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**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By Palmisano, Glidden and Frey**

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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 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 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 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 (1) 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~~, the 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~~, the 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) 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 city council or the appropriate committee of the council prior to the scheduled date of the event, the 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 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 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 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 licensing official may deem necessary.
- (2) An individual licensee may be granted up to twelve (12) 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. The limitation on the number of temporary expansion licenses granted in a twelve-month period may be waived by the licensing official for special events.
- (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, the 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) 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 city council or the appropriate committee of the council prior to the scheduled date of the event, the 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 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. The limitation on the number of temporary expansion licenses granted in a twelve-month period may be waived by the licensing official for special events.
- (b) 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 city council or the appropriate committee of the council prior to the scheduled date of the event, the 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 licensing official may not issue a permit for a temporary expansion under subsection 362.36(b).

Section 3. That Section 362.45 of the above-entitled ordinance be amended to read as follows:

**362.45. "Off-sale" malt liquor.** (a) A brewer licensed under Minnesota Statute 340A.301, Subdivision 6(d), (i), or (j) may be licensed for the "off-sale" of malt liquor produced and packaged on the licensed premises, subject to the following conditions:

- (1) Off-sale of malt liquor may only be made during the hours that "off-sale" of liquor may be made;
- (2) The malt liquor shall be packaged in sixty-four-ounce containers commonly known as "growlers" or in seven hundred fifty (750) milliliter bottles;
- (3) The malt liquor sold at "off-sale" must be removed from the licensed premise before the applicable closing time at exclusive liquor stores;
- (4) The "growler" must be sealed in such a manner that the seal must be broken in order to open the container and the seal must bear the name and address of the brewer, and the legend "Not for Consumption in Public" must be prominently displayed on the seal.

(b) "Off-sale" malt liquor premises shall not be subject to the requirement that they be in excess of two thousand (2,000) feet from another "off-sale" liquor premise.

(c) The annual license fee shall be as listed in ~~Appendix J~~ the License Fee Schedule.

Section 4. That Section 362.50 of the above-entitled ordinance be amended to read as follows:

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

(b) The annual license fee for any "on sale" liquor license may be paid in advance in two (2) equal installments, one sixty (60) days prior to the expiration of the license year and the other on or before six (6) months prior to the expiration of the license.

(c) All "on sale" and "off sale" applicants shall pay a nonrefundable investigative filing fee as established in ~~Appendix J~~, the License Fee Schedule. 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 any 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 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 licensing official the fees required under section 362.50, as established in ~~Appendix J~~, the License Fee Schedule, and the 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~~, the 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~~, the License Fee Schedule shall be retained, and any sum over the amount specified in ~~Appendix J~~, the License Fee Schedule may be refunded.

Section 6. That Section 362.90 of the above-entitled ordinance be amended to read as follows:

**362.90. 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) percent of the installment due. Failure to make such payment within the time provided shall ipso facto cancel all rights of the licensee under the 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~~, the License Fee Schedule, to cover the necessary costs incurred by the city.

Section 7. That Section 362.120 of the above-entitled ordinance be amended to read as follows:

**362.120. Contents of application.** In addition to the information which may be required by the state liquor control commissioner's form, the application shall contain the following:

- (a) True name, place and date of birth, and street residence address of applicant.
- (b) Whether applicant is married or single. If married, true name, place and date of birth, and street residence address of applicant's spouse.
- (c) Whether applicant and spouse maintain their principal place of abode in the State of Minnesota.
- (d) Street addresses at which applicant has lived during the preceding ten (10) years.

- (e) Kind, name and location of every business or occupation applicant has been engaged in during the preceding ten (10) years.
- (f) Names and addresses of applicant's employers for the preceding ten (10) years.
- (g) Whether or not applicant has ever been convicted of any felony crime or ordinance violation since January 6, 1934. If so, when, where and for what such convictions were had.
- (h) Whether applicant has ever been engaged as an employee in operation of a saloon, café, soft drink parlor or other business of similar nature. If so, when, where and for how long.
- (i) Whether applicant is a natural person, corporation, partnership or unincorporated association.
- (j) If applicant is other than a natural person, the name of the manager or proprietor of the premises to be licensed, giving all the information about said manager or proprietor as is required about the applicant by subsections (a) through (h) above.
- (k) If applicant is other than a natural person, the names of all the members or owners thereof, giving all the information about said members or owners as is required about the applicant by subsections (a) through (h) above. This subsection (k), however, shall not apply to a corporation whose stock is publicly traded on a stock exchange and who is applying for an "on sale" license to be owned or operated by it.
- (l) The floor number and street number where sale of liquor is to be conducted, and if to be conducted in a hotel, the number of dining rooms open to the public where meals are regularly served to guests.
- (m) Names and addresses of the owner and any lessees of the land upon which is located the building which houses the premises to be licensed.
- (n) Names and addresses of all owners, lessees, mortgagors or vendors of fixtures or furniture used or to be used in the premises to be licensed.
- (o) Name and address of every person who shall have charge, management or control of the place licensed.
- (p) Names and residence and business addresses of three (3) persons, residents of the County of Hennepin, of good moral character, not related to the applicant, who may be referred to as to his or her character.
- (q) If applicant is a corporation, partnership, unincorporated association or club, the name and general purpose of such corporation, partnership, unincorporated association or club, and the names and street addresses of all officers. In addition, corporations shall file with the application two (2) certified copies of the bylaws, articles of incorporation and minutes of the meeting setting forth the officers of the corporation.
- (r) If applicant is a corporation, the state of incorporation, and a complete list of all stockholders with number of shares owned by each. This subsection (r), however, shall not apply to a corporation whose stock is publicly traded on a stock exchange and who is applying for an "on sale" license to be owned or operated by it.

- (s) If applicant is a partnership, the names and addresses of all partners.
- (t) If a permit from the federal government is required by the laws of the United States, whether or not such permit has been issued, and, if so, in what name.
- (u) Exact legal description of the premises to be licensed including the plat and parcel number.
- (v) Whether or not all real estate and personal property taxes for the premises to be licensed have been paid, and if not paid, the years for which delinquent.
- (w) Such other information as the city council may require.
- (x) An applicant for any "on sale" or "off sale" liquor license shall file with the application, a notarized agreement that in consideration of the granting of such a license he or she will, in the event that he or she ever hires any off-duty city employee to work at the licensed premises, 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 employee, and that during all periods of employment of an off-duty city employee, he or she will maintain in force and effect an insurance policy written by a company authorized to do business in the State of Minnesota, insuring against public liability or damages in the sum of one hundred thousand dollars (\$100,000.00) for injury or death to one person, and three hundred thousand dollars (\$300,000.00) for each accident or occurrence, and five thousand dollars (\$5,000.00) property damage, with the city and any off-duty city employee so employed as additional named assureds, and further that during such periods of employment he or she will maintain in effect an insurance policy with workmen's compensation coverage, fully covering the off-duty city employee during periods of employment by the licensee. The granting of a license shall be deemed to be acceptance of the agreement by the city, causing it to be in full force and effect during the license period.
- (y) Evidence that notification of the application has been mailed or delivered to the ward council member, the neighborhood group(s), and the business association(s), if any, for the area in which the premises is located. The neighborhood group(s) and the business association(s) to be notified are those organizations that appear on a list maintained by the planning department for this purpose. Where the premises for which the license is sought is located on a public street that acts as a boundary between two or more such neighborhood or business organizations, the notification shall be provided to the organizations that represent the adjacent area(s). The notification shall include the following information:
  - (1) The type of license applied for.
  - (2) The address of the premises for which the license is sought.
  - (3) The applicant's name, address and telephone number.
  - (4) The type of entertainment, if any, that the applicant intends to conduct on the premises.
- (z) A business plan which shall include the following information:
  - (1) Hours of operation for the licensed premises, including a listing of hours and days of the week when live entertainment, dancing, or amplified music is allowed and/or provided;

- (2) A copy of the menu and a listing of the hours each day of the week that food from the menu is available;
- (3) Description of the alcohol server awareness program training that the applicant will provide to all staff;
- (4) Description of the type of entertainment, if any, that the applicant intends to offer on the premises and where on the premises the entertainment activity will be provided;
- (5) A security plan that describes the security features, including personnel and equipment, that the applicant will employ and how they will be utilized;
- (6) Description of how the applicant will maintain the orderly appearance and operation of the premises with respect to litter, graffiti and ~~noise~~ refuse control; and
- (7) A sound and noise management plan that describes the purpose and location of sound amplification equipment and the hours and days of the week that amplified music will be provided;
- (7) Such other reasonable and pertinent information as the city council may require. An applicant shall promptly notify the ~~director~~ licensing official, in writing, of any amendment to the submitted business plan.
- (9) A public hearing may be held to accept public comments and to provide fact finding regarding whether any proposed change in business plan is in the public interest.

Section 8. That Section 362.270 of the above-entitled ordinance be amended to read as follows:

**362.270. False statements in application.** No person shall make any material false statement in any written application, or operate the business in a manner other than as described in the application, and in addition to all other penalties, his or her license shall be revoked by the city council for a violation of this section after notice to the licensee and hearing, and an opportunity of the licensee to be heard.

Section 9. 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 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 licensing official shall only be required to notify all residents and property owners within ~~three~~ four hundred fifty (400450) 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 licensing official shall also notify the appropriate neighborhood group(s) and business association(s) of the time and place

of the hearing. The 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~~ four hundred fifty (~~300~~450) 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 10. 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, brewer taprooms, cocktail rooms, 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 (1) 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 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 11. That Section 362.395 of the above-entitled ordinance be amended to read as follows:

**362.395. "On sale" licenses in proximity to residentially zoned property.** (a) It is the policy of the city council that establishments operating under this section are intended primarily for the service of patrons at tables and for the consumption of alcoholic beverages in conjunction with food service that is prepared on-site. The minimum seating capacity for an on sale liquor establishment shall be 50.

(b) After October 14, 1983, "on sale" licenses for new premises, in which the main entrance is within five hundred (500) feet from residentially zoned property, shall be issued only for premises which qualify as a "restaurant" under subsection 362.390(b) 360.10 and have a maximum bar area of not more than 30% of the total public premises. which comply with the following requirements:

- ~~(1) The establishment shall maintain, on a monthly basis, gross sales revenue during each fiscal year from the sale of food and beverages not containing alcohol in an amount of not less than sixty (60) percent of its total gross revenue from the sale of food and beverages, except that a bowling center shall maintain such revenue in an amount not less than fifty (50) percent.~~
- ~~(2) No such premises shall 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 a substantial 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.~~

~~(b) 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.~~

~~(c) In the event the city disputes the license applicant's statements, the matter shall be submitted to a neutral certified public accountant determined by the city. The certified public accountant shall make a determination based on accepted accounting principles, which shall be binding on both parties. The license applicant shall make any records available to such person as may be necessary to verify the statements. The entire cost of such audit and determination~~

~~shall be paid by the applicant. Prior to such audit, the applicant shall post a bond or cash in an amount which the city believes reasonably necessary to pay the cost of the audit.~~