

ORDINANCE

By Goodman and Reich

Amending Title 14 of the Minnesota Code of Ordinances relating to Liquor and Beer.

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

Section 1. That Section 360.30 contained in Chapter 360, In General, 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 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 established in the 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. A liquor caterer may provide liquor catering services to the public up to four (4) times per calendar year for the duration of no more than three (3) consecutive days so as not to exceed twelve (12) days in a calendar year at one location.
- (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 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 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 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 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 362.35 contained in Chapter 362, Liquor Licenses, 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-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 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 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 licenses 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, if applicable, 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 3. That Section 362.36 contained in Chapter 362, Liquor Licenses, 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, for entertainment not otherwise allowed under the establishment's permanent license, and for late hours entertainment beyond what is not otherwise under Title 14.

(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. Additionally, an individual licensee may be granted up to three (3) temporary expansions of hours for the duration of not more than two (2) consecutive days so as not to exceed six (6) days in any twelve-month period. A temporary expansion of hours shall only be authorized in an indoor area in the Downtown Business Improvement Special Service District as specified in section 465.10. 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 unless otherwise authorized by a temporary expansion of hours per this section.

(5) The fees for a temporary expansion license shall be as established in 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 licenses ~~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, if applicable, the applicant has not been denied an application for temporary expansion of license within the previous eighteen (18) months, and the premises have not been designated by resolution of the city council pursuant to subsection 362.36(b) as requiring city council approval for a temporary expansion of license, 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) (b) The city council may by resolution establish a list of premises for which a temporary expansion of premises license 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)~~ 362.36(a)(8).~~

Section 4. That Section 362.46 contained in Chapter 362, Liquor Licenses, be amended to read as follows:

362.46. – Brewer taprooms. (a) A brewer licensed under Minnesota Statute Section 340A.301, Subd. 6(c), (i), or (j) may be issued an on-sale liquor license for the "on sale" of malt liquor subject to the following conditions:

(1) The on-sale of malt liquor may only be made during the days and hours that "on-sale" of liquor may be made.

(2) A brewer may only hold one (1) brewer taproom license under this chapter.

(3) The only beverage alcohol that may be sold or consumed on the premises of a brewery taproom will be the malt liquor produced by the brewer unless in conjunction with a Minneapolis licensed liquor caterer for a private event.

(4) All other provisions of this chapter, and Chapters 259, 360, and 364 shall be applicable to such licenses and licensees unless inconsistent with the provisions of this section.

(5) The annual license fee shall be as established in the license fee schedule for on sale beer licenses.

(6) Licensed brewer taprooms may operate a restaurant on the premises without additional licensure.

Section 5. That Section 362.47 contained in Chapter 362, Liquor Licenses, be amended to read as follows:

362.47. - Cocktail rooms. (a) A micro distillery licensed under Minnesota Statutes, Section 340A.301(6)(c) may be issued an on-sale liquor license for the "on sale" of distilled spirits produced on the licensed premises subject to the requirements and rules contained in Minnesota Statutes, Chapter 340A and Minnesota Rules, Chapter 7515 and the following conditions:

(1) All other provisions of this chapter, and Chapters 259, 360 and 364 shall be applicable to such licenses and license holders unless inconsistent with the provisions of this section.

(2) The annual license fee shall be as established in the license fee schedule for on- sale beer licenses.

(3) Licensed cocktail rooms may operate a restaurant on the premises without additional licensure.

(4) Soft drinks and water may be provided without an additional license requirement.

(5) A distillery may only hold one (1) cocktail room license under this chapter.

(6) The only beverage alcohol that may be sold or consumed on the premises of a cocktail room will be the distilled spirits produced by the distillery, unless in conjunction with a Minneapolis licensed liquor caterer for a private event.

Section 6. That Section 363.41 contained in Chapter 363, Wine Licenses, 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 three and two-tenths (3.2) percent malt beverages.

(b) Application for temporary on-sale wine 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 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 licensing official 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 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-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 the 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 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 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) Licensing official to grant temporary on-sale wine licenses ~~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 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, if applicable, and the required conditions listed above have been met. The 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 appropriate committee of the city council and the council member representing the affected ward prior to the issuance of the license.~~

Section 7. That Section 366.40 contained in Chapter 366, Beer Licenses, 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~~, the 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 (1) 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 (1) person in any one (1) occurrence, three hundred thousand dollars (\$300,000.00) because of bodily injury to two (2) or more persons in any one (1) occurrence, ten thousand dollars (\$10,000.00) because of injury to or destruction of property of others in any one (1) occurrence, fifty thousand dollars (\$50,000.00) for loss of means of support of any one (1) person in any one (1) occurrence, and three hundred thousand dollars (\$300,000.00) for loss of means of support of two (2) or more persons in any one (1) 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) Licensing official to grant temporary on-sale beer licenses ~~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 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, if applicable, and the required conditions listed above have been met. The 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 appropriate committee of the~~

~~city council and the council member representing the affected ward prior to the issuance of the license.~~