

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 363.25 of the above-entitled ordinance be amended to read as follows:

363.25. On-sale intoxicating malt liquor licenses for holders of wine licenses. (a) A holder of an on-sale wine license may apply for an on-sale intoxicating malt liquor (strong beer) license in the same class as the on-sale wine license. The on-sale intoxicating malt liquor license shall be coterminus with the on-sale wine license, and shall be deemed revoked, suspended, expired, or cancelled upon the revocation, suspension, expiration, or cancellation of the on-sale wine license.

(b) The city council may grant an application for on-sale intoxicating malt liquor license upon a finding that:

(1) The applicant meets all of the conditions and requirements for an on-sale wine license;

(2) The licensed premises does not contain a "bar area" except as permitted herein. A "bar area" shall mean any area not devoted exclusively to full restaurant service to customers seated at tables, in which consumption of alcoholic beverages is the primary activity, except an area predominantly used as a holding area for customers waiting for restaurant seating. The size and capacity of such an area must bear a relationship to the size and capacity of the restaurant area which is consistent with its purpose as a waiting area. A waiting area of excessive size shall not be approved.

(c) The on-sale intoxicating malt liquor license, when held in conjunction with an on-sale wine license, shall permit the on-sale of both intoxicating and nonintoxicating malt liquor.

(d) When the provisions of this title relating to on-sale wine licenses and on-sale beer licenses are inconsistent, the provisions relating to on-sale wine licenses shall govern.

(e) The annual fee for an on-sale intoxicating malt liquor license, when issued to the holder of an on-sale wine license, shall be ~~six hundred dollars (\$600.00)~~ as established in Appendix J, License Fee Schedule, due and payable at the same time as the on-sale wine license fee.

Section 2. That Section 363.26 of the above-entitled ordinance be amended to read as follows:

363.26. On-sale nonintoxicating malt liquor licenses for holders of wine licenses. (a) A holder of an on-sale wine license may apply for an on-sale nonintoxicating malt liquor (3.2 beer) license in the same class as the on-sale wine license. The on-sale nonintoxicating malt liquor license shall be coterminus with the on-sale

wine license, and shall be deemed revoked, suspended, expired, or cancelled upon the revocation, suspension, expiration, or cancellation of the on-sale wine license.

- (b) The city council may grant an application for an on-sale nonintoxicating malt liquor license upon a finding that the applicant meets all of the requirements and conditions for an on-sale wine license.
- (c) The on-sale nonintoxicating malt liquor license, when held in conjunction with an on-sale wine license, shall permit the on-sale of nonintoxicating malt liquor (3.2 beer).
- (d) When the provisions of this title relating to on-sale wine licenses and on-sale beer licenses are inconsistent, the provisions relating to on-sale wine licenses shall govern.
- (e) The annual fee for an on-sale nonintoxicating malt liquor license, when issued to the holder of an on-sale wine license, shall be ~~two hundred ninety nine dollars (\$299.00)~~ as established in Appendix J, License Fee Schedule due and payable at the same time as the on-sale wine license fee.

Section 3. 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 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 ~~one hundred fifty eight dollars (\$158.00) (two hundred thirty six dollars (\$236.00) director granted)~~ per day for events with a projected attendance of less than ten thousand (10,000) persons and ~~two hundred sixty three dollars (\$263.00) (three hundred ninety four dollars (\$394.00) director granted)~~ per day for events with a projected attendance of more than ten thousand (10,000) persons, additionally events with a projected attendance of more than ten thousand (10,000) persons shall pay an investigation fee of five hundred dollars (\$500.00) for the first application for a temporary wine license 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 ~~sixty two dollars (\$62.00) per day~~ 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 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 prior to the scheduled date of the event, the director of licenses and consumer services 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 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 and the council member representing the affected ward prior to the issuance of the license.

Section 4. That Section 363.50 of the above-entitled ordinance be amended to read as follows:

363.50. License fees established. (a) The annual fees for the licenses as required by this chapter shall be as follows: established in Appendix J, License Fee Schedule.

~~For a Class A "on sale" wine license . . . \$2,000.00~~
~~For a Class B "on sale" wine license . . . 2,000.00~~
~~For a Class C-1 "on sale" wine license . . . 2,000.00~~
~~For a Class C-2 "on sale" wine license . . . 2,000.00~~
~~For a Class D "on sale" wine license . . . 1,498.00~~

For a Class E "on sale" wine license . . . 1,198.00
Temporary expansion of premises . . . 120.00

(b) The annual fee for any type of wine license must be paid sixty (60) days prior to April first of each year.

(c) All "on sale" applicants shall pay a nonrefundable investigative filing fee as established in Appendix J, License Fee Schedule ~~in the sum of five hundred dollars (\$500.00)~~; except that no fee shall be paid when the following changes are filed with the department of licenses and consumer services:

(1) When a partner sells or transfers his or her share of the partnership to other members of the partnership;

(2) When a shareholder sells all or part of his or her shares of stock to persons who are already shareholders, officers, directors, or managers of the corporation and who are already listed as such on the current application;

(3) Any corporate reorganization where the new officers, directors, managers and shareholders are already named on the original application;

(4) When a business wishes to eliminate Sunday sales or wishes to downgrade the class of license it holds;

(5) When a personal representative of the estate of a deceased licensee files a certified copy of his or her appointment; or

(6) When the licensed premises have been diminished.

Section 5. That Section 363.80 of the above-entitled ordinance be amended to read as follows:

363.80. Penalty for late renewal. In the event any application is granted which has not been filed on or before sixty (60) days prior to the expiration of the license year, before the license can be issued the applicant shall pay an additional fee in the amount of ~~twenty (20) per cent of the installment due~~ as established in Appendix J, License Fee Schedule, in addition to the regular license fee.

Section 6. That Section 363.90 of the above-entitled ordinance be amended to read as follows:

363.90. Penalty for late installment. (a) Any installment of license fee which is not paid by the due date, may be paid within fifteen (15) days thereafter upon payment of an additional fee in the amount of twenty (20) per cent of the installment due. Failure to make such payment within the time provided shall cancel all

rights of the licensee under such license, and the police department shall immediately close the place of business operated under such license.

(b) Provided, further, that if any former licensee, whose license has been canceled pursuant to the provisions of this section, makes an application for another license after such cancellation, such applicant shall, in addition to the payment of the required license fee, pay an additional amount as established in Appendix J, License Fee Schedule ~~in the sum of fifty dollars (\$50.00)~~ to cover the necessary costs incurred by the city.

Section 7. That Section 363.310 of the above-entitled ordinance be and is hereby repealed.

~~363.310. Transfer of licenses.~~ (a) ~~Licenses shall be transferable only upon application by the transferee and consent of the city council. The application shall contain all of the information required for an original application.~~

(b) ~~— In the application for transfer of "on sale" wine licenses, there shall be a statement of whether or not any agent or broker or any person other than the former licensee has received, or will receive, any commission, fee, or any thing of value, directly or indirectly, in connection with the application or the sale of the assets of the business, and if so, the application shall state the names and addresses of the individuals or businesses who have received or will receive the payment. Such application for transfer of license shall be signed and made by both the licensee and the proposed transferee thereof. Any misstatement or misrepresentation made in such application as to the actual amount or kind of such consideration, money or property paid, given or exchanged for the license shall operate forthwith to revoke, cancel and annul the license proposed to be transferred. Transferee shall have the qualifications of any original applicant hereunder. Such application for transfer shall be accompanied by a written assignment of all rights of the original licensee in and to the license. Upon the granting of such transfer the original licensee shall not be entitled to a refund of any portion of the license fee paid by him, and the transferee shall thereafter pay the balance due on the license (if the same has not been paid in full) as the installments become due.~~

(c) ~~— No license shall be transferred unless there has been submitted on support of the application an affidavit of the original licensee transferor that the following acts, verifiable by the director of licenses and consumer services, have been performed:~~

(1) ~~— That transferor 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 for the transfer of the license;~~

(2) ~~— That said notice was so posted continuously for a period of at least fourteen (14) days prior to the date of said hearing;~~

~~(3) — 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;~~

~~(4) — 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;~~

~~(5) — 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.~~