney, for and on behalf of the licensee but all information required in the license application shall pertain to the person so appointed to manage and conduct the business of the licensee, and no person not qualified under this chapter to hold or obtain such license in his or her own name, shall be authorized to conduct or manage such business under said power of attorney, nor shall the application of any such person be accepted. Furthermore, the provisions of this chapter shall not apply unless the person appointed

power of attorney shall notify the ~~department of licenses and consumer services~~ licensing official within thirty (30) days of the time the licensee entered the Armed Forces.

Section 11. That Section 366.360 of the above-entitled ordinance be amended to read as follows:

**366.360. Premises to be open to inspection.** The premises named in any license shall at all times while open to the public be open also to inspection and examination by the licensing official or any police, fire, regulatory code official or inspector, or health officer of the city.