

ORDINANCE NO. 818
2ND SERIES

**AN ORDINANCE AMENDING SECTION 3.07, SUBDIVISION 11 OF THE
ALEXANDRIA CITY CODE, ON-SALE LIQUOR LICENSES**

The City Council of the City of Alexandria does ORDAIN that the City Code of the City of Alexandria be amended as follows:

Section 3.07, 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. **Noise.** The licensee shall operate the business in such a manner that it complies with Section 9.85 of the City Code.

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

6. **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.

7. **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.

8. **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.

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

10. **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.

11. **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.

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

13. **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.

14. **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.

15. 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

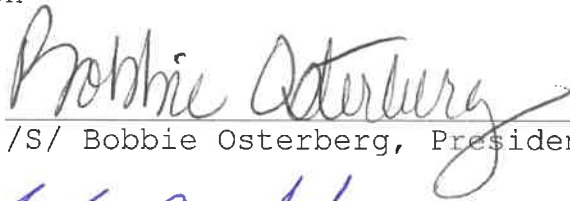
of "interest" as given in Subd. 5.1(k) of this Code, in the case of corporation the licensee shall notify the City when a person not listed in the application acquires an interest which together with that of the person's spouse, parent, brother, sister or child exceeds five percent (5%) and shall give all information about said person as required of a person pursuant to the provisions of Subd. 5.1(e) of this Code.

ADOPTED by the City Council of the City of Alexandria this 24th day of February, 2020, by the following vote:

YES: Franzen, Thalman, Osterberg

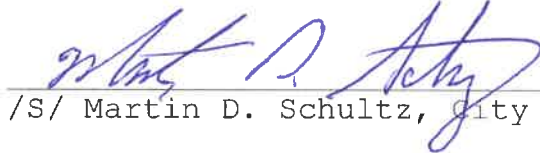
NO: Jensen

ABSENT: Benson



/S/ Bobbie Osterberg, President Pro Tempore

ATTEST:



/S/ Martin D. Schultz, City Administrator