

CHAPTER 3
BEER AND LIQUOR LICENSING AND REGULATION

Section 3.01. **Definitions.** The following terms, as used in this Chapter, shall have the meanings stated:

Subd. 1. "Applicant" means any person making an application for a license under this Chapter.

Subd. 2. "Application" means a form with blanks or spaces thereon, to be filled in and completed by the applicant as his or her request for a license, furnished by the City and uniformly required as a prerequisite to the consideration of the issuance of a license for a business.

Subd. 3. "Beer" means non-intoxicating malt liquor which contains not in excess of 3.2 percent alcohol by weight.

Subd. 4. "Church" shall mean a building which is principally used as a place where persons of the same faith regularly assemble for the public worship of God.

Subd. 5. "Club" means any corporation duly organized under the laws of the State for civic, fraternal, social, or business purposes or for intellectual improvement or for the promotion of sports, which shall have more than fifty members, and shall, for more than a year, have owned, hired or leased a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable accommodation of its members, and whose affairs and management are conducted by a Board of Directors, Executive Committee, or other similar body chosen by the members at a meeting held for that purpose, none of whose members, officers, agents or employees are paid directly or indirectly any compensation by way of profit for the distribution or sale of beverages to the members of the club, or to its guests, beyond the amount of such reasonable salary or wages as may be fixed and voted each year by the members or other governing body.

Subd. 6. "Consume" means the actual drinking of intoxicating liquor or the having of intoxicating liquor in a glass or other container other than the original container in which said intoxicating liquor is contained, whether in its original form or mixed with any other ingredient for the purpose of consumption.

Subd. 7. "Display" means having any beer or liquor in a container other than the original container in which said beer or liquor was delivered to the licensed premises, or the presence of such beer or liquor in the original sealed container at any location in the licensed premises other than that where it is customarily kept prior to sale for storage, refrigeration or advertising purposes; provided, further, that use of original containers for advertising purposes shall not be permitted at any place in the licensed premises where such beverage is customarily consumed.

Subd. 8. "Exclusive liquor store" as herein used means an establishment used exclusively for the sale of intoxicating liquors, cigars, cigarettes, all forms of tobacco, non-intoxicating malt beverages, soft drinks at retail, either on-sale or off-sale, or both, and foodstuff incidental to the sale hereinbefore but not including prepared meals or foodstuff as a principal item of sale.

Subd. 9. "Hotel" and "motel".

A. For purposes of the beer licensing provisions of this chapter, "hotel" or "motel" means and includes any establishment having a resident proprietor or manager, where, in consideration of payment therefor, food and lodging are regularly furnished to transients, and which contains not less than ten guest rooms with bedding and other suitable and necessary furnishings in each room, and which is provided with a suitable lobby, desk and office for the registration of its guests at the main entrance and on the ground floor, and which employs an adequate staff to provide suitable and usual service, and which maintains under the same management and control as the rest of the establishment and has an integral party thereof a dining room with appropriate facilities for seating not less than thirty guests at one time, which the general public is, in consideration of payment therefor, served with meals at tables.

B. For purposes of the liquor licensing provisions of this chapter, "hotel" or "motel" means and includes any establishment having a resident proprietor or manager, where in consideration of payment therefor, food and lodging are regularly furnished to transients, which maintains for the use of its guests not less than fifty (50) guest rooms with bedding and other usual suitable and necessary furnishings in each room, which is provided at the main entrance with a suitable lobby, desk and office for registration of its guests on the ground floor, which employs an adequate staff to provide suitable and usual service, and which maintains under the same management and control as the rest of the establishment and has, as an integral part thereof, a dining room with appropriate facilities for seating not less than seventy-five (75) guests at one time, where the general public is, in consideration of payment therefor, served meals at tables. The

restaurant facilities of a hotel or motel shall be provided in a separate room apart from any bar room which provides specified seating for guests to whom meals may also be served, and must provide ingress-egress for guest therein without their having to go into or pass through a bar room area.

Subd. 10. "Intoxicating liquor" and "liquor" means ethyl alcohol and distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 percent of alcohol by weight.

Subd. 11. "License" means a document, issued by the City, to an applicant permitting the applicant to carry on and transact the business stated therein.

Subd. 12. "Licensee" means an applicant who, pursuant to their application, holds a valid, current, unexpired and unrevoked license from the City for carrying on the business stated therein.

Subd. 13. "License fee" means the money paid to the City pursuant to an application and prior to issuance of a license to transact and carry on the business stated therein.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Subd. 14. "License year" means a calendar year from January 1 through December 31.

Subd. 15. "Manufacture" includes every person who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending or by combination of different materials prepares or produces intoxicating liquors or beer for sale.

Subd. 16. "Off sale" means the retail sale of beer or liquor in original packages for consumption off or away from the premises where sold.

Subd. 17. "On sale" means the retail sale of liquor by the glass or by the drink, or beer by the bottle or glass, for consumption on the premises where sold only.

Subd. 18. "Package" and "original package" mean any container or receptacle holding liquor, beer or wine, which container or receptacle is corked, capped or sealed by a manufacturer or wholesaler.

Subd. 19. "Person" includes a natural person of either sex, co-partnership, corporation and association of persons and the agent or manager of any of the aforesaid. The singular in number includes the plural, and the masculine pronoun includes the feminine and neuter.

Source: Ord. 411-2nd Series
Effective Date: 4/27/98

Subd. 20. "Public premises" as used in this Chapter includes restaurants, taverns, dance halls and other facilities operated for profit. Private or membership clubs and lodges shall be deemed public premises if they regularly sell beer, soft drinks or other liquids for mixing with intoxicating liquor for profit; however, such private or membership clubs and lodges shall not be deemed public premises if the mixing and consumption of intoxicating liquor thereon is causal and not for profit.

Subd. 21. "Restaurant."

A. For purposes of the beer licensing provisions of this chapter, "restaurant" means any commercial establishment for the sale of food for consumption on its premises, any commercial establishment for the sale of beer and liquor for consumption on its premises, any commercial establishment for the sale of soft drinks for consumption on its premises, or, any commercial establishment for the sale of any combination of the foregoing or operation of a business of any type in combination with any of the foregoing.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

B. For purposes of the liquor licensing provisions of this chapter, "restaurant" means any establishment other than a hotel or motel, under the control of a single proprietor or manager, having appropriate facilities to serve meals, for seating not less than fifty (50) guests at one time, and where in consideration of payment therefor, meals are regularly prepared on the premises and served at tables to the general public, and which employs an adequate staff for the usual and suitable service to its guests.

Source: Ord. 745-2nd Series
Effective Date: 03/28/16

C. For purposes of this Chapter, "meals" are food prepared on the premises for immediate consumption, that is, food which would ordinarily be consumed without delay and without further preparation or storage. A "restaurant" specifically does not include limited food service establishments which serve only prepackaged food which receives no more than heat treatment.

Source: Ord. 411-2nd Series
Effective Date: 4/27/98

Source: Ord. 700-2nd Series
Effective Date: 07/14/14

Subd. 22. "Sale", "sell" and "sold" mean all forms of barter and all manner or means of furnishing merchandise to persons including such furnishings of beer and intoxicating liquor in violation or evasion of law.

Subd. 23. "Temporary License". A temporary on-sale beer or liquor license means a license issued to a club or charitable, religious, or non-profit organization for a period of not to exceed three (3) days.

Subd. 24. "Wholesale" includes any sale for purposes of resale.

Subd. 25. "Wholesaler" means any person engaged in the business of selling liquor, beer or wine to retail dealers.

Section 3.02. Applications and Licenses - Procedure and Administration.

Subd. 1. **Forms.** All applications shall be made at the office of the City Clerk upon forms which have been adopted by resolution of the Council and prepared by the City. All questions asked or information required by application form shall be answered fully and completely by the applicant. Licenses shall also be in the form required by the Council. Application and license forms for initial, duplicate or renewal licenses may vary in such manner as the Council may determine.

Subd. 2. **False Statements.** It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in such application form, shall, upon discovery of such falsehood, work an automatic refusal of license, or if already sued, shall render any license or permit issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this Chapter or any part hereof.

Subd. 3. **Action.**

A. **Granting.** The Council may grant any application for a period of the remainder of the then current calendar year or for the entire ensuing license year. All applications including proposed license periods must be consistent with this Chapter.

B. **Issuing.** If an application is granted, the Mayor and City Clerk shall forthwith issue a license pursuant thereto in the form adopted by resolution of the Council and upon payment of the license fee. All licenses shall be on a calendar year basis unless otherwise specified herein as to particular businesses. Licenses shall be valid only at one location and on the premises therein described.

C. **Transfer.** No liquor license shall be transferable between persons or transferable to a different location without prior consent of the Council and upon payment of the fee for a duplicate license. A beer license may be transferred from one person to another or from one place to another upon application to and consent of the Council and the payment of a transfer fee. The amount of the transfer fee shall be set by Resolution of the City Council. If an application for transfer is denied, the transfer fee shall not be refunded, but remain the property of the City.

D. Refusal, Revocation and Termination. The Council may, in its sole discretion and for any reasonable cause, refuse to grant any application, or revoke any license. No license shall be granted to a person of questionable moral character or business reputation. Before revocation of any license, the Council shall give notice to the licensee and grant such licensees opportunity to be heard. Notice to be given and the exact time of hearing shall be stated in the resolution calling for such hearing. Licenses shall terminate only by expiration or revocation.

Subd. 4. **Duplicate Licenses.** Duplicates of all original licenses may be issued by the City Clerk, without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of a fee for issuance of the duplicate. The amount of the fee shall be set by Resolution of the City Council. All duplicate licenses shall be clearly marked DUPLICATE.

Subd. 5. **Posting.** All licenses shall post their licenses in their places of business.

Subd. 6. **Temporary "On-Sale" License.** Any club or charitable, religious or non-profit organization may be issued a temporary "on-sale" license for the sale of non-intoxicating malt liquor or intoxicating beer, liquor, or wine in accordance with the provisions set forth in this Section 3.02, and upon such terms and conditions as may be imposed by the Alexandria City Council, which shall be in addition to the requirements established in all related sections of this Alexandria City Code.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Subd. 7. **Suspension and Revocation.** The City Council may either suspend for a period of time not to exceed sixty (60) days or revoke any liquor license issued pursuant to this Chapter or state statute upon a finding that the licensee has failed to comply with any applicable statute, regulation or ordinance relating to the license. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minn. Stat. Sections 14.57 to 14.70 (Administrative Procedure Act). Lapse of required insurance or bond shall result in an immediate suspension of any license issued pursuant to this Ordinance without further action by the City Council. Notice of cancellation, lapse of current liquor liability policy or bond shall also constitute notice to the licensee of the impending suspension of the license. The holder of the license who has received notice of lapse of required insurance or bond may, in writing, request a hearing thereon. A

1/16/04 THIS PAGE REPLACES PAGE 3-8

hearing will be held at the next regularly scheduled City Council meeting with notice to the licensee. Any suspension under this paragraph shall continue until the City Council determines that the financial responsibility requirements of this ordinance have again been met.

Source: Ord. 411-2nd Series
Effective Date: 4/27/98

(Sections 3.03 through 3.05, inclusive, reserved for future expansion)

Section 3.06. **Beer Licenses.**

Subd. 1. **Beer License Required.** It is unlawful for any person to sell, or keep or offer for on-sale or off-sale, any beer without a license therefor from the City.

Subd. 2. **Beer License Fees.** The following beer license fees shall be set by Ordinance of the City Council:

Source: Ord. 593-2nd Series
Effective Date: 1/22/07

- A. The annual on-sale beer license fee.
- B. The annual off-sale beer license fee.
- C. The annual off-sale wholesale license fee.
- D. The fee for a temporary beer license as authorized by Section 3.02, Subdivision 6.

Subd. 3. **Beer License Restrictions.**

A. Number of Off-Sale Licenses. The number off-sale beer licenses granted at any one time is unrestricted.

B. Number of On-Sale Licenses. The number of on-sale beer licenses granted at any one time is unrestricted.

C. Number of Wholesale Licenses. The number of wholesale beer licenses granted at any one time is unrestricted.

D. No license shall be issued or renewed if the applicant, within a period of five (5) years prior to the date of such application, has been convicted of violating any law relating to the sale of beer or liquor.

E. No beer licensee shall, during the effective period of such license, be the owner or holder of a Federal Retail Liquor Dealer's Special Tax Stamp for the sale of intoxicating liquor, and ownership or holding thereof shall be grounds for revocation.

F. No license shall be granted to a manufacturer of beer or to anyone holding a financial interest in such manufacture.

G. No on-sale license shall be granted on premises within 150 feet of any public school building.

H. No person under the age of 18 shall be employed to sell or serve beer in any on-sale establishment.

I. No licensee shall prevent a peace officer from entering upon and inspecting the premises of the licensee during business hours without a search and seizure warrant, and such peace officer may seize all intoxicating liquors found on the licensed premises.

J. No beer licensee shall permit liquor consumption upon the licensee's premises, or permit any person to bring the same thereon.

K. Each licensee of the City of Alexandria for on-sale or off-sale beer shall, as a condition precedent to the securing or renewal of a license for the sale of beer, establish proof of financial responsibility by either of the methods set forth in Minn. Stat. Section 340A.409.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Subd. 4. Beer Sale Restrictions.

A. Hours of Sale. No off-sale of beer shall be made between the hours of 1:00 a.m. and 8:00 a.m. on any weekday, Monday through Saturday, inclusive. Neither shall any beer sale be made on any Sunday between the hours of 1:00 a.m. and 11:00 am. No on-sale beer sales shall be made between the hours of 2:00 a.m. and 8:00 a.m. on any weekday, Monday through Saturday, inclusive. Neither shall any on-sale beer sales be made on any Sunday between the hours of 2:00 a.m. and 10:00 a.m.

Source: Ord. 765-2nd Series
Effective Date: 06/12/17

1. No sales between the hours of 1:00 a.m. and 2:00 a.m. shall be made unless and until the licensee shall have obtained a permit from the Commissioner of Public Safety as required by Minn. Stat. § 340A.504, Subd. 7.

Source: Ord. 672-2nd Series
Effective Date: 12/27/11

B. Restrictions on Persons under the age of 21.
It is unlawful for any:

1. Licensee or licensee's employee to sell or serve beer to any person under the age of 21 or to permit any person under the age of 21 to consume beer on the licensed

premises or to permit any person under the age of 21 to loiter or to remain in the room where beer is being sold or served unless accompanied by his or her parent or legal guardian.

2. Person other than the parent or legal guardian to procure beer for any person under the age of 21.

3. Person to induce a person under the age of 21 to purchase or procure beer.

4. Person under the age of 21 to misrepresent his or her age for the purpose of obtaining beer.

5. Person under the age of 21 to consume any beer, unless consumed in the household of his or her parent or guardian and with the consent of the parent or guardian.

6. Person under the age of 21 to have in his or her possession any intoxicating beer, with intent to consume the same at a place other than the household of his parent or guardian. Possession of such beer at a place other than the household of his parent or guardian shall be prima facia evidence of intent to consume the same at a place other than the household of his parent or guardian.

C. Beer Sales to Intoxicated Persons. It is unlawful to sell beer to a person who is in an intoxicated condition or who is a habitual drunkard.

Subd. 5. **Beer Consumption Generally.** It is unlawful for any person to consume beer in any public place or on any public street, or in vehicle on a street or other public ground within the City, or in any public place of recreation except in such places as are duly licensed to sell beer, or to permit the mixing of alcoholic beverages on its premises. It is unlawful for any operator to any unlicensed place of business to permit consumption of beer on the unlicensed premises. Provided, however, that beer may be consumed by persons at least 21 years of age in public places or upon public streets within the limited time and area designated in a Temporary Off-Premise Festival Liquor License granted by the City.

Source: Ord. 704-2nd Series
Effective Date: 08/25/14

Section 3.07. **On-Sale Liquor Licenses.**

Subd. 1. **Statement of Purpose.** This ordinance shall set forth minimum criteria for the licensing of private liquor vendors, and enact rules for the regulation, sale and consumption of intoxicating liquor. It is the policy of the City by adopting this ordinance to provide that the municipal liquor dispensary operated by the City of Alexandria be continued in any decisions to issue an on-sale license under the terms of this ordinance. It is the further intent of this ordinance to promote and encourage the construction, development or improvement of restaurant or hotel-motel facilities as defined hereunder, and to balance the interests of the municipal liquor dispensary with the overall benefit to the community of Alexandria resulting from the construction, development or improvement of restaurants and hotels/motels and the issuance of on-sale liquor licenses thereto.

Subd. 2. **Provisions of State Law Adopted.** The provisions of Minn. Stat. Chapter 340A, relating to the definition of terms, licensing, consumption, sales, conditions of bonds of licenses, hours of sale, and all other matters pertaining to the sale, distribution and consumption of intoxicating liquor are adopted and made a part of this ordinance as if set out in full.

Subd. 3. **License Required.**

1. **General Requirement.** No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell or keep for sale in the City any intoxicating liquor without a license to do so as provided in this ordinance. Liquor licenses shall be "on-sale" only.

2. **On-Sale Licenses.** "On-sale" licenses shall be issued only those establishments as authorized by Minn. Stat. Section 340A.404 and shall permit only "on-sale" of liquor.

3. **On-Sale Wine Licenses.** The licenses issued pursuant to this section shall include all privileges and benefits granted to a restaurant for the sale of wine in connection with the sale of food as authorized by Minn. Stat. Chapter 340A and Alexandria City Code Section 3.14, and no additional license therefor shall be required. The authority for the granting of this license shall not, however, preclude the issuance of a separate license for only "on-sale wine" to a restaurant pursuant to Minn. Stat. Chapter 340A and Alexandria City Code Section 3.14, should the restaurant so elect.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Subd. 4. **Number of Licenses.** The maximum number of licenses to be issued under the authority of this Ordinance shall be twelve (12). The City Council shall consider all liquor license applications in the order in which they are received by the City Administrator. An application will not be submitted to the City Council for consideration unless it is complete and all required documentation is submitted with the application. If the City receives an application and no liquor licenses are available at the time of receipt, the application will be placed on file and the applicant will be notified in the order of receipt when a license becomes available. At the time that the applicant is notified of the availability of a license, the applicant must inform the City in writing within one (1) week whether the applicant wishes to activate the application or the applicant is withdrawing the application.

Source: Ord. 456-2nd Series
Effective Date: 11/27/00

Subd. 5. **Application.**

1. **Contents of Application.** Every application shall contain the following:

a. **Verification.** Every application for a license shall be verified and filed with the City Clerk.

b. **Form.** In addition to the information required by the State Liquor Control Commission and the Minnesota Bureau of Criminal Apprehension, the initial application shall also contain the further information required herein, as well as other information that the City Council may from time to time require.

c. **Nature of Application.** The application shall show whether the applicant is a natural person, corporation, partnership or other form of organization.

d. **Type of Application.** The application shall state the type of licenses the applicant seeks.

e. **Natural Person.** If the applicant is a natural person, the following information shall be required:

(1) True name, place and date of birth and street address of applicant.

(2) Whether applicant has ever used or been known by a name other than his or her true name and, if so, what was such name or names, and information concerning dates and places where used.

(3) The name of the business if it is to be conducted under a designation, name or style other than the full individual name of the applicant. In such case, a copy of the certification, as required by Minnesota Statutes Chapter 333, certified by the Clerk of the District Court, shall be attached to the application.

(4) Whether the applicant is married or single. If married, true name, place and date of birth and street residence address of applicant's present spouse.

(5) Street addresses at which applicant lived during the preceding five (5) years.

(6) Kind, name and location of every business or occupation applicant has been engaged in during the preceding five (5) years.

(7) Names and addresses of applicant's employers and partners, if any, for the preceding five (5) years.

(8) Whether the applicant has ever been convicted of any felony, crime or violation of any ordinance, other than traffic offenses, except that alcohol related driving offenses shall be reported. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.

(9) Whether applicant or applicant's spouse have ever been engaged as an employer or in operating a saloon, hotel, restaurant, cafe, tavern or other business of a similar nature. If so, applicant shall furnish information as to the time, place and length of time of such employment or operation.

(10) Whether applicant has ever been in the military service. If so, applicant shall upon request exhibit all discharges.

(11) The name of the manager or proprietor or other agent in charge of the premises to be licensed.

f. **Partnership.** If the applicant is a partnership, the names and addresses of all partners and all information concerning each partner as is required of a single applicant in subdivision e above. A managing partner, or partners, shall be designated. The interest of each partner in the business shall be disclosed. A true copy of the Partnership Agreement shall be submitted with the application. If and in the event the composition of the partnership shall change at any time subsequent to the initial application, any amended partnership agreements must be filed with the City. If the partnership is required to file a certificate as to trade name under the provisions of Minnesota Statutes Chapter 333, a true copy of such certificate certified by the Clerk of District Court shall be attached to the application.

g. **Corporation.** If the applicant is a corporation or other association and is applying for an "on-sale" license, the following information shall be required:

(1) Name and if incorporated, the state of incorporation.

(2) A true copy of Certificate of Incorporation, Articles of Incorporation, or Association Agreement and Bylaws, and, if a foreign corporation, a certificate of authority, as described in Minnesota Statutes Chapter 303.

(3) The name of the manager, proprietor or other agent in charge of the premises to be licensed, giving all the information about said person as is required of a single applicant in subdivision e above.

(4) A list of all persons who, whether individually or with another, own or control any interest in said corporation or association together with their addresses and all information as is required of a single applicant in subdivision e above.

h. **Legal Description.** The exact legal description of the premises to be licensed together with plot plan of the area showing dimensions, location of buildings, street access, parking facilities and the locations of and distances to the nearest church or school building.

i. **Street Address.** The street number where the sale of intoxicating liquors is to be conducted and the rooms where liquor is to be sold or consumed.

j. **Federal Permit.** If a permit from the federal government is required by the laws of the United States, whether or not such a permit has been issued, and if so required, in what name issued and the nature of the permit.

k. **Financial Interest.** The names and addresses of all persons, other than the applicant, who have any financial interest in the business, buildings, premises, fixtures, furniture, stock in trade; the nature of such interest, amount thereof, terms for payment or other reimbursement. This shall include, but not be limited to, any lessees, lessors, mortgagees, mortgagors, lenders, lienholders, trustees, trustors and persons who have co-signed notes or otherwise loaned, pledged or extended security for any indebtedness of the applicant.

l. **Plans.** The application for an "on-sale" license to sell intoxicating liquor, or for the transfer thereof, shall be accompanied by a set of plans showing the design of the proposed premises to be licensed, the dining room or dining rooms which shall be opened to the public, and shall show dimensions and indicate the number of persons intended to be served, and identify the rooms or portions of the premises where intoxicating liquors are to be sold and where liquor is to be consumed.

m. **Value of Fixtures.** The value of the fixtures and structures, exclusive of land, on the premises proposed to be licensed.

n. **References.** The names, residences and business addresses of three (3) persons not related to the applicant or financially interested in the premises or business to be licensed, who may be referred to as to the applicant's character, or in the case where information is required of a manager, the manager's character.

o. **Taxes.** Whether or not all real estate and other taxes for the premises and the business to be licensed have been paid, and if not paid, the years for which they are delinquent.

p. **Release of Information.** A release authorizing the City of Alexandria to obtain all financial information that may be appropriate.

q. **Other Information.** Such other information as the City Council shall require. The requirements of this section and other sections of this ordinance set forth minimum requirements but the council reserves the right to consider any and all other factors as to the qualifications of any applicant and the suitability of any location.

r. **Execution of Application.** If the application is by a natural person, it shall be signed and sworn to be such person; if by a corporation, by an officer thereof; if by an unincorporated association, by the manager or managing officer thereof. If the applicant is a partnership, the application, license and bond (for insurance policy) shall be made and issued in the name of all partners.

2. **Bond.** This section is deleted.

Source: Ord. 691-2nd Series
Effective Date: 12/09/13

3. **Liability Insurance.** Prior to the issuance of a liquor license, the applicant shall file with the City Clerk a liability insurance policy in the amount of \$300,000 coverage for one person and \$600,000 coverage for more than one person and shall comply with the provisions of Minnesota Statutes Section 340A.409 relating to liability insurance policies. If a liability insurance policy is made subject to all the conditions of a bond under that statute, the policy may be accepted by the council in lieu of the bond required under section 5.2 hereof.

4. **Approval of Security.** The security offered under section 5.3 of this section shall be approved by the City Council and by the State Commissioner of Public Safety and liability insurance policies shall be approved as to form by the City Attorney. Operations of a licensed business without having on file with the City at all times effective security as required in 5.3 of this section, is a cause for revocation of the license.

Source: Ord. 691-2nd Series
Effective Date: 12/09/13

Subd. 6. **Renewal Application.**

1. **Time For Renewal Application.** Applications for the renewal of an existing license shall be made at least sixty (60) days prior to the date of the expiration of the license. If, in the judgment of the City Council, good and sufficient cause is shown by any applicant for failure to file a renewal application within the time prescribed above, the City Council may nevertheless receive such application.

2. **Forms of Renewal Application.** The renewal application shall be made on such forms as may be required by the State Liquor Control Commission and the Minnesota Bureau of Criminal Apprehension. In addition, the applicant shall provide that information required by the City Council on such abbreviated forms as the City Council may from time to time approve. In addition to such information as the City Council may require from Subd. 6 above, the applicant must file with the City Clerk a verified affidavit signed by the individual applicant, a partner of a partnership applicant or an officer of a corporate applicant, or by a licensed public accountant that shows the total gross sales for food and beverages and total food sales of the restaurant for the current license year in which the renewal application is filed.

Source: Ord. 335-2nd Series
Effective Date: 4/27/98

Subd. 7. **License Fees.**

1. **Fees.**

a. **"On-Sale" Licenses.** The license fee for an "on-sale" license shall be \$3,600.00. The license fee for a seasonal "on-sale" licenses shall be \$1,800 for a six (6) month license and \$2,400 for a nine (9) month license.

Source: Ord. 766-2nd Series
Effective Date: 06/26/17

2. **Payment.** Each application for a license shall be accompanied by a receipt from the City Treasurer for payment in full of the license fee and the fixed investigation fee required under Subd. 8.1, if any. All fees shall be paid into the General Fund. If an application for a license is rejected, the Treasurer shall refund the amount paid as a license fee.

3. **Terms; Pro Rata Fee.** Each license shall be issued for a period of one year (annual) or for six or nine months (seasonal). If, however, an application for a new license is made during the license year, an annual license (but not a seasonal license) may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month. Annual licenses shall expire on the last day of December. Seasonal licenses expire on the date indicated on the license application.

Source: Ord. 766-2nd Series
Effective Date: 06/26/17

4. **Building Not Ready for Occupancy.** When the license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee for the initial license period shall be ninety (90) days after approval of the license by the City Council or upon the date the building is ready for occupancy, whichever is sooner.

5. **Refunds.** No refund of any fee shall be made except as authorized by statute.

6. **Non-Transferability.** No transfer of license shall be permitted from place to place or person to person without complying with the requirements of any original application.

Subd. 8. **Granting of Licenses.**

1. **Investigation.** On an initial application for an "on-sale" license and on application for transfer of an existing "on-sale" license, the applicant shall pay with the application an investigation fee of \$500.00. The City shall request that its Chief of Police conduct a preliminary background and financial investigation of the applicant. The application in such case shall be made on a form prescribed by the State Bureau of Criminal Apprehension and with such additional information as the Council may require. If the Council deems it in the public interest to have an investigation made on a particular application for renewal of an "on-sale" license, it shall so determine. If the Council determines that a comprehensive background and financial investigation of the applicant is necessary, it may conduct the investigation itself or contract with the Bureau of Criminal Apprehension for the investigation. If an investigation outside the state is required, the applicant shall be charged the cost not to exceed \$10,000, which shall be paid by the applicant after deducting any initial investigation fee already paid. The fee shall be payable by the applicant whether or not the license is granted. Upon completion of the investigation, the Chief of Police shall make a written report and recommendation to the City Council of his or her findings, including a specific report on any violations of federal or state law or municipal regulations.

2. **Public Hearing - Initial Application.** For initial applications, upon receipt of the written report and recommendation by the Police Chief of the City of Alexandria, and within twenty-one (21) days thereafter, the City Council shall instruct the Clerk to cause to be scheduled a public hearing, with notice thereof to be published in the official newspaper ten (10) days in advance of the scheduled hearing, setting forth the day, time and place when the hearing will be held, the name of the applicant, the premises where the business is to be conducted, the nature of the business, and such other information as the Council

may direct. At the hearing, opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing, the council shall grant or refuse the application in its discretion.

3. **Public Hearing - Renewal Application.** For on-sale license renewal applications the Council will hold a public hearing. Notice of the time and place of said hearing and the fact that on-sale license renewal applications will be considered shall be published in the official newspaper at least ten (10) days in advance of the hearing. An opportunity shall be given to any person to be heard for or against the granting of an on-sale license renewal. The Council shall grant or refuse the application in its discretion. A seasonal on-sale license application submitted by a licensee who operated under a seasonal on-sale license during the calendar year in which the application is submitted and who submitted the application on or before November 1 of that year shall be considered an application for a seasonal on-sale license renewal for investigation and public hearing requirements. All other seasonal on-sale license applications shall be considered initial applications for investigations and public hearing requirements. Applications for seasonal on-sale license renewals shall be considered at the same renewal hearing as annual on-sale license renewals.

Source: Ord. 766-2nd Series
Effective Date: 06/26/17

4. **Vote Required.** A four-fifths vote of the City Council shall be required for the granting of any license.

5. **Person and Premises Licensed; Transfer.** Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without City Council approval and without a new application having been filed. Any transfer of stock of a corporate licensee or any change in the composition of a partnership which is licensed is deemed a transfer of the license, and a transfer of stock or change in partnership composition without prior Council approval is a ground for revocation of the license.

6. **Report to State.** The Clerk shall, within ten (10) days after the issuance of any license under this ordinance, submit to the Liquor Control Commissioner the full name and address of each person granted a license, the trade name, the effective license date, and the date of expiration of the license. The Clerk shall also submit to the Liquor Control Commissioner any change of address, transfer, cancellation or revocation of any license by the Council during the license period.

7. **Premises Under Construction.** If, at the time of granting a license, actual use of said license cannot be made until a future date because the subject premises are under construction, remodeling or improvement, or are otherwise not ready for occupancy, then the Council shall set a date by which actual use of the license must be made. If actual use is not made by the Council's specified date, then said license shall be null and void. In no event shall the City Clerk issue the license until notified by the Building Inspector that the building is ready for occupancy.

Subd. 9. **Persons Ineligible for License.** No license shall be granted to or held by any person:

1. Under nineteen (19) years of age.
2. Who is not of good moral character.
3. Who within five (5) years prior to the application for such license has been convicted of any willful violation of any law of the United States, the State of Minnesota, or any other state or territory, or of any ordinance regarding the manufacture, sale, distribution or possession for sale or distribution of intoxicating liquor, or whose liquor license has been revoked for any willful violation of any law or ordinance.
4. Who is a manufacturer or wholesaler of intoxicating liquor or whose retail business selling intoxicating liquor is owned directly or indirectly by a manufacturer or wholesaler of intoxicating liquor.
5. Who is directly or indirectly interested in any other establishment in the City of Alexandria to which an "on-sale" license has been issued under any ordinance. No person shall own an interest, as defined in Subd. 9.8 herein, in more than one establishment or business for which an "on-sale" license has been granted to any person if such person or any person who owns an interest in the establishment or business for which an "on-sale" license application is being filed, owns an interest in a business or establishment licensed under this ordinance.
6. Who, if a corporation, does not have a manager who is eligible pursuant to the provisions of this section.
7. Who is the spouse of a person ineligible for the license pursuant to the provisions of Subdivisions 9.3, 9.4 or 9.5 of this section, or who, in the judgment of the City Council, is not the real party in interest or beneficial owner of the business operated, or to be operated, under the license.

8. The term "interest" as used in this section includes any pecuniary interest in the ownership, operation, management or profits of a retail liquor establishment, but does not include: bona fide loans; bona fide fixed sum rental arrangements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business or selling or security arising out of the ordinary and regular course of business or selling or leasing merchandise, fixtures or supplies to such establishment; or any interest of ten percent (10%) or less in any corporation holding a license. A person who receives moneys from time to time directly or indirectly from a licensee, in the absence of a bona fide consideration therefor and excluding bona fide gifts or donations, shall be deemed to have a pecuniary interest in such retail license. In determining "bona fide", the reasonable value of the goods or things received as consideration for any payment by the licensee and all other facts reasonably tending to prove or disprove the existence of any purposeful scheme or arrangement to evade the prohibitions of this section shall be considered.

Subd. 10. **Places Ineligible For License.**

1. **General Prohibition.** No license shall be issued for any place or any business ineligible for such a license under state law.

2. **Delinquent Taxes and Charges.** No license shall be granted for operation on any premises on which taxes, assessments or other financial claims of the City are delinquent and unpaid.

3. **Distance from School or Church.** No license shall be granted for any premises located within 300 feet of any church or school. The distances herein referred to shall be measured in a straight line from the nearest property boundary of the licensed premises to the nearest point of the church or school building. This limitation shall not, however, preclude the issuance of an on-sale license hereunder to an establishment which is currently issued a beer, wine or set-up license by the City, and which otherwise meets all requirements of this ordinance.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

4. **Fair Market Value.** No license shall be granted to a restaurant unless the licensee shall own or occupy licensed premises of the fair market value of \$100,000 including building, fixtures and equipment, but excluding land. No licensee shall be granted to any hotel or motel unless a licensee shall own or occupy a licensed premises in which the fair market value of the bar and restaurant portion, including fixtures and equipment, of such hotel or motel shall be \$250,000 excluding land.

Source: Ord. 411-2nd Series
Effective Date: 4/27/98

5. **Minimum Square Footage.** No "on-sale" license shall be granted for a restaurant that does not have a dining area, excluding of lounge, open to the general public, with a total minimum floor area of 1600 square feet or for a hotel or motel that does not have a dining area, exclusive of lounge, open to the general public, with a total minimum floor area of 1200 square feet. "Dining area" is defined as being sixteen (16) square feet of floor area for each guest.

6. **Private "on-sale" licenses.** Private "on-sale" licenses shall be issued in accordance with Minnesota Statute Chapter 340A.

Subd. 11. **Conditions of License.**

1. **In General.** Every license is subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance, state law or regulation.

2. **Posting of License.** The license shall be posted in conspicuous place in the licensed establishment at all times.

3. **Licensee's Responsibility.** Every licensee is responsible for the conduct of the licensee's place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquor is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this ordinance and the law equally with the employee.

4. **Area Limitation.** No license shall be effective beyond the space named in the license for which it was granted.

5. **No Persons Under Age of Nineteen Years.** No person under nineteen (19) years of age shall be employed in a room where "on-sales" are made and no such person shall be allowed to be or remain in such room unless accompanied by his or her parent or guardian, except that persons under nineteen (19) years of age may be employed to perform the duties of a bus person, dishwashing service, or as a musician.

6. **Inspection.** Every licensee shall allow any peace officer, health officer or properly designated officer or employee of the City to enter, inspect and search the premises of the licensee during business hours without a permit.

7. **Tampering with Package.** No licensee shall sell, offer for sale, or keep for sale, intoxicating liquors in any original package which has been refilled or partly refilled. No licensee shall directly or through any other person dilute or in any manner tamper with the contents of any original package so as to change its composition or alcoholic content while in the original package. Possession on the premises by the licensee of any intoxicating liquor in the original package differing in composition or alcoholic content in the liquor when received from the manufacturer or wholesaler from whom it was purchased, shall be prima facie evidence that the contents of the original package has been diluted, changed or tampered with.

8. **Federal Stamps.** No licensee shall apply for or possess a federal wholesale liquor dealer's special tax stamp or federal gambling stamp.

9. **No Ethyl Alcohol or Neutral Spirits.** No licensee shall keep ethyl alcohol or neutral spirits on any licensed premises or permit their use on the premises as a beverage or mixed with a beverage.

10. **Inspection of Business Records.** The business records pertaining to the ownership and operation of the licensee, including federal and state tax returns, shall be available for inspection by duly authorized representatives of the City or City Council at all reasonable times.

11. **Display During Prohibited Hours.** No "on-sale" establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

12. Percentage of Business Attributable to Selling Food. A licensed restaurant shall be conducted in such a manner that no more than eighty-five percent (85%) of its gross sales from food and beverages for a license year is derived from the sale of intoxicating liquor. A hotel or motel shall be conducted in such a manner that the portion of the total gross sales attributed to or derived from the selling of intoxicating liquor shall be no more than eighty-five percent (85%) of the gross sales for foods and beverages for a license year. The on-sale license of any restaurant, hotel or motel whose sales of intoxicating liquor exceeds the eighty-five percent (85%) cap shall be subject to a \$500 fine. A second violation shall be a \$1,000 fine. A third violation shall result in revocation of the on-sale liquor license. Nothing herein shall prohibit the City from imposing other penalties. This Subdivision shall not limit the City's other enforcement authority as set forth in this Chapter.

Source: Ord. 745-2nd Series
Effective Date: 03/28/16

13. Renewal Application. At the time of application for renewal of an "on-sale" license, the applicant shall submit to the City proof in the form of a verified affidavit signed by the individual applicant, a partner of a partnership applicant or an officer of a corporate applicant, or by a licensed public accountant that no less than fifteen percent (15%) of the gross sales from food and beverages for the establishment for which the "on-sale" license is to be issued for the period of October 1 of the preceding year to September 30 of the current year has been derived from the sale of food. For a first-time renewal, the review period shall be January 1 to September 30 of the current year.

Source: Ord. 745-2nd Series
Effective Date: 03/28/16

14. Changes in the corporate or association officers, corporate charter, Articles of Incorporation, Bylaws, stock ownership or Partnership Agreement as the case may be shall be submitted to the City within thirty (30) days after such changes are made. Notwithstanding the definition of "interest" as given in Subd. 5.1(k) of this Code, in the case of corporation the licensee shall notify the City when a person not listed in the application acquires an interest which together with that of the person's spouse, parent, brother, sister or child exceeds five percent (5%) and shall give all information about said person as

required of a person pursuant to the provisions of Subd. 5.1(e) of this Code.

Subd. 12. **Restrictions on Purchase and Consumption.** No person shall consume liquor on a public highway, or in a public park, or other public place. Provided, however, that liquor may be consumed by persons at least 21 years of age on a public highway, or in a public place within the limited time and area designated in a Temporary Off-Premise Community Festival Liquor License duly granted by the City.

Source: Ord. 704-2nd Series
Effective Date: 08/25/14

Subd. 13. **Enlargement, Alterations or Extensions of Premises.** Proposed enlargement, alteration or extension of premises previously licensed shall be reported to the City Council at or before the time application is made for a building permit for any such change and the licensee also shall give such information as is required by Section 5 hereunder.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Subd. 14. **Hours of Operation.**

A. No "on-sale" of intoxicating liquor¹ shall be made during the times when such sale is prohibited by state law, and:

<u>Day/Date</u>	<u>Restricted Hours for On-Sale Intoxicating Liquor¹</u>
Monday	Sales after 2:00 a.m. and before 8:00 a.m.
Tuesday-Saturday	No sales between 2:00 a.m. & 8:00 a.m.
Sunday	For restaurants and bowling centers, no sales between 2:00 a.m. and 8:00 a.m. ¹

Source: Ord. 725-2nd Series
Effective Date: 06/22/15

*New Year's Day
January 1 No sales between 2:00 a.m. & 8:00 a.m.

¹These restrictions shall not prevent the sale of wines for consumption on premises if permitted pursuant to Minn. Stat. Section 340A.404, Subd. 7 and the Alexandria City Code Section 3.14, on Sundays.

04/12/16 THIS PAGE REPLACES PAGE 3-27

Memorial Day	No sales between 2:00 a.m. & 12:00 p.m.
*Independence Day July 4	No sales between 2:00 a.m. & 8:00 a.m.
Labor Day	No sales between 2:00 a.m. & 8:00 a.m.
*Thanksgiving Day	No sales between 2:00 a.m. & 8:00 a.m.
Christmas Eve Day December 24	No sales after 8:00 p.m.
*Christmas Day - December 25	No sales before 8:00 a.m.

*On sale establishments may operate at appropriate hours on these days except that the hours listed therein shall not be deemed to allow the operation of on-sale when otherwise prohibited by this Section or provisions of state law.

B. No sales between the hours of 1:00 a.m. and 2:00 a.m. shall be made unless and until the licensee shall have obtained a permit from the Commissioner of Public Safety as required by Minn. Stat. § 340A.504, Subd. 7.

Source: Ord. 672-2nd Series
Effective Date: 12/27/11

Subd. 15. **Penalty.** Any person violating any provision of this section is guilty of a misdemeanor.

Source: Ord. 455 - 2nd Series
Effective Date: 11/27/00

Subd. 16. **Severability.** If any section, sub-section, subdivision or provision of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Subd. 17. **Municipal Liquor Dispensary.** Notwithstanding other provisions of this ordinance, the City of Alexandria is hereby authorized to continue to own and operate a municipal liquor dispensary for the sale of "off-sale" of intoxicating liquor to be controlled and operated under the direct supervision of the City Council and subject to the liquor laws of the State of Minnesota applicable to the operation of municipal liquor dispensaries.

01/01/15 THIS PAGE REPLACES PAGE 3-28

Subd. 18. **Effective Date.** This ordinance becomes effective upon its passage and publication according to law.

Source: Ord. 411-2nd Series
Effective Date: 4/27/98

Section 3.08. **Temporary On-Sale Liquor Licenses.**

Subd. 1. Pursuant to Minn. Stat. Section 340A.404, Subd. 10, any club or charitable, religious, or other non-profit organization in existence for at least three years may be issued a temporary license for the on-sale of intoxicating liquor in connection with a social event within the City sponsored by the licensee. The issuance of the license shall be upon such terms and conditions as may be imposed by the Alexandria City Council which shall be in addition to the requirements established in all related sections of this Alexandria City Code.

Subd. 2. **License Fee.** The daily temporary on-sale license fee shall be set by Resolution of the City Council.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Section 3.09 **Caterer's Permit.** Rescinded.

Source: Ord. 779-2nd Series
Effective Date: 12/26/17

Section 3.10 **Liquor Generally.**

Subd. 1. **Certain Sales and Keeping for Sale Prohibited.** It is unlawful for any person to manufacture or sell liquor, or to take, receive, solicit or place any order for intoxicating liquor or to have liquor in possession for sale, except when duly licensed to do so or as a transaction with or for the municipal liquor dispensary.

Subd. 2. **Sacramental Wine and Medicinal Liquor Excepted.** The prohibition herein shall not apply to possession or handling for sale or otherwise of sacramental wine or any representative of any religious order or for use in connection with a legitimate religious ceremony, nor to such potable liquors as are prescribed by licensed physicians and dentists for therapeutic purposes, nor to industrial alcohol and its compounds not prepared or used for beverage purposes.

Subd. 3. **Search Warrant to be Used.** Complaint being made before the Douglas County District Court charging any person with manufacturing, selling or keeping or having in possession for sale, or taking, receiving, soliciting, or placing any order for any intoxicating liquor, or having in possession any still, apparatus, implement, machine, device, contrivance, utensil or tablet or compound of any kind or nature, whether liquid or solid, or any formula, recipe or direction, or any matter, material or things of any kind in violation of any provision or part of this Subdivision, or designed or intended for use or used in committing a violation thereof, or with the keeping of a nuisance, and particularly describing the premises or place of said violation, the Judge of said District Court shall issue a warrant for the arrest of the person causing such violation, shall also issue a search warrant commanding any police officer of the City or any sheriff of Douglas County, Minnesota, to search such premises or place and seize and hold, subject to the order of such District Court, all liquor and every bar, bar fixture, vessel, container or receptacle of any kind, and every still, apparatus, implement, machine, device, contrivance, utensil or thing, and every tablet, compound or substance and all matter and material of any kind, whether liquid or solid, and every formula, recipe or direction found therein, any of which is apparently kept, had or possessed or manufactured or sold in violation of any provision of this Subdivision, or any of which is apparently designed or intended for use or used for or in, or in connection with any violation hereof, and make any inventory of the same and serve a copy

thereof forthwith on the defendant or person in charge of the premises; provided, however, that failure to make, file or serve any such inventory shall not invalidate or in any way affect the legality of any search or seizure or proceeding or prosecution made or had under the provisions of this Subdivision.

Subd. 4. **Destruction or Concealing Prohibited.** The destruction, removal or concealment, or attempted destruction, removal or concealment of any vessel, container or receptacle of any kind apparently containing intoxicating liquor in any such place or premises while a search thereof is being made under the provisions of this Subdivision, shall be prima facie evidence that such liquid was and is intoxicating. The destruction, mutilation, removal or concealment of any still, apparatus, implement, machine, device, contrivance, utensil or thing, or any tablet, compound or substance or material or matter of any kind, or any formula, recipe or direction apparently designed or intended for use or used for or in, or in connection with any violation of any provision or part of this Subdivision in or upon any such place or premises while a search thereof is being made under the provisions of this Subdivision, shall be prima facie evidence that the same was kept, had and possessed therein in violation of the provisions of this Subdivision and designed and intended for use and used in and in connection with such violation.

Subd. 5. **Disposition of Seized Property.** If the defendant in any criminal action be convicted hereunder, the liquor and every tablet, compound or substance and all matter and material of any kind, and every formula, recipe or direction, and every still, apparatus, implement, machine, device, contrivance or utensil found on the premises, or any of which constitutes or is designed or intended for use or used in or in connection with the nuisance or with the commission of the offense charged and for which the defendant was convicted, shall be destroyed under the direction of the Chief of Police, and all other articles seized, constituting or designed or intended for use or used for or in connection with the nuisance or with the commission of the offense and for which the defendant was convicted, shall be forfeited to the City and sold by and under the direction of the Chief of Police as upon execution.

Subd. 6. **License and Dispensary Restrictions and Conditions of Operation.**

A. No pool or billiard table shall be kept in the dispensary or any rooms connected therewith; nor shall anyone on such premises keep, possess or operate on such premises or in any room connected therewith any slot machine, dice or other gambling device or permit the same to be so kept or used.

B. No gambling shall be permitted on licensed or dispensary premises, nor shall any prostitute or person of known immoral character or any disorderly person be permitted on such premises.

C. No business other than the sale of liquor shall be carried on by the dispensary or other person employed therein during the time so employed.

D. Any dispensary or licensed premises may be inspected by the Health Officer at such time or times as necessary or advisable to maintain clean and sanitary conditions.

E. No person shall be permitted to loaf or loiter about dispensary premises habitually.

F. No licensed place of business shall be permitted to have swinging doors or opaque windows.

G. All licensed and dispensary sales shall be made in full view of the public.

H. Every licensee shall be responsible for the conduct of the licensee's place of business and for conditions of sobriety and order therein.

I. No person under eighteen (18) years of age shall be employed upon licensed or dispensary premises, or in any rooms constituting the same.

J. It is unlawful for any licensee or dispensary, or any employee thereof, to sell or serve liquor to any person under the age of twenty-one (21), or to permit any person under the age of twenty-one (21) to consume liquor on the licensed premises, or to permit any person under the age or twenty-one (21) to loiter or to remain in the room where liquor is being sold or served.

K. It is unlawful for any person to procure liquor for any person under the age of twenty-one (21).

L. It is unlawful to induce a person under the age of twenty-one (21) to purchase or procure liquor.

M. It is unlawful for any person under the age of twenty-one (21) to misrepresent his or her age for the purpose of obtaining liquor.

N. It is unlawful for any person under the age of twenty-one (21) to consume or have in their possession any liquor, unless otherwise authorized by law.

O. No person shall be employed in the dispensary or on license premises who has been convicted of a felony or of any law relating to the manufacture, sale or transportation of intoxicating liquors.

P. No equipment or fixtures in or upon a licensee's premises, or the dispensary premises, shall be owned in whole or in part by a manufacturer or wholesaler of liquors or beer.

Q. The room or rooms where liquor is sold shall be so arranged that an unobstructed view of any part of the room or rooms shall be visible to all persons in said room.

R. No sale of liquor shall be made on credit in either the dispensary or by a licensee.

S. All sales of intoxicating liquor by any organization holding a "club license" shall be made to its members and bona fide guests only.

Source: Ord. 700-2nd Series
Effective Date: 07/14/14

T. It is unlawful for any person to consume liquor in any public place or on any public street, or in a vehicle on a street or other public ground within the City, or in a soft drink parlor, or public place of recreation except a restaurant, cafe and such places as are duly licensed to sell such liquor, or to permit mixing on its premises. It is unlawful for any operator of such place of business to permit such consumption on his premises.

U. No off-sale retail dealer of either intoxicating liquor or non-intoxicating malt liquor, nor any agent thereof, whether or not licensed by the City of Alexandria, shall make deliveries of intoxicating liquor or non-intoxicating malt liquor outside of the licensed premises to any person or organization within the City of Alexandria. No person shall deliver intoxicating beverages or non-intoxicating malt liquor to another person within the City limits of Alexandria for payment, or as a business. Each violation of this ordinance shall be a misdemeanor.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Subd. 7. **Hours and Days of Sale.** The hours of operation and days of intoxicating liquor off-sale shall be those set by Minn. Stat. 340A.504 as it may be amended from time to time, except that on Sundays, the off-sale of intoxicating liquor is permitted by an off-sale licensee between the hours of 11:00 am and 6:00 pm. No delivery of alcohol to an off-sale licensee may be made by a wholesaler or accepted by an off-sale licensee on a Sunday. No order solicitation or merchandising may be made by a wholesaler on a Sunday.

Source: Ord. 765-2nd Series
Effective Date: 06/12/17

Section 3.11. **Municipal Dispensary.**

Subd. 1. **Establishment.** A municipal dispensary is hereby established to be operated within the City for the off-sale of liquor potable as a beverage and containing more than 3.2 percent of alcohol by weight, and for the sale of non-intoxicating alcoholic beverages. Such dispensary shall be at such place or places as the Council shall determine and may be either leased or owned by the City. It shall be in charge of a person known as the Operator who shall have such assistants as may be necessary, all of whom shall be paid such compensation as the Council shall determine. All employees, including the Operator, shall hold their positions at the pleasure of the Council.

Subd. 2. **Dispensary Fund.** A liquor dispensary fund is hereby created into which all revenues received from the operator of the dispensary shall be paid, and from which all operating expenses shall be paid, provided that the initial costs of rent, fixtures and stock may be paid for out of the first moneys coming into the liquor dispensary fund not needed for carrying on the said business. Any surplus accumulating in this fund may, from time to time, be transferred to the general fund by resolution of the Council and expended for any municipal purpose.

Subd. 3. **Minimum Liability Insurance.** Notwithstanding the requirements of Minn. Stat. Section 340A.409 with regard to required minimum liability insurance limits, the City of Alexandria hereby establishes a policy that there shall be established minimum liability insurance limits for the operation of the municipal liquor dispensary policy coverages in the sums of not less than \$300,000 because of bodily injury to any one person in any one occurrence and \$300,000 because of bodily injury to two or more persons in any one occurrence and \$10,000 because of injury or destruction of property of others in any one occurrence.

Section 3.12 **Clubs**.

Subd. 1. **Club License.** No club shall make any sales of liquor without first having obtained a license from the City. The Council may, in its discretion, issue a club license for the on-sale of liquor under and pursuant to the provisions of this Section.

Subd. 2. **Club License Application.** Any club desiring such a license from the City shall file with the City Clerk a verified application including, but not limited to, the following information:

- (1) The name of the club;
- (2) The date of incorporation;
- (3) The building or space in the building wherein the clubrooms are maintained;
- (4) Whether said clubrooms are owned or leased and if leased the name of the lessor;
- (5) A description of the premises where said intoxicating liquors shall be sold;
- (6) The purposes for which said club was organized and now exists;
- (7) Whether or not said Club has ever been convicted of any crime and if so, the nature and date thereof;
- (8) The names and addresses of the present officers of the club; and
- (9) the names and addresses of the executive board or committee which will be in direct charge of liquor operations.

Subd. 3. **Club License Fee.** The annual license fee for a club license shall be set according to Minnesota Statutes 340A.408, Subdivision 2 (b).

Source: Ord. 700-2nd Series
Effective Date: 07/14/14

Subd. 4. **Club Bond and Insurance.** The bond as provided for herein shall be conditioned as follows:

- (1) That the licensee shall obey the law relating to such licensed premises;

(2) That the licensee will pay to the City when due all taxes, license fees, penalties and other charges provided by law;

(3) That in the event of any violation of the provisions of any law relating to the retail on-sale of intoxicating liquor, such bond or policy shall be forfeited to the City;

(4) That the licensee will pay to the extent of the principal amount of such bond or policy any damages for death or injury caused by or resulting from the violation of any provisions of law relating thereto, and in such cases recovery under this provision may be had from the surety on this bond, or policy as the case may be. The amount specified in such bond or policy is declared to be a penalty, the amount recoverable to be measured by the actual damages, provided, however, that in no case shall such surety be liable for any amount in excess of the penal amount of the bond or policy; and

(5) That all such bonds or policies shall be for the benefit of the obligee and all persons suffering damages by reason of the breach of the conditions thereof. In the event of the forfeiture of such bond or policy for violation of law, the District Court of Douglas County may order the forfeit of the penal sum of said bond or policy, or any part thereof, to the City as obligee on such bond or policy.

Section 3.13. **Regulation of Public Display, Mixing and Consumption of Intoxicating Liquor.**

Subd. 1. **Regulation.** It is unlawful to suffer or permit the mixing, display or consumption of intoxicating liquor on public premises without first obtaining a permit from the Minnesota Liquor Control Commission and a license as provided hereinafter.

Subd. 2. **License.** The annual license fee shall be \$150.00. License applications shall be made to the City Clerk. Licenses shall be issued on a calendar year basis; if application is made after June 30, then the fee shall be one-half of the annual fee.

Subd. 3. **Inspection.** Licensed premises shall be open at all reasonable hours for inspection by the Minnesota Liquor Control Commission and duly authorized peace officers.

Subd. 4. **Prohibitions.** It is unlawful:

A. For any person to transport any intoxicating liquor to unlicensed public premises for the purpose of consumption therein, or consume any intoxicating liquor in unlicensed public premises.

B. For any person to display or mix any intoxicating liquor with any beer, soft drink or other liquid or beverage on unlicensed public premises.

Subd. 5. **Applicability.** This section shall not apply to any establishment licensed for the sale of intoxicating liquor.

Section 3.14 **Wine Licenses.**

Subd. 1. **Provision of State Law Adopted.** The provisions of Minn. Stat. Chapter 340A, relating to the definition of terms, licensing, consumption, sales, condition of bonds of licenses, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor insofar as they are applicable to wine licenses authorizing the sale of wine are adopted and made a part of this ordinance as if set out in full.

Source: Ord. 745-2nd Series
Effective Date: 03/28/16

Subd. 2. **Wine Licenses.** No person, except a wholesaler or manufacturer to the extent authorized under state license, and the municipal liquor dispensary, shall directly or indirectly deal in, sell, or keep for sale in the City any wine without an on-sale wine license. An on-sale wine license authorizes the sale of wine for consumption on the licensed premises only. An on-sale wine license may be issued to a theater or to a restaurant having facilities for seating not fewer than 50 guests at one time. A license issued to a theater authorizes the sales on all days of the week to persons attending events at the theater. For purposes of this ordinance, a restaurant means an establishment, under the control of a single proprietor or manager, having appropriate facilities for serving meals, and where, in consideration of payment therefor, 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. The restaurant must be open to the general public for food service a minimum of three (3) days.

Source: Ord. 745-2nd Series
Effective Date: 03/28/16

Subd. 3. **Application for License.**

1. **Form.** Every application for on-sale wine license shall state the name of the applicant, the applicant's age, representation as to applicant's character, with such references as the council may require, applicant's citizenship, the restaurant in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the restaurant, how long applicant has been in the restaurant business at that place, and such other information as the council may require from time to time. In addition to containing such information, the application shall be in the form prescribed by the liquor control director and shall be verified and filed with the City Clerk. No person shall make a false statement in an application.

2. **Bond.** This section is deleted.

Source: Ord. 691-2nd Series
Effective Date: 12/09/13

3. **Liability Insurance.** Prior to the issuance of a wine license, the applicant shall file with the City Clerk a liability insurance policy in the amount of \$50,000.00 coverage for one person and \$100,000.00 coverage for more than one person and shall comply with the provisions of Minn. Stat. Chapter 340A relating to liability insurance policies. If a liability insurance policy is made subject to all the conditions of a bond under that statute, the policy may be accepted by the council in lieu of the bond required under 2.

4. **Approval of Security.** The security offered under Subd. 3.3 shall be approved by the City Council and the state liquor commission and approved as to form by the City Attorney. Operation of a licensed business without having on file with the City at all time effective security as required in Subd. 3.3 is a cause for revocation of the license.

Subd. 4. **License Fees.**

1. **Amount.** The annual fee for a wine license shall be set by Resolution of the City Council.

2. **Payment.** Each application for a wine license shall be accompanied by a receipt from the City Treasurer for payment in full of the license fee. All fees shall be paid into the general fund. If an application for a license is rejected, the treasurer shall refund the amount paid.

3. **Term: Pro Rata Fee.** Each license shall be issued for a period of one year except that if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of December.

4. **Refunds.** No refund of any fee shall be made except as authorized by statute.

Subd. 5. **Granting of Licenses.**

1. **Investigation and Issuance.** The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the Council shall, in its discretion grant or refuse the application. No wine license shall become effective until it, together with the security furnished by the applicant, has been approved by the state liquor control director.

2. **Person and Premises Licensed; Transfer.** Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without city council approval. Any transfer of stock of a corporate license is deemed a transfer of the license and a transfer of stock without prior council and state liquor control commission approval is a ground for revocation of the license.

Subd. 6. **Persons Ineligible for License.** No wine license shall be granted to any person made ineligible for such a license by state law. No license shall be issued to an individual who is not a resident of Douglas County.

Subd. 7. **Places Ineligible for License.**

1. **General Prohibition.** No wine license shall be issued for any restaurant ineligible for such a license under state law.

2. **Delinquent Taxes and Charges.** No license shall be granted for operations on any premises on which taxes, assessments, or other financial claims of the City are delinquent and unpaid.

Subd. 8. **Conditions of License.**

1. **In General.** Every license is subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance, state law or regulation.

2. **Licensee's Responsibility.** Every licensee is responsible for the conduct of licensee's place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this ordinance and the law equally with the employees.

3. **Inspections.** Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the city to enter, inspect, and search the premises of the licensee during business hours without a warrant.

4. **Display During Prohibited Hours.** No licensee shall display wine to the public during hours when the sale of wine is prohibited.

5. **Federal Stamps.** No licensee shall possess a federal wholesale liquor dealers special tax stamp or federal gambling stamp.

Subd. 9. **Suspension and Revocation.** The council may either suspend for not to exceed 60 days or revoke any on-sale wine license upon a finding that the licensee has failed to comply with any applicable statute, regulation or ordinance relating to intoxicating liquor. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minn. Stat. Sections 14.57 to 14.70.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Subd. 10. **Penalty.** Any person violating any provision of this section is guilty of a misdemeanor.

Source: Ord. 455-2nd Series
Effective Date: 11/27/00

Subd. 11. **When Additional License Not Required.** Any holder of an on-sale wine license, who also holds an on-sale non-intoxicating malt liquor license, and who gross receipts are at least 60% attributable to the sale of food, may sell intoxicating malt liquors at on-sale without an additional license.

Source: Ord. 691-2nd Series
Effective Date: 12/09/13

Section 3.15. **Consumption of Beer, Intoxicating Liquor and Wine.** It shall be unlawful for the holder of a license to sell beer, intoxicating liquor or wine, to permit the consumption of any beer, intoxicating liquor or wine upon the licensed premises later than one half hour after the time when the sale of beer, intoxicating liquor or wine is prohibited.

Section 3.16 **Brewer Taproom Licenses**

Subd. 1. **Definitions.** A brewer taproom license shall mean a license authorizing the on-sale of malt liquor produced by a brewer for consumption on the premises of or adjacent to one(1) brewer location owned by the brewer. Unless otherwise stated, the definitions of Minn. Statutes, Chapter 340A, as the same shall be amended from time to time, shall apply herein.

Subd. 2. **Issuance of license.** Brewer taproom licenses may be issued to the holder of a brewer's license under Minn. Statutes. Chapter 340A.301, Subd. 6(c), (i) or (j). Said license may be issued and is subject to the conditions outlined in the City Code, Section 3.16, Subd. 3.

Subd. 3. **Conditions of License.**

1. The annual license fee for a taproom license, as established in the fee schedule set by ordinance by the City Council, shall be paid.

2. The license shall be valid on all days of the week consistent with the hours of sale provided in Section 3.07, Subdivision 14 of the Alexandria City Code.

3. A brewer may only hold one (1) brewer taproom license under this section.

4. The only alcoholic beverages sold or consumed on the premises of the taproom will be malt liquor produced by the brewer upon the brewery premises.

5. No taproom shall be located across a public right-of-way such as a street or alley from the brewery location.

6. All other provisions of this article shall be applicable to such licenses and licensees unless inconsistent with the provisions of this section.

Source: Ord. 691-2nd Series
Effective Date: 12/09/13

Section 3.17. **Off-Sale Malt Liquor Licenses**

Subd. 1. **Definitions.** A brewer licensed under Minn. Statutes, Chapter 340A.301, Subd. 6(d), (i), or (j) may be licensed for the "off-sale" of malt liquor produced and packaged on the licensed premises in accordance with Minn. Statutes, Chapter 340A.301, Subd. 7(b). Unless otherwise stated, the definitions of Minn. Statutes, Chapter 340A, as the same shall be amended from time to time, shall apply herein.

Subd. 2. **Conditions of License.**

1. The annual license fee for an off-sale malt liquor license, as established in the fee schedule set by ordinance by the City Council, shall be paid.

2. Off-sale of malt liquor may only be made during the hours that "off-sale" of liquor may be made at the Municipal Liquor Dispensary as described in Section 3.07, Subdivision 17 of the Alexandria City Code, except that malt liquor in growlers only may be sold at off-sale on Sunday until 10:00 p.m.

Source: Ord. 725-2nd Series
Effective Date: 06/22/15

3. The malt liquor shall be packaged in sixty-four-ounce containers commonly known as "growlers" or in seven hundred fifty (750) milliliter bottles. The container or bottle must be sealed in the manner as described in Minn. Statutes, Chapter 340A.301, Subdivision 6(d).

4. The malt liquor sold at off-sale, except growlers sold on Sundays, must be removed from the licensed premise before the applicable closing time at the Municipal Liquor Dispensary.

Source: Ord. 725-2nd Series
Effective Date: 06/22/15

5. All other provisions of this article shall be applicable to such licenses and licensees unless inconsistent with the provisions of this section.

Source: Ord. 691-2nd Series
Effective Date: 12/09/13

Section 3.18. **Temporary Off-Premise Community Festival
Liquor License**

Subd. 1. Pursuant to Minnesota Statutes §340A.404, Subd. 4(b), as the same may be amended from time to time, the City may grant to a holder of an on-sale intoxicating liquor licenses issued by the City a Temporary Off-Premise Community Festival Liquor License which shall authorize the licensee to dispense intoxicating liquor at a community festival held within the City.

Subd. 2. No Temporary Off-Premise Community Festival Liquor License will be granted unless and until the applicant:

1. Specifies and the City Council approves the area in which the intoxicating liquor will be dispensed and the dates and times of dispensing;
2. Demonstrates that is has insurance, included the insurance required by Minnesota Statute §340A.409, to cover the event;
3. Demonstrates how it will satisfy any and all safety, security, sanitation and other conditions the City Council may impose; and
4. Pays any license fee imposed by the City Council.

Subd. 3. The holder of a Temporary Off-Premise Community Festival Liquor License shall not dispense or allow the consumption of intoxicating liquor outside the area and time approved by the City Council.

Subd. 4. The license fee for Temporary Off-Premise Community Festival Liquor License shall be \$100.00.

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Subd. 5. To obtain a Temporary Off-Premise Community Festival Liquor License, a holder of an on-sale intoxicating liquor license issued by the City must submit to the City Administrator or his/her designee a verified application containing the name of the licensee and the information specified in Subd. 2 of this Section, and said application will be considered by the City Council.

Source: Ord. 704-2nd Series
Effective Date: 08/25/14

(Sections 3.19 - 3.99 Reserved)