

City of South St. Paul
Dakota County, Minnesota

ORDINANCE NO. 1298

**AN ORDINANCE AMENDING CHAPTER 6 OF THE CITY CODE RELATED TO
INTOXICATING LIQUOR LICENSES**

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Chapter 6 Article III Division 2 Sections 6-57 is hereby amended as follows:

Sec. 6-57. - Types.

The city may issue the following types of intoxicating liquor licenses:

(a) On-sale intoxicating liquor license.

(1) On-sale intoxicating liquor licenses may be issued to the following establishments:

- a. Hotels;
- b. Restaurants;
- c. Bowling centers;
- d. Clubs or congressionally chartered veterans organizations with the approval of the commissioner, provided that the organization has been in existence for at least three years and liquor sales will only be to members and bona fide guests. This license shall be known as a club intoxicating liquor license;
- e. Exclusive liquor stores;

(2) On-sale licenses may be issued if the following conditions are met:

- a. The establishment is a restaurant open to the public and serving meals on a regular basis and not less than 50 percent of the gross sales is from the serving of food. At the time of application for renewal of the on-sale license for the establishment, the applicant must submit proof, in a form acceptable to the city, that not less than 50 percent of the gross sales is from the serving of food.
- b. In the judgment of the city council, such use is compatible with existing uses adjacent to the premises and not detrimental thereto.

(b) Off-sale intoxicating liquor license.

(1) Issuance. Off-sale intoxicating liquor licenses may be issued to the following establishments:

- a. Exclusive liquor stores;

- b. A drugstore to which an off-sale license had been issued on or prior to May 1, 1994.
- (2) Age verification devices. All licensees shall be required to use age verification devices within 60 days after the license has been approved.
- (3) Commercial, business zoning districts. Off-sale licenses may be issued in commercial or business zoning districts if the following conditions are met:
 - a. The property is located more than 750 feet from a school or day care, the distance to be measured from the nearest point of the property lines from one property to another;
 - b. The property is located more than 500 feet from a church, the distance to be measured from the nearest point of the property lines from one property to another;
 - c. The building in which the use is located meets all state and city building, fire, health, and sanitary codes and ordinances;
 - d. Off-street parking is provided as required by this chapter or in such amounts and locations as approved by the city council; in no case, however, shall the number of off-street parking spaces be less than that required in chapter 118; and

The minimum size for the premises devoted to the sale and display area, which must be entirely enclosed within the building, is 1,500 square feet.

(c) On-sale wine license.

- (1) An on-sale wine license may be issued with the approval of the commissioner to a restaurant having facilities for seating at least 25 guests at one time. A wine license permits the sale of wine of up to 24 percent alcohol by volume for consumption. A wine license authorizes the sale of wine on all days of the week unless the city council restricts the license's authorization to the sale of wine on all days except Sundays.
 - (2) An on-sale wine license may be issued with the approval of the commissioner to a licensed bed and breakfast facility. A license under this subsection (c)(2) authorizes a bed and breakfast facility to furnish wine only to registered guests of the facility.
 - (3) An on-sale wine license may be issued to a theater within the city. A license issued under this subsection (c)(3) authorizes sales on all days of the week to persons attending events at the theater.
 - (4) An on-sale wine license may be issued to an establishment that meets the requirements of subsection 6-57(a)(2).
- (d) Sunday on-sale intoxicating liquor license. A Sunday on-sale liquor license may be issued only to a restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license.

(e) Sunday on-sale taproom license. A Sunday on-sale taproom license may be issued only to a holder of an on-sale brewer taproom license.

(f) Sunday off-sale malt liquor brewer license (off-sale brew pub) license. A Sunday off-sale malt liquor brewer license may be issued only to a holder of an off-sale malt liquor brewer license (off-sale brew pub).

(fg) Temporary on-sale liquor license.

- (1) General rule. A club or charitable, religious or other nonprofit organization, including a state-registered political committee, may obtain a temporary on-sale license to sell intoxicating liquor for consumption on the premises in connection with a social event within the city sponsored by the licensee.
- (2) Premises. The license may authorize sales on the premises other than that owned or permanently occupied by the licensee. If the premises is not owned or permanently occupied by the licensee, the owner of the property must provide the city with written consent for the event.
- (3) Caterer. The license may provide that the licensee must contract for intoxicating liquor catering services with the holder of an on-sale intoxicating liquor license issued by any municipality. The caterer must provide the city with a valid certificate of insurance for the event.
- (4) Number of days per event. The license will not authorize any temporary on-sale intoxicating liquor license for more than four consecutive days.
- (5) Number of events per year. The city will not authorize more than three four-day, four three-day, six two-day, or 12 one-day temporary licenses, in any combination not to exceed 12 days per year for the sale of intoxicating liquor to any one organization or for any one location within the city for a 12-month period.
- (6) Number of events per 30-day period. The city may not issue more than one license to any organization or political committee, or any one location, within a 30-day period unless the licenses are issued in connection with an event officially designated as a community festival by the city.
- (7) Application. Application for a temporary license for a club must include the following information:
 - a. The names and addresses of the club's officers, and evidence of nonprofit status or of its status as a club;
 - b. The purpose for which the temporary license is sought, together with the location, dates and hours during which wine or intoxicating liquor will be sold;

- c. Consent of the owner or manager of the premises or person or group with lawful responsibility for the premises;
- d. Evidence that the manager or director has received alcohol awareness training pursuant to subsection 6-76(j);
- e. All other requirements for a club enumerated in subsection 6-70(h);
- f. A security plan approved by the police department.

(gh) Temporary off-sale wine license: Temporary off-sale wine licenses may be issued for the off-sale of wine at an auction with the approval of the commissioner of public safety. A temporary off-sale wine license authorizes the sale of only vintage bottled wine that is at least five years old and is of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than 600 cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by the city. Licenses are subject to all laws and ordinances governing the sale of intoxicating liquor except Minn. Stat. § 340A.409 and those laws and ordinances which by their nature are not applicable.

(hi) Culinary class limited on-sale license. A limited on-sale intoxicating liquor license may be issued to a business establishment: (1) not otherwise eligible for an on-sale intoxicating liquor license; and (2) that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. The license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six ounces of wine or 12 ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premises only.

(hj) Brewer licenses.

(1) On-sale brewer taproom license. A brewer licensed under Minn. Stat. 340A.301, subd. 6(c), (i) or (j) may be issued an on-sale brewer taproom license, subject to the provisions of Minn. Stat. § 340A.301 subd. 6b and this section.

- a. Fee. The license fee shall be paid in the amount listed in chapter 26
- b. Hours of operation. The on-sale of malt liquor may only be made during the days and hours that the sale of on-sale intoxicating liquor is permitted. A special license authorizing sales on Sunday may be issued to a holder of an on-sale brewer taproom license.
- c. A brewer may only hold one brewer taproom license.
- d. The license shall permit the sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to a brewery location owned by the brewer.
- e. Licensed taprooms may operate a restaurant on the premises.

(2) On-sale brew pub license. On-sale brew pub licenses shall be issued only to hotels, clubs, restaurants, bowling centers or exclusive liquor stores and shall permit the sale

of malt liquor produced on the licensed premises. A licensee cannot sell more than 3,500 barrels of the malt liquor produced on the licensed premises per year. A licensee may hold both an on-sale license and an on-sale brew pub license.

- (3) Off-sale malt liquor brewer license (off-sale brew pub). A brewer with a brewer taproom license or an on-sale brew pub license may be issued an off-sale malt liquor brewer license which shall permit the off-sale of malt liquor at the brewer's licensed premises subject to the provisions of Minn. Stat. § 340A.301 subd. 6d and this section.
 - a. Fee. The license fee shall be paid in the amount listed in chapter 26
 - b. Hours of operation. The off-sale of malt liquor may only be made during the same days and hours permitted at exclusive liquor stores, except that malt liquor in growlers only may be sold at off-sale on Sundays. Sunday sales must be approved by the City.
 - c. A brewer may only hold one brewer off-sale malt liquor license.
 - d. The only malt liquor sold on the licensed premises shall be malt liquor produced by the brewer at the brewery premises.
 - e. The packing of the containers and bottles must comply with Minn. Stat. § 340A.301 subd. 6d(a).
 - f. A brewer may also be issued an on-sale intoxicating liquor or 3.2 percent malt liquor license for a restaurant operated in the place of the manufacturer.

(~~jk~~) Cocktail room license. The holder of a microdistillery license under Minn. Stat. § 340A.301, subd. 6c, may be issued a cocktail room license.

- (1) Fee. The license fee shall be paid in the amount listed in chapter 26
- (2) Hours of operation. The on-sale of distilled liquor may only be made during the days and hours that the sale of on-sale intoxicating liquor is permitted.
- (3) A cocktail room license authorizes the on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller.
- (4) A distiller may only have one cocktail room license, and may not have an ownership interest in a distillery licensed under Minn. Stat. § 340A.301, subd. 6, paragraph (a).
- (5) No single entity may hold both a cocktail room and a taproom license, and a cocktail room and taproom may not be co-located.

SECTION 2. AMENDMENT. South St. Paul City Code Chapter 6 Article III Division 2 Sections 6-76(g) Conditions and restrictions on issuance of license is hereby amended as follows:

- (g) Closing hours. Except as provided in this section, sale of intoxicating liquor is permitted only within the hours and only on the days fixed by Minn. Stat. § 340A.504. Not only must the sale of intoxicating liquor cease at the closing hour appointed each day, but also persons, other than employees of the licensee, must vacate the licensed premises within 30 minutes of the closing hour. Notwithstanding anything contained in this subsection, a licensee may keep the

premises open for normal business purposes except the sale of liquor, provided the licensee has closed off all access to the bar in a manner approved by the council.

- (1) If located more than 750 feet from Concord Street and within 500 feet from a residential district or a residence within a mixed-use district, then the licensed premises must close by 11:00 p.m., unless approved as part of a special event license or the establishment is a Club under section 6-57(a)(1)d.
- (2) Sunday on-sale; hours. A licensee may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food ~~between the hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays~~ as permitted by Minn. Stat. § 340A.504, as it may be amended from time to time.

SECTION 3. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance amendment allows brew-pubs with an off-sale to also obtain a Sunday off-sale license. In addition, the amendment allows on-sale liquor establishments with a Sunday license to expand their hours of sale to 8:00 a.m., which is authorized by State law.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in force upon its adoption and publication.

Approved: June 15, 2015

Published: June 21, 2015

City Clerk