

ORDINANCE NO. 745  
2<sup>ND</sup> SERIES

AN ORDINANCE AMENDING ALEXANDRIA CITY CODE SECTION 3.01,  
SUBDIVISION 21.B, SECTION 3.07, SUBDIVISION 11.12 AND 11.13, AND  
SECTION 3.14, SUBDIVISION 1 AND 2 REGARDING LIQUOR LICENSING

The City Council of the City of Alexandria does **ORDAIN**:

**SECTION I.** That Section 3.01, Subdivision 21.B. of the Alexandria City Code is hereby amended as follows:

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.

**SECTION II.** That Section 3.07, Subdivision 11.12. and 11.13. be amended as follows:

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

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.

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.

**SECTION III.** That Section 3.14, Subdivision 1 and 2 be amended as follows:

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.

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 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 per week.

**SECTION IV.** This Ordinance shall be in full force and effect from and after its passage and publication.

**ADOPTED** by the City Council of the City of Alexandria this 28<sup>th</sup> day of March, 2016, by the following vote:

YES: BATESOLE, KUHLMAN, OSTERBERG, BENSON, JENSEN

NO: NONE

ABSENT: NONE



Sara Carlson, Mayor

ATTEST:   
Martin D. Schultz, City Administrator