

## Chapter 6 - ALCOHOLIC BEVERAGES<sup>11</sup>

### Footnotes:

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**Charter reference**— General powers of city, § 2.2.

**Cross reference**— Businesses, ch. 14.

**State Law reference**— Liquor, Minn. Stat. ch. 340A; local restrictions authorized, Minn. Stat. § 340A.509.

## ARTICLE I. - IN GENERAL

### Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bona fide guest* means an individual who is invited by a club member and present with such club member on the premises of the club, provided that the inviting member is not an on-duty employee of the club, or an individual who is attending a social function sponsored by a person other than the club, who is an invited guest of the sponsor of the social function, who shall also therefore be considered a guest of the chief officer of the club.

*Brewer* means a person who manufactures malt liquor for sale.

*Brew pub* means a brewer who also holds one or more retail on-sale license(s) and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted in Minn. Stat. § 340A.24, subd. 2.

*Brewer taproom* (also known as a microbrewery) means a facility on the premises of or adjacent to the premises owned by a brewer, licensed under Minn. Stat. § 340A.301, intended for the on-sale consumption and limited off-sale of beer produced on site by the brewer as authorized by Minn. Stat. § 340A.26

*Caterer's permit* means a permit issued by the commissioner of public safety to a restaurant that holds an on-sale intoxicating liquor license issued by the city. The holder of a caterer's permit may sell intoxicating liquor as an incidental part of a food service that serves prepared meals at a place other than the premises for which the holder's on-sale intoxicating liquor license is issued.

*Club* means an incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes; for intellectual improvement; or for the promotion of sports; or a congressionally chartered veterans' organization, which:

- (1) Has more than 30 members;
- (2) Has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members; and
- (3) Is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for the purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the city council.

*Cocktail room* means a facility on or adjacent to the premises of a microdistillery licensed under Minn. Stat. § 340A.22, which has been issued a cocktail room license for the on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller.

*Commissioner of public safety* means the commissioner of the Minnesota Department of Public Safety.

*Distilled spirits* means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

*Hotel* means an establishment where food and lodging are regularly furnished to transients and which has:

- (1) A dining room serving the general public at tables and having facilities for seating at least 30 guests at one time; and
- (2) At least ten guestrooms.

*Intoxicating liquor* means ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight.

*Malt liquor* means any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume. Malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight shall be defined as "3.2 percent malt liquor."

*Microdistillery* means a distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year and licensed under Minn. Stat. § 340A.22.

*Off-sale* means the sale of alcoholic beverages in original packages for consumption off the licensed premises only.

*On-sale* means the sale of alcoholic beverages for consumption on the licensed premises only.

*Package* means a sealed or corked container of alcoholic beverages.

*Person* includes all firms, partnerships, associations, corporations or any other business entity and natural persons.

*Restaurant* means an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, and having a minimum seating capacity for not fewer than 30 guests at one time. To be a restaurant as defined by this section, an establishment shall have a license from the state as required by Minn. Stat. § 157.16, as it may be amended from time to time, and meet the definition of either a "small establishment," medium establishment" or "large establishment" as defined in Minn. Stat. § 157.16, subd. 3(d), as it may be amended from time to time.

*Theater* means a building containing an auditorium in which live dramatic, musical, dance, or literary performances are regularly presented to holders of tickets for those performances.

*Wine* means the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use. Wine does not include distilled spirits.

(Ord. No. 730, § 800:05, 8-17-2000; Ord. No. 867, 7-9-2007; Ord. No. 928, 2-6-2012; Ord. No. 967, 2-17-2015; Ord. No. 974, 6-16-2015)

**Cross reference**— Definitions generally, § 1-2.

**State Law reference**— Definitions generally, Minn. Stat. § 340A.101.

Sec. 6-2. - State law adopted.

Except as further restricted or regulated by this chapter, the provisions of Minn. Stat. ch. 340A, relating to the definition of terms, licensing, consumption, sales, financial responsibility of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution and consumption of 3.2 percent malt liquor and intoxicating liquor, are adopted and made a part of this chapter as if set out in full. In accordance with Minn. Stat. § 340A.509, the city may impose further restrictions and regulations on the sale and possession of alcoholic beverages within city limits. Whenever there is an inconsistency between the provisions of Minn. Stat. ch. 340A, as amended, and the provisions of this section, the more restrictive provision shall govern.

(Ord. No. 730, § 800:00, 8-17-2000; Ord. No. 967, 2-17-2015)

Sec. 6-3. - Open containers.

- (a) *Open container of intoxicating liquor.* It is unlawful to carry an open container of any intoxicating liquor or to consume any intoxicating liquor on any city-owned street, sidewalk, alley, parking lot or park in the city or upon any lands owned by Northfield School District #659, including school grounds and buildings, parklands, and parking lots, except as permitted in section 6-70 and as permitted under a temporary on-sale intoxicating liquor license issued pursuant to this chapter. The possession and consumption of malt liquor is not prohibited, however, in city parks or property owned by the Northfield School District, known as the South 40, so long as it is not brought to the city park or the South 40 property in or consumed from glass containers, and provided that it is not in violation of state law and provided further that, notwithstanding any section of this chapter to the contrary, the possession and consumption of malt liquor on the South 40 property is absolutely prohibited during any school-related activities.
- (b) *Open container of 3.2 percent malt liquor.* It is unlawful to carry an open container of any 3.2 percent malt liquor or to consume any 3.2 percent malt liquor on any city-owned street, sidewalk, alley or parking lot in the city or upon any lands owned by Northfield School District #659, including school grounds and buildings, parklands, and parking lots, except as permitted in section 6-70 and as permitted under a temporary on-sale 3.2 percent malt liquor license issued pursuant to this chapter. The possession and consumption of 3.2 percent malt liquor is not prohibited, however, in city parks or on the property owned by the Northfield School District known as the South 40, so long as it is not brought to the city park or the South 40 property in or consumed from glass containers, and provided that it is not in violation of state law and provided further that, notwithstanding any section of this chapter to the contrary, the possession and consumption of 3.2 percent malt liquor on the South 40 property is absolutely prohibited during any school-related activities.

(Ord. No. 730, § 815:00, 8-17-2000; Ord. No. 928, 2-6-2012)

Secs. 6-4—6-30. - Reserved.

ARTICLE II. - RETAILERS

DIVISION 1. - GENERALLY

Secs. 6-31—6-55. - Reserved.

DIVISION 2. - LICENSE<sup>2</sup>

Footnotes:

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**State Law reference**— Licenses, Minn. Stat. § 340A.401 et seq.

Sec. 6-56. - Required.

Except as provided in this chapter, no person may directly or indirectly, on any pretense or by any device, sell, barter, keep for sale, charge for possession, or otherwise dispose of alcoholic beverages as part of a commercial transaction within the corporate city limits without first having obtained the required license.

(Ord. No. 730, § 800:10(1), 8-17-2000)

Sec. 6-57. - License classifications.

- (a) *3.2 percent malt liquor licenses*. Licenses for the sale of 3.2 percent malt liquor shall be of three kinds: on-sale, off-sale, and temporary on-sale and shall be granted to the following:
- (1) On-sale licenses shall be granted only to drugstores, clubs, restaurants, hotels, and bowling centers, and shall permit the sale of 3.2 percent malt liquor for consumption on the licensed premises only.
  - (2) Off-sale licenses shall be granted only to stores to permit the sale of 3.2 percent malt liquor in original packages for consumption off the premises only.
  - (3) Temporary on-sale licenses shall be granted for a period of time not to exceed five days and shall be granted only to clubs and charitable, religious and other nonprofit organizations for the sale of 3.2 percent malt liquor for consumption on the premises or area specifically described in the license. A temporary on-sale license issued to a club shall entitle such club to sell 3.2 percent malt liquor to nonmembers as well as club members.
- (b) *Intoxicating liquor licenses*. Licenses for the sale of intoxicating liquor shall be of five kinds: on-sale, on-sale club, Sunday on-sale, on-sale wine and temporary on-sale and shall be granted to the following:
- (1) On-sale licenses shall be granted only to hotels, restaurants and bowling centers, provided that an on-sale intoxicating liquor, on-sale wine, or on-sale malt liquor license may also be issued to a theater as provided by Minn. Stat. § 340A.404, subd. 1(b).
  - (2) On-sale club licenses shall be issued only to clubs, as defined in section 6-1, and such licenses shall entitle such clubs to sell intoxicating liquor only to club members and bona fide guests.
  - (3) On-sale wine, temporary on-sale, and Sunday on-sale licenses shall be issued as provided in sections 6-58, 6-59 and 6-60, respectively.
- (c) *Brewer taproom (microbrewery) on-sale licenses* .
- (1) *License authorized* . Notwithstanding any provision of the City Code to the contrary, the council may issue a brewer taproom license for the on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer subject to the requirements contained in Minn. Stat. § 340A.26. The council may not issue a license under this section to a brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the

license, is a brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually.

- (2) *Applicant* . The applicant for a license under this clause must be a brewer licensed under Minn. Stat. § 340A.301, subd. 6 (c), (i), or (j) as amended.
  - (3) *Terms and conditions of license* .
    - a. No license is valid until approved by the commissioner of public safety.
    - b. The on-sale of malt liquor, permitted by this clause, may only be made during the days and hours that on-sale of liquor may be made by holders of on-sale intoxicating liquor licenses issued pursuant to section 6-103 of this chapter.
    - c. A brewer may only hold one brewer taproom license under this section.
    - d. The only alcoholic beverage that may be sold or consumed on the premises of the holder of a brewer taproom license will be the malt liquor produced by the brewer upon the brewery premises.
    - e. No brewer taproom license shall be issued to a location across a public right-of-way such as a street or alley from the licensed brewery location.
    - f. All other provisions of this chapter, and all other applicable laws, statutes, ordinances, rules and regulations shall be applicable to licenses issued pursuant to this clause and the licensees of such licenses unless inconsistent with the provisions of this clause or applicable law.
    - g. Nothing in this clause precludes the holder of a brewer taproom license from also holding a license to operate a restaurant on the premises of the brewery.
  - (4) *Fees* . The city shall impose a licensing fee on a brewer holding a brewer taproom license under this clause, subject to limitations applicable to license fees under Minn. Stat. § 340A.408, subd. 2(a). The annual license fee for a license issued pursuant to this clause shall be as established from time to time by a resolution of the city council.
  - (5) No single entity may hold both a cocktail room and brewer taproom license, and a cocktail room and brewer taproom may not be co-located.
  - (6) Minn. Stat § 340A.409 shall apply to any license issued under this clause.
- (d) *Off-sale small brewer (taproom) malt liquor license* .
- (1) *License authorized* . Notwithstanding any provision of the City Code to the contrary, the council may issue an off-sale small brewer (taproom) malt liquor license to a brewer who holds a brewer license issued under Minn. Stat. § 340A.301, subd. 6 (c), (i), or (j) subject to the requirements contained in Minn. Stat. § 340A.28 for off-sale of malt liquor at the brewer's licensed premises that has been produced and packaged by the brewer. The council may not issue a license under this section to a brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews more than 20,000 barrels of its own brands of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually.
  - (2) *Applicant* . The applicant for the license under this clause must be a brewer licensed under Minn. Stat. § 340A.301, subd. 6 (c), (i), or (j), as amended, in order to be licensed for the off-sale of malt liquor produced and packaged on the licensed premises.
  - (3) *Terms and conditions of license* .
    - a. No license is valid until approved by the commissioner of public safety,
    - b. The amount of malt liquor sold at off-sale may not exceed 500 barrels annually.
    - c. The off-sale of malt liquor, permitted by this clause, may only be made during the days and hours that off-sale of liquor may be made at the municipal liquor store as stated in section 6-

134 of this chapter, except that malt liquor in growlers only may be sold at off-sale on Sundays between the hours of 8:00 a.m. and 10:00 p.m.

- d. The malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores.
- e. The malt liquor for off-sale shall be packaged pursuant to Minn. Stat. § 340A.285 in 64-ounce containers commonly known as "growlers" or in 750 milliliter bottles. The containers or bottles shall bear a twist-type closure, cork, stopper, or plug. At the time of the sale, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extended over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening of the container or bottle. The adhesive band, strip, or sleeve shall bear the name and address of the brew pub or brewer.
- f. The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, bear the name and address of the brew pub or brewer selling the malt liquor, and shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise in accordance with the provisions of Minn. R. part 7515.1100.
- g. A brew pub or brewer may, but is not required to, refill any container or bottle with malt liquor for off-sale at the request of a customer. A brew pub or brewer refilling a container or bottle must do so at its licensed premises and the container or bottle must be filled at the tap at the time of sale. A container or bottle refilled under this paragraph must be sealed and labeled in the same manner as described above.
- h. A brewer may only have one license under this clause.
- i. The city shall impose a licensing fee on a brewer holding a small brewer license under this clause, subject to limitations applicable to license fees under Minn. Stat. § 340A.408, subd. 3(a). The annual license fee for a license issued pursuant to this clause shall be as established from time to time by a resolution of the city council.

(e) *Off-sale brew pub malt liquor licenses .*

- (1) *License authorized .* Notwithstanding any provision of the City Code to the contrary and subject to the requirements contained in Minn. Stat. § 340A.24, the council may issue off-sale brew pub malt liquor licenses to a brewer who holds a brewer license issued under Minn. Stat. § 340A.301, subd. 6(d) for the operation of a brew pub, and the same shall be operated in and as a part of a restaurant establishment for which an on-sale intoxicating liquor license has been issued by the city. The off-sale brew pub malt liquor license authorizes the off-sale of malt liquor produced and packaged on the premises.
- (2) *Applicant .* The applicant for a license under this clause must be a brewer licensed under Minn. Stat. § 340A.301, subd. 6(d) in order to be licensed for the off-sale of malt liquor produced and packaged on the licensed premises.
- (3) *Terms and conditions of license .*
  - a. No license is valid until approved by the commissioner of public safety.
  - b. Brewers must also hold one or more on-sale intoxicating liquor licenses issued by the city.
  - c. The off-sale of malt liquor, permitted by this clause, may only be made during the days and hours that off-sale of liquor may be made at the municipal liquor store as stated in section 6-134 of this chapter, except that malt liquor in growlers only may be sold at off-sale on Sundays between the hours of 8:00 a.m. and 10:00 p.m.
  - d. The malt liquor sold off-sale must be removed from the licensed premises before the applicable closing time of the City of Northfield municipal liquor store(s).
  - e. The malt liquor for off-sale shall be packaged pursuant to Minn. Stat. § 340A.285 in 64-ounce containers commonly known as "growlers" or in 750 milliliter bottles. The containers or bottles shall bear a twist-type closure, cork, stopper or plug. At the time of the sale, a paper

or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extended over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening of the container or bottle. The adhesive band, strip, or sleeve shall bear the name and address of the brew pub or brewer.

- f. The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, bear the name and address of the brew pub or brewer selling the malt liquor and shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise in accordance with applicable Minnesota law and the provisions of Minn. R. part 7515.1100.
  - g. A brew pub or brewer may, but is not required to, refill any container or bottle with malt liquor for off-sale at the request of a customer. A brew pub or brewer refilling a container or bottle must do so at its licensed premises and the container or bottle must be filled at the tap at the time of sale. A container or bottle refilled under this paragraph must be sealed and labeled in the manner described in this clause.
  - h. A brew pub's total retail sales at on-sale or off-sale under this clause may not exceed 3,500 barrels per year, provided that off-sales under this clause may not exceed 500 barrels per year.
  - i. A brew pub licensed under Minn. Stat. § 340A.301, subd. 6(d), may hold or have an interest in other retail on-sale licenses, but may not have an ownership interest in whole or in part, or be an officer, director, agent, or employee of, any other manufacturer, brewer, importer, or wholesaler, or be an affiliate thereof whether the affiliation is corporate or by management, direction, or control. Notwithstanding this prohibition, a brew pub licensed under Minn. Stat. § 340A.301, subd. 6(d), may be an affiliate or subsidiary company of a brewer licensed in Minnesota or elsewhere if that brewer's only manufacture of malt liquor is:
    - 1. Manufacture licensed under Minn. Stat. § 340A.301, subd. 6(d);
    - 2. Manufacture in another state for consumption exclusively in a restaurant located in the place of manufacture; or
    - 3. Manufacture in another state for consumption primarily in a restaurant located in or immediately adjacent to the place of manufacture if the brewer was licensed under Minn. Stat. § 340A.301, subd. 6(d), on January 1, 1995.
  - j. All other provisions of this chapter, and all other applicable laws, statutes, ordinances, rules and regulations shall be applicable to licenses issued pursuant to this section and the licensees of such licenses unless inconsistent with the provisions of this clause.
- (4) *Fees* . The annual license fee for a license to be issued pursuant to this section shall be as established from time to time by a resolution of the city council.
- (f) *Cocktail room licenses* . A microdistillery licensed under and subject to the requirements contained in Minn. Stat. § 340A.22, may be issued an on-sale liquor license for the "on sale" of distilled liquor produced by the distiller for consumption on the licensed premises of or adjacent to one distillery location owned by the distiller, subject to the requirements and rules contained in Minn. Stat. ch. 340A and Minn. R. c. 7515 and the following conditions:
- (1) The on-sale of distilled liquor, permitted by this section, may only be made during the days and hours that on-sale of liquor may be made by holders of on-sale intoxicating liquor licenses issued pursuant to section 6-103 of this chapter.
  - (2) All other provisions of this chapter shall be applicable to such licenses and license holders unless inconsistent with the provisions of this section.
  - (3) A distiller may only have one cocktail room license under this clause, and may not have an ownership interest in a distillery licensed under Minn. Stat. § 340A.301, subd. 6(a).
  - (4) No cocktail room license shall be issued to a locating across a public right-of-way such as a street or alley from the licensed microdistillery location.

- (5) *Fees* . The city shall impose a licensing fee on a distiller holding a microdistillery cocktail room license under this clause, subject to limitations applicable to license fees under Minn. Stat. § 340A.408, subd. 2(a). The annual license fee for a license to be issued pursuant to this section shall be as established from time to time by a resolution of the city council.
  - (6) Licensed cocktail rooms may operate a restaurant on the premises without additional licensure.
  - (7) Soft drinks and water may be provided without an additional license requirement.
  - (8) Minn. Stat § 340A.409 shall apply to any license issued under this clause.
  - (9) No single entity may hold both a cocktail room and brewer taproom license, and a cocktail room and brewer taproom may not be co-located.
- (g) *Off-sale microdistillery license* . A microdistillery licensed under and subject to the requirements contained in Minn. Stat. § 340A.22, may be issued an off-sale microdistillery liquor license for off-sale of distilled spirits produced by the distiller at the licensed premises of or adjacent to one distillery location owned by the distiller, subject to the requirements and rules contained in Minn. Stat. ch. 340A and Minn. R. c. 7515 and the following conditions:
- (1) The off-sale of distilled liquor, permitted by this clause, may only be made during the days and hours that off-sale of liquor may be made at the municipal liquor store as stated in section 6-134 of this chapter.
  - (2) All other provisions of this chapter shall be applicable to such licenses and license holders unless inconsistent with the provisions of this clause.
  - (3) No brand may be sold at the microdistillery unless it is also available for distribution by wholesalers.

(Ord. No. 730, § 800:10(2), (3), 8-17-2000; Ord. No. 867, 7-9-2007; Ord. No. 967, 2-17-2015; Ord. No. 974, 6-16-2015)

**State Law reference**— Licenses authorized generally, Minn. Stat. §§ 340A.403, 340A.404, subds. 1, 5, 10.

Sec. 6-58. - Wine licenses.

- (a) *On-sale wine license* . An on-sale wine license may be issued by the city with the approval of the commissioner of public safety to a restaurant having facilities for seating at least 30 guests at one time. A wine license permits the sale of wine of up to 24 percent alcohol by volume for consumption. A wine license authorizes the sale of wine on all days of the week including Sundays. A holder of an on-sale wine license issued pursuant to this chapter who is also licensed to sell 3.2 percent malt liquor at on-sale pursuant to Minn. Stat. § 340A.411, is also authorized to sell intoxicating malt liquors at on-sale without an additional license. The license fee for an on-sale wine license shall be established by resolution of the city council from time to time and shall not exceed any statutory maximum.
- (b) *Bed and breakfast facility* . A bed and breakfast facility may be issued a wine license as follows:
  - (1) The city may issue an on-sale wine license with the approval of the commissioner of public safety to a licensed bed and breakfast facility. Such a license authorizes a bed and breakfast facility to furnish wine only to registered guests of the facility and, if the facility contains a licensed commercial kitchen, also to guests attending private events at the facility.
  - (2) No license is required for a registered bed and breakfast facility which meets the definition of Minn. Stat. § 340A.4011, subd. 1, to provide at no additional charge to a person renting a room at the facility not more than two glasses per day, each containing not more than four fluid ounces of wine. Wine so furnished may be consumed only on the premises of the bed and breakfast facility.

- (c) *Wine tastings.* Licenses may be issued for wine tastings as follows:
- (1) A wine tasting is an event of not more than four hours duration at which persons pay a fee or donation to participate, and the persons are allowed to consume wine by the glass without paying a separate charge for each glass. A charitable, religious, or other nonprofit organization may conduct a wine tasting on premises the organization owns or leases or has use donated to it, or on the licensed premises of a holder of an on-sale intoxicating liquor license, subject to compliance with this subsection. An organization holding a temporary on-sale intoxicating liquor license may be assisted in conducting the wine tasting by another nonprofit organization.
  - (2) An organization that conducts a wine tasting under this subsection may use the net proceeds from the wine tasting only for the following:
    - a. The organization's primary nonprofit purpose; or
    - b. Donation to another nonprofit organization assisting in the wine tasting, if the other nonprofit organization uses the donation only for that organization's primary nonprofit purpose.
  - (3) Wine tastings are subject to all other provisions of Minn. Stat. § 340A.418.

(Ord. No. 730, § 800:15, 8-17-2000; Ord. No. 974, 6-16-2015)

**State Law reference**— On-sale wine licenses, Minn. Stat. § 340A.404, subd. 5.

Sec. 6-59. - Temporary on-sale intoxicating liquor license.

- (a) The city may, with the approval of the commissioner of public safety, issue to (i) a club or charitable, religious, or other nonprofit organization in existence for at least three years; (ii) a political committee registered under Minn. Stat. § 10A.14; or (iii) a state university a temporary on-sale license for the sale of intoxicating liquor in connection with a social event within the city sponsored by the licensee. The applicant for a license under this section shall specify whether the license is for the sale of wine, malt liquor, wine and malt liquor, or all intoxicating liquor, and the city shall designate the type of license applied for and granted. If the license will be used on city-owned property through an agreement with the city, the city may require that the license be limited to wine or malt liquor or to wine and malt liquor. The license may authorize the sale of intoxicating liquor for not more than four consecutive days, and may authorize on-sales on premises other than premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full-year on-sale intoxicating liquor license issued by the city. The license shall be subject to the terms, including a license fee, established by resolution of the city council from time to time. Licenses issued under this section are subject to laws and ordinances governing the sale of intoxicating liquor, except those provisions specifically excepted or which by their nature are not applicable. Licenses under this subdivision are not valid unless first approved by the commissioner of public safety.
- (b) The city may issue to a brewer who manufactures fewer than 3,500 barrels of malt liquor in a year or a microdistillery a temporary license for the on-sale of intoxicating liquor in connection with a social event within the city sponsored by the brewer or microdistillery. The terms and conditions specified for temporary licenses under paragraph (a) shall apply to a license issued under this paragraph, except that the requirements of Minn. Stat. § 340A.409, subs. 1 to 3a, shall apply to the license.
- (c) The city may not issue more than three four-day, four three-day, six two-day, or 12 one-day temporary on-sale intoxicating liquor licenses, in any combination not to exceed 12 days per year, to any one organization or registered political committee or for any one location within a 12-month period. The city may not issue more than one such temporary license to any one organization or registered political committee or for any one location within any 30-day period unless the licenses are issued in connection with an event officially designated a "community festival" by the city. The limitations contained in this subsection may be applied separately with regard to temporary wine and temporary intoxicating liquor licenses issued to any one organization or registered political committee or for any one location.

(Ord. No. 730, § 800:20, 8-17-2000; Ord. No. 867, 7-9-2007; Ord. No. 974, 6-16-2015)

**State Law reference**— Temporary on-sale intoxicating liquor licenses, Minn. Stat. §§ 340A.404, subd. 10, 340A.410, subd. 10.

Sec. 6-60. - Special Sunday on-sale license.

- (a) *Required* . A restaurant, club, bowling center, or hotel, as defined in this chapter, which holds an on-sale intoxicating liquor license may sell intoxicating liquor between 8:00 a.m. and 12:00 midnight on Sunday for consumption on the premises in conjunction with the sale of food if the establishment has received a special license from the city for such Sunday sales. An establishment serving intoxicating liquor on Sundays must obtain a Sunday license. The license shall be issued for a period of one year and shall expire on March 31. The fee for the license shall be established by resolution of the city council from time to time and may not exceed the statutory maximum, provided that the fee applicable to any application made after the commencement of the license year shall not be prorated.
- (b) A licensed brew pub or brewer taproom, may sell on-sale intoxicating malt liquor between the hours of 8:00 a.m. and midnight on Sunday for consumption on the premises unless prohibited by law. A brew pub or brewer taproom serving intoxicating malt liquor on Sundays must obtain a Sunday license in accordance with this section and Minn. Stat. § 340A.504. No off-sale of intoxicating malt liquor may be made on Sunday. The license shall be issued for a period of one year and shall expire on March 31. The fee for the license shall be established by resolution of the city council from time to time and may not exceed the statutory maximum, provided that the fee applicable to any application made after the commencement of the license year shall not be prorated.
- (c) *Application* . Application for a Sunday license shall be made to the city in the same manner and by complying with the same requirements as required for a license to sell intoxicating liquors, except for the investigation fee.
- (d) *Hours* . The holder of a Sunday license may serve intoxicating liquors between the hours of 8:00 a.m. and 12:00 midnight on Sundays, and the premises shall be vacated by 12:30 a.m. on Monday. However, under special conditions, such as holidays and special celebrations, the city council may by resolution extend the serving and closing times for a particular Sunday to be the same as the maximum allowed by state law.
- (e) *Theaters* . A theater licensed under section 6-57(b)(1) is not required to obtain a Sunday license but is subject to the hours established by subsection (d) above.

(Ord. No. 730, § 800:25, 8-17-2000; Ord. No. 867, 7-9-2007; Ord. No. 967, 2-17-2015; Ord. No. 974, 6-16-2015)

**State Law reference**— Sunday on-sale intoxicating liquor license, Minn. Stat. § 340A.504, subd. 3.

Sec. 6-61. - Application.

- (a) The application for a license required under this division shall be on a form provided by the city clerk and shall contain such information as required by the state, the city council and any additional information the city deems necessary.
- (b) Every application for any license to sell alcoholic beverages shall set forth the following:
  - (1) The name of the person applying for the license;
  - (2) The applicant's age;

- (3) The names and addresses of all persons who will own or be actively or inactively involved in the management of the establishment where the license will be used;
- (4) A statement whether the applicant has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the application;
- (5) Representation as to the applicant's moral character and reputation, with such references as may be required;
- (6) The applicant's citizenship;
- (7) The location where such business is to be carried on;
- (8) The type of license applied for;
- (9) The business in connection with which the proposed license will operate;
- (10) The length of time the applicant has been in that business at that place; and
- (11) Such other relevant information as the state or the council may require from time to time.

It shall be unlawful to make any false statement in an application.

- (c) Application for renewal of an existing license shall be made at least 90 days prior to the date of expiration of the license and shall contain such information as required by the state, the city council and any additional information the city deems necessary. This time requirement may be waived by the city council for good and sufficient cause.
- (d) In addition to other required information, all new and renewal applications for on-sale club licenses shall include a written plan signed by the manager and chief officer of the club setting out the club's procedure for enforcing the prohibition of sale of alcoholic beverages by clubs to persons who are not members or bona fide guests of members of the club. The written plan shall include but not be limited to the following:
  - (1) All persons who enter the premises of a club, other than those who enter as invited guests of the sponsor of a social function sponsored by a person other than the club, shall be required to sign in upon entry and to indicate in writing whether they are a member or a nonmember of the club, and if a nonmember, of what member they are a guest, if any.
  - (2) Nonmembers who are not guests of members shall be reminded by a conspicuously posted notice, and by a notice in boldface type on the sign-in sheet, that they shall not be served alcoholic beverages.
  - (3) Nonmembers who are invited guests of the sponsor of a social function sponsored by a person other than the club shall, upon entry into the club, be verified by a club officer or employee to be invited guests of the sponsor of the function.

(Ord. No. 730, §§ 800:30, 800:35, 8-17-2000; Ord. No. 887, 1-5-2009; Ord. No. 928, 2-6-2012)

Sec. 6-62. - Fees; term.

- (a) All applications for licenses required under this division shall be accompanied by the full license fee for the respective license as duly set by resolution of the city council from time to time, not exceeding any statutory maximums. However, with respect to an on-sale intoxicating liquor license, one-half of the license fee shall be paid with the application, and one-half shall be paid before the license is issued. All such fees shall be paid into the city's general fund. Upon rejection of any application for a license or upon withdrawal of an application before approval of the issuance by the council, the license fee shall be refunded to the applicant, except when rejection is for willful misstatement on the license application. The fees for the licenses shall not be prorated except as provided in this section.
- (b) All licenses shall expire on March 31 in each year, except for temporary on-sale licenses, which shall expire on the date set therein.

- (c) If eight months of any licensing year have elapsed when an application for a 3.2 percent malt liquor license other than a temporary license is made, the license fee shall be reduced to one-half of the regular amount thereof.
- (d) The license fee for an on-sale intoxicating liquor license granted after the commencement of the license year shall be prorated on a monthly basis. Any portion of a month shall be treated as a whole month. On-sale club licenses shall not be prorated. Any license surrendered to the city by the holder shall entitle the holder to a pro rata refund of the license fee, except where the license has been suspended or revoked.
- (e) When a license is granted under this division, if the business licensed is not operational within 60 days after the approval of the license by the city council, the license shall become null and void unless the holder of the license can show good and sufficient cause or reason for failure to comply with this 60-day requirement. When a license is granted for a premises which is under construction or otherwise not ready for occupancy, the license shall not become effective until the building official has issued a certificate of occupancy. If the holder of the license shall not begin operation of the business on the licensed premises within 60 days after issuance of the certificate of occupancy, the license shall become null and void unless the holder can show good and sufficient cause or reason for failure to comply with this 60-day requirement. If a license is terminated due to failure to comply with this subsection, any license fee previously paid shall be refunded.
- (f) The license fee for any temporary license may include an amount which may be refunded if the licensee complies with all of the terms and conditions of issuance of the license. Upon the expiration of the term stated in the license and compliance with the terms and conditions thereof, the refundable portion of the fee shall be returned to the licensee. If the licensee defaults in the terms and conditions imposed by the license, a reasonable amount of the otherwise refundable portion thereof may be applied to the expenses incurred by the city as a result of such default.
- (g) At the time of each original application for any license and at the time of application for renewal of any such license, the applicant shall also pay in full an investigation fee in such amount, not exceeding the maximum allowed by state law, as duly established by resolution of the city council from time to time. No part of any investigation fee shall be refunded unless an application is withdrawn before any action is taken thereon. At any time that an additional investigation is required because of a change of ownership or for any other reason, the applicant or licensee shall pay an additional investigation fee in such amount as duly established by resolution of the city council from time to time.

(Ord. No. 730, § 800:40, 8-17-2000)

**State Law reference**— License fees, Minn. Stat. § 340A.408; investigation fee, Minn. Stat. § 340A.412, subd. 2; license term, Minn. Stat. §§ 340A.411, subd. 2, 340A.412, subd. 8.

Sec. 6-63. - Investigation; hearing; effect of delinquent taxes or assessments.

- (a) All applications for licenses and for renewal of licenses under this division shall be referred to the chief of police for investigation of the facts set forth in the application and other relevant matters. The initial investigation shall include a list of all violations of federal, state and local laws by the applicant, including the applicant's owner(s), partner(s), officer(s) or manager(s), as applicable. The initial investigation and any subsequent investigation may include any other inquiry deemed necessary or advisable by the chief of police. The chief of police shall make a written report and recommendation to the city council before the council approves the issuance of any initial license and, in the discretion of the chief of police, before the council approves renewal of such a license. The council may order and conduct such additional investigation as it shall deem necessary; may consider the general health, safety and welfare of the public in issuing licenses; and may grant or refuse to grant such license in its discretion.
- (b) Upon receipt of the written report from the chief of police concerning an application for a new license, a hearing on the license application shall be held. Within 20 days of receipt of the report from the chief

of police, the city clerk shall publish in the official newspaper, and mail to property owners within 350 feet of the premises proposed to be licensed, a notice of a hearing on the license application. The notice shall be published once and mailed at least ten days prior to the hearing and shall set forth 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. Unless the police chief or the city clerk believes there is good cause for a public hearing with regard to a particular application for a new license, no public hearing shall be required if the new license will pertain to premises which has been the subject of a license under this division within one year prior to the application for a new license, but all other requirements for a new license shall apply.

- (c) No license shall be granted or renewed for operation on any premises on which taxes, assessments, service charges or other financial claims of the city or of the state are delinquent. If an action has been commenced pursuant to the provisions of Minn. Stat. ch. 278, questioning the amount or validity of the taxes, the council may, on request of the licensee, waive strict compliance with this subsection. No waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one year after they become due, except, in the sole discretion of the city council under the circumstances presented, in instances of a lessee of leased property upon which taxes are delinquent.

(Ord. No. 730, § 800:45(1), (2), (4), 8-17-2000; Ord. No. 887, 1-5-2009; Ord. No. 928, 2-6-2012)

Sec. 6-64. - Criteria for issuance.

- (a) No license required under this division shall be granted to any person under 21 years of age.
- (b) No license shall be granted to or held by any person who is ineligible under the laws or regulations of the state.
- (c) No license shall be granted for any premises owned by any person who is ineligible under the laws or regulations of the state.
- (d) A floor plan of the premises to be licensed shall be submitted with the application. A license may be issued only for a space that is compact and contiguous and shall be effective only for the premises specifically described in the application.

(Ord. No. 730, §§ 800:45(5), 800:50(2)—(4), 8-17-2000)

**State Law reference**— Eligibility for licenses generally, Minn. Stat. § 340A.402.

Sec. 6-65. - Proof of financial responsibility.

- (a) No retail license required under this division may be issued, maintained or renewed unless the applicant demonstrates proof of financial responsibility with regard to liability imposed by Minn. Stat. § 340A.801. Each application for a license shall be accompanied by proof of financial responsibility, evidenced by filing with the city clerk of the following:
  - (1) A certificate showing that there is in effect for the license period a liability insurance policy which satisfies all requirements of Minn. Stat. ch. 340A, including Minn. Stat. § 340A.409, subd. 1(1);
  - (2) A bond of a surety company with minimum coverages as provided by Minn. Stat. ch. 340A, including Minn. Stat. § 340A.409, subd. 1 (1) and (2); or
  - (3) A certificate of the state commissioner of finance that the licensee has deposited with him/her \$100,000.00 in cash or securities in compliance with the requirements of Minn. Stat. ch. 340A, including Minn. Stat. § 340A.409, subd. 1(3).
- (b) Subsection (a) of this section does not apply to licensees who by affidavit establish that:

- (1) They are on-sale 3.2 percent malt liquor licensees with sales of less than \$25,000.00 of 3.2 percent malt liquor for the preceding year;
- (2) They are off-sale 3.2 percent malt liquor licensees with sales of less than \$50,000.00 of 3.2 percent malt liquor for the preceding year;
- (3) They are holders of on-sale wine licenses with sales of less than \$25,000.00 for wine for the preceding year; or
- (4) They are holders of temporary wine licenses issued under law.

(Ord. No. 730, § 800:65, 8-17-2000; Ord. No. 887, 1-5-2009)

Sec. 6-66. - Conditions.

All licenses granted under this division shall be granted subject to the conditions set forth in this chapter and subject to all city ordinances and sections of this Code applicable thereto and the laws of the state.

(Ord. No. 730, § 800:50(1), 8-17-2000)

Sec. 6-67. - Issuance to specific applicant and premises; transferability.

Each license required under this division shall be issued to the applicant only and shall not be transferred. Each license shall be issued only for the premises specifically described in the application, and no more than one license shall be outstanding at any one time for the same premises.

(Ord. No. 730, § 800:45(3), 8-17-2000)

**State Law reference**— Transfer of intoxicating liquor licenses, Minn. Stat. § 340A.412, subd. 2(b).

Sec. 6-68. - Posting.

Each license issued under this division shall be posted in a conspicuous place on the premises for which it is used.

(Ord. No. 730, § 800:50(9), 8-17-2000)

**State Law reference**— Similar provisions, Minn. Stat. § 340A.410, subd. 4.

Sec. 6-69. - Revocation and suspension.

- (a) Any violation of any section of this chapter or the laws or regulations of the state with respect to the sale of 3.2 percent malt liquor or intoxicating liquor by the license holder or his/her employee or any falsification of any statement in the application for a license is a penal offense and shall also be grounds for revocation of the license or for suspension of the license for up to 60 days or for imposition of a civil penalty of up to \$2,000.00 for each violation or any combination of these sanctions.
- (b) The council may impose a fine and/or suspend or revoke any license for the sale of intoxicating or 3.2 percent malt liquor for any of the following reasons:
  - (1) False or misleading statements made on a license application or renewal, or failure to abide by the commitments, promises or representations made to the city council.

- (2) Violation of any special conditions under which the license was granted, including, but not limited to, the timely payment of real estate taxes, and all other charges.
  - (3) Violation of any federal, state, or local law regulating the sale of intoxicating liquor, 3.2 percent malt liquor, or controlled substances.
  - (4) Creation of a nuisance on the licensed premises or in the surrounding area.
  - (5) That the licensee suffered or permitted illegal acts upon the licensed premises or on property owned or controlled by the licensee adjacent to the licensed premises, unrelated to the sale of intoxicating liquor or 3.2 percent malt liquor.
  - (6) Expiration or cancellation of any required insurance, or failure to notify the city within a reasonable time of changes in the term of the insurance or the carriers.
- (c) No suspension or revocation shall take effect until the licensee has been given an opportunity for a hearing under Minn. Stat. §§ 14.57—14.69 of the Administrative Procedure Act, provided that the city is not required to conduct the hearing before an employee of the office of administrative hearings, and provided further that absolutely no license may be maintained unless the applicant or licensee demonstrates proof of financial responsibility with regard to liability imposed by state and local law. Failure to maintain such proof of financial responsibility shall be grounds for immediate suspension of a license by resolution of the city council without notice or hearing.

(Ord. No. 730, § 800:60, 8-17-2000; Ord. No. 967, 2-17-2015)

**State Law reference**— License revocation or suspension, Minn. Stat. § 340A.415.

Sec. 6-70. - Temporary expansion of licensed premises; outdoor sales and service.

The purpose of this section is to allow temporary expansion of the licensed premises of a liquor licensee, to temporarily include limited outdoor areas directly adjacent to and contiguous with the permanently licensed premises on city owned land or city public right of way, subject to such conditions as the council determines will protect the public health, safety and welfare. The city council finds that allowing outdoor sales and service in the downtown commercial areas is beneficial to the creation of a vibrant and prosperous business community so long as adequate review, controls and accountability are in place. Accordingly, both liquor licensees and purveyors of food and beverages who are not liquor licensees shall be entitled to apply for the benefits available under this section.

Therefore, the holder of any retail liquor license for premises located in the C-1 or C-2 zoning districts of the city may, on an annual basis, apply for a permit for temporary expansion of its licensed premises, for an area directly adjacent to and contiguous with the permanently licensed premises. Similarly, and as provided by chapter 14, article V of this code, a purveyor of food and beverages on premises located in such districts who is not a liquor licensee may, on an annual basis, apply for a permit to use such an area for the sale and service of food and beverages other than alcoholic beverages. The city council may grant such a permit on the terms and conditions specified in this section and such other terms and conditions as the city council may determine are necessary or advisable to protect the public health, safety and welfare. Such a permit shall authorize use of any temporary expansion area on particular days, dates and times and shall be valid for a period of time as specified in the permit, not to exceed one year. If approved by the city council, a temporary expansion area may include defined areas on public property including public sidewalks. Application for a permit for temporary expansion of a licensed premises or other unlicensed premises shall be subject to the following requirements and procedures.

- (a) *Application.* Application for a permit for temporary expansion of a licensed premises or other premises shall be made on a form provided by the city and shall contain the following information and such other information as the city may require from time to time:
  - (1) The names, addresses and telephone numbers of the license holder and of all managers of the licensed establishment or of the owner and manager of an unlicensed premises.

- (2) A specific description and diagram of the area in which the temporary expansion activity is to occur. The description and diagram must include location, dimensions, barriers proposed to be used, ingress and egress arrangements, seating capacity, and other pertinent information.
  - (3) Written consent of the owner of the expansion area or of a person with lawful responsibility for the expansion area, if the owner is someone other than the licensee or business owner.
  - (4) The purpose for which the temporary expansion is sought, a description of planned activities, including food and beverage service, entertainment, if any, security plans (including lighting, sanitation, liquor control, etc.), and days and hours of operation including beginning and ending dates.
  - (5) Proof that any necessary auxiliary permits have been obtained.
  - (6) A detailed description of the planned staffing of the temporary expansion area during hours of operation, and methods the licensee will use to ensure that consumption of alcoholic beverages is restricted to the licensed premises and the temporary expansion area and that alcoholic beverages are not removed from those areas.
  - (7) Such other information as the city may deem necessary.
- (b) *Fees.* Each application shall be accompanied by an application fee in such amount as may be determined by the city council by resolution from time to time.
- (c) *Review.* Applications shall be submitted to the community development department and shall be reviewed by such staff persons as may be appropriate in the circumstances, including the chief of police in all applications which involve the outdoor sale of liquor. Review of applications shall include consideration of all pertinent building code, fire code and other life safety issues, applicable zoning ordinances, history of the licensee with regard to maintaining order on the licensed premises and complying with applicable laws, potential impact of proposed outdoor service on adjoining properties in terms of light, noise and liquor control, and other considerations.
- (d) *Conditions.* Approval of an application may be made subject to any appropriate restrictions or conditions, which may vary from establishment to establishment depending on the circumstances. At a minimum, the following restrictions and conditions shall apply:
- (1) A temporary expansion area must be compact and contiguous to the permanently licensed premises and must be contained by approved physical enclosure devices. The enclosure requirement may be waived if no alcoholic beverages will be served in the area. An expansion area located on public property shall not unreasonably impede visibility of or access to a neighboring premises or business without permission from the neighboring premises or business owner.
  - (2) Hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m., subject to other limitations imposed by this chapter or other law and subject to any greater restrictions which the city council may determine should apply to a temporary expansion area due to its particular circumstances.
  - (3) Days or dates of operation shall be as specified in the permit and no permit shall be valid for more than one year.
  - (4) Service of alcoholic beverages shall be only at tables and limited to the approved seating capacity in a temporary expansion area, and food service shall be available in the temporary expansion area during all hours when liquor is sold.
  - (5) The city council may specify the type of beverage containers which may be used in a temporary expansion area, may require a specific type and number of refuse containers to be provided within the area, and may require sanitary facilities in addition to the facilities located within the permanent premises.
  - (6) An approved temporary barrier between 24 and 36 inches in height, as determined by the council, shall be in place between the temporary expansion area and any other public or private property during all hours of operation, provided that the city council may require a higher and more secure

barrier depending on the circumstances. This requirement may be waived if no alcoholic beverages will be served in the expansion area.

- (7) The city council may require that access to and egress from a temporary expansion area be only through a door connecting it to the permanently licensed premises or to other property controlled by the licensee.
  - (8) The licensee shall have submitted adequate plans addressing liquor control and other public safety concerns and shall at all times comply with all such plans which have been approved by the city in issuing a permit under this section.
  - (9) If the temporary expansion area includes a public sidewalk or other walkway, at least 3½ feet of walkway must be maintained outside the temporary expansion area for barrier-free (including wheelchair accessible) pedestrian traffic.
  - (10) All temporary barriers, tables, chairs, and other property of the licensee shall be removed from any public property within a temporary expansion area, or shall be stored in some defined and secure area approved by the city, at all times other than hours of operation. [Included for information only—the section already allows tables and chairs to remain outside if approved by the city.]
  - (11) The licensee shall be responsible for picking up trash and litter, whether generated by the operation of the temporary expansion area or not, within the temporary expansion area and within a reasonable distance (a minimum of 20 feet) from the temporary expansion area.
  - (12) All applicable liquor laws shall be faithfully observed by the licensee and the licensee's employees.
  - (13) No smoking, as defined by Minnesota Statutes § 144.413, subd. 4, shall be allowed within a temporary expansion area on public property.
  - (14) The licensee or owner shall have secured any other permit or license which may be required for the use, area, and period of time proposed.
  - (15) The council may prohibit or may authorize entertainment to be conducted in an outdoor area, in the discretion of the council, and may restrict any authorized entertainment as necessary or desirable for the protection of the repose and welfare of the public and adjoining property owners.
  - (16) The licensee shall maintain commercial general liability insurance expressly covering any temporary expansion area, with a limit of not less than \$1,000,000.00 each occurrence, and shall name the City of Northfield as an additional insured thereon. The licensee shall provide proof of such insurance to the city prior to issuance of any permit under this section and from time to time thereafter upon request of the city.
  - (17) By applying for and receiving a permit hereunder, the licensee or owner shall be deemed to have agreed to defend, indemnify and hold the city, its officers, employees and agents, harmless from any claims, damages, losses, costs and expenses which may arise as a result of the use of the temporary expansion area by the licensee, owner, and/or the licensee's or owner's employees, agents and customers. Specifically, but not by way of limitation, the licensee or owner shall be responsible for the cost of any clean up and repair required by reason of such use, whether within or outside the temporary expansion area, which may be incurred by the city, and the city shall have a lien against the licensed premises or the regular premises of the permittee for any such claim, damage, loss, cost or expense which is incurred by the city.
- (e) *Violation.* In addition to any other penalties which may be available under applicable law, and regardless of any other limitation on sanctions which may be imposed by the city, the following occurrences shall be cause for immediate suspension of the temporary expansion permit, exercisable by the Northfield Chief of Police or his/her designee and subject to review by the city council:
- (1) Any violation of this section, or of a material term or condition of a permit issued hereunder, or of any applicable liquor law or other law; or

- (2) Any use of public property pursuant to a temporary expansion permit which results in a nuisance to neighbors or the public, including but not limited to noise, harassment, litter, property damage, or other condition which would be considered a harm or annoyance to a person of ordinary sensibility.

The chief of police or his/her designee shall deliver written notice to the licensee or owner of the suspension of the temporary expansion permit, which shall be effective as of the date and time stated in the notice. The licensee or owner may, within five days of the date of the notice of suspension, file with the city clerk a written request for reinstatement of the permit by the city council. If such a request is filed, the city council shall consider reinstatement of the permit at its next regular meeting which is at least ten days following the date the request is filed. The council may, in its sole discretion, reinstate, reinstate on conditions, continue the suspension of, or revoke the permit.

(Ord. No. 878, 5-19-2008; Ord. No. 894, 5-4-2009)

Sec. 6-71. - Caterer's permit.

Caterer's permits shall be issued pursuant to and shall comply with Minn. Stat. § 340A.404, subd. 12. A caterer's permit is auxiliary to the primary on-sale license held by the licensee. The licensee shall provide written notice to the police chief a minimum of 14 days in advance of the event containing the following information:

- (1) Contact information for licensee and on-site manager for the event;
- (2) Location of the event; and
- (3) Time of the event.

(Ord. No. 967, 2-17-2015)

Secs. 6-72—6-95. - Reserved.

DIVISION 3. - OPERATIONAL REQUIREMENTS AND RESTRICTIONS<sup>(3)</sup>

Footnotes:

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**State Law reference**— Retail sale regulations, Minn. Stat. § 340A.501 et seq.

Sec. 6-96. - Responsibility for conduct in establishment.

Every person licensed under this article is responsible for the conduct in the licensed establishment, and any sale of alcoholic beverages by any employee authorized to sell alcoholic beverages in the establishment is the act of the licensee for the purposes of all sections of this chapter and Minn. Stat. ch. 340A, except as otherwise provided by Minn. Stat. ch. 340A.

(Ord. No. 730, § 800:50(10), 8-17-2000)

**State Law reference**— Similar provisions, Minn. Stat. § 340A.501.

Sec. 6-97. - Inspection of premises.

All premises for which any license is granted under this article shall be open to inspection by any police or health officer or other properly designated city officer or employee at any time during which the premises so licensed is open to the public for business.

(Ord. No. 730, § 800:50(7), 8-17-2000)

Sec. 6-98. - Server training.

(a) *Scope.* This section shall apply to all on-sale licenses other than temporary on-sale licenses.

(b) *Licensees.*

- (1) All licensees subject to this section shall attend all mandatory liquor license-training seminars required by the city. If the license is in the name of an entity other than an individual person, a person or persons must be designated to attend the seminar on behalf of the licensee. This designee must have the authority to set, implement or change the licensee's practices for selling and serving alcohol.
- (2) All licensees engaged in the selling or serving of alcoholic beverages shall complete a city-approved server education class within 30 days of beginning such activities and every other year thereafter, unless probationary extension is granted for hardship reasons. New licensees shall provide proof of training prior to serving any alcohol.
- (3) Licensees shall require all their employees who are engaged in the selling or serving of alcoholic beverages to complete a city-approved server education class within 30 days of beginning employment and every other year thereafter, unless probationary extension is granted for hardship reasons.
- (4) Licensees shall certify with the application for every new and renewal license that they are in compliance with the provisions of this section, and current certificates of training for each server shall be available for inspection at all times.

(c) *Penalties.* The penalties for violation of this section shall be as follows:

- (1) For the first violation, a fine not exceeding \$100.00;
- (2) For subsequent violations, a fine not exceeding \$700.00 and suspension of the licensee's liquor license for up to 30 days.

(Ord. No. 730, § 800:50(12), 8-17-2000; Ord. No. 887, 1-5-2009; Ord. No. 967, 2-17-2015)

Sec. 6-99. - Additional conditions for temporary on-sale licenses.

All temporary on-sale licenses issued under this article shall be subject to the following additional conditions:

- (1) If the licensed area is out-of-doors, the area to which the license applies may be required to be enclosed by a fence or other satisfactory enclosure as determined by the chief of police.
- (2) The organization to which the license is issued shall have the responsibility of enforcing all rules and regulations, and only organization members shall sell or dispense alcoholic beverages.
- (3) No alcoholic beverages shall be carried or consumed outside of the defined area in the license.

(Ord. No. 730, § 800:50(11), 8-17-2000)

Sec. 6-100. - Sale to or by underage persons.

- (a) No sale of any 3.2 percent malt liquor or intoxicating liquor shall be made to any person under the age of 21.
- (b) No sale of any 3.2 percent malt liquor or intoxicating liquor shall be made by any person under 18 years of age.

(Ord. No. 730, § 800:50(5), (6), 8-17-2000)

**State Law reference**— Restrictions on underage persons, Minn. Stat. §§ 340A.503, 340A.412, subd. 10.

Sec. 6-101. - Gambling.

Except as otherwise provided in Minn. Stat. § 340A.410, subd. 5, no retail establishment licensed to sell alcoholic beverages may keep, possess or operate or permit the keeping, possession or operation on the licensed premises of dice or any gambling device as defined in Minn. Stat. § 349.30 or permit gambling therein.

(Ord. No. 730, § 800:50(8), 8-17-2000)

Sec. 6-102. - Posting of public safety notice.

All premises licensed for the retail sale of alcoholic beverages shall post and maintain in a conspicuous place within the licensed premises, clearly visible to consumers, the public safety notice required by Minn. Stat. § 340A.410, subd. 4b.

(Ord. No. 730, § 800:50(9), 8-17-2000)

Sec. 6-103. - Hours and days of sale/consumption or service.

- (a) No sale of liquor shall be made other than during hours and on those days as allowed by Minn. Stat. § 340A.504.
- (b) *3.2 percent malt liquor* . No sale of 3.2 percent malt liquor for consumption on the licensed premises may be made between 2:00 a.m. and 8:00 a.m. on the days of Tuesday through Saturday, nor between 2:00 a.m. and 10:00 a.m. on Sunday, nor between 12:00 midnight Sunday and 8:00 a.m. Monday.
- (c) *Intoxicating liquor* . No sale of intoxicating liquor for consumption on the licensed premises may be made between 2:00 a.m. and 8:00 a.m. on the days of Tuesday through Saturday, nor after 2:00 a.m. on Sunday except pursuant to section 6-60 of this chapter, nor between 12:00 midnight Sunday and 8:00 a.m. Monday.
- (d) *Vacation of premises* . All patrons must vacate the licensed premises by one-half hour after the last time for sale of liquor.
- (e) *Hours for temporary on-sale licenses* . The hours for sale of 3.2 percent malt liquor or intoxicating liquor under a temporary on-sale license shall be fixed at the time the license is issued, and may be more restrictive but not less restrictive than the restrictions of subsections (a) through (c) of this section.
- (f) *Sale between 1:00 a.m. and 2:00 a.m.* . It shall be unlawful for any licensee to sell 3.2 percent malt liquor or intoxicating liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit to do so from the commissioner of public safety of the State of Minnesota and from the City of Northfield.

- (g) It is unlawful for any person licensed to sell intoxicating or 3.2 percent malt liquor to allow any person to possess or consume intoxicating or 3.2 percent malt liquor on a licensed premises, except within the hours and on the days when the sale of liquor is permitted by this division.
- (h) It is unlawful for any person to possess or consume intoxicating or 3.2 percent malt liquor on a licensed premises, except within the hours and on the days when the sale of liquor is permitted by this division.
- (i) Beginning 30 minutes after the time when the sale of intoxicating or 3.2 percent malt liquor is prohibited, no intoxicating or 3.2 percent malt liquor in any quantity may be consumed, possessed, or displayed until the sale is again permitted by this division. The stock of liquors kept on the premises for sale in the normal course of business that is accessible only to the licensee or the licensee's employees is exempt.

(Ord. No. 730, § 800:55, 8-17-2000; Ord. No. 796, 10-20-2003; Ord. No. 967, 2-17-2015)

**State Law reference—** Hours of sale, Minn. Stat. § 340A.504.

Sec. 6-104. - Deliveries.

No off-sale retail dealer of intoxicating liquor, nor agent thereof, whether or not licensed by the city, shall make deliveries of liquor outside of the licensed premises to any person or organization within the city limits. No person shall deliver liquor to another person within the city limits for payment or as a business.

(Ord. No. 730, § 820:00, 8-17-2000)

Sec. 6-105. - Nudity in licensed establishments.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Licensee* means a person licensed under this article.

*Licensed premises* means a premises licensed under this article

- (b) *Purpose.* The city finds that it is in the best interests of the public health and safety and the general welfare of the people of the city that certain types of activities as set forth in this section are prohibited upon any premises which is subject to a license to sell 3.2 percent malt liquor, intoxicating liquor and/or wine so as to protect and assist the owners, operators, employees, and patrons of these premises, as well as the public in general. Further, the city does find that the standards contained in this section reflect the prevailing community standards in the city. This section is intended to prevent harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The city also desires to prevent any subliminal endorsement of unlawful sexual harassment or activities likely to lead to the possibility of various criminal conduct such as prostitution, sexual assault, and disorderly conduct.
- (c) *Certain acts prohibited.* It shall be unlawful for any licensee to permit or allow any person to be upon the licensed premises when such person does not have the person's buttocks, anus, breasts, and genitals covered with a nontransparent material.
- (d) *Violation.* A violation of this section is a misdemeanor and is justification for revocation or suspension of any 3.2 percent malt liquor, intoxicating liquor or wine license.

(Ord. No. 730, § 825:00, 8-17-2000)

Secs. 6-106—6-130. - Reserved.

#### DIVISION 4. - MUNICIPAL LIQUOR STORE<sup>41</sup>

Footnotes:

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**State Law reference**— Municipal liquor stores, Minn. Stat. § 340A.601 et seq.

Sec. 6-131. - Established.

There is continued as established a municipal liquor dispensary for the off-sale of intoxicating liquor. No liquor may be sold at off-sale in the city except in the municipal liquor dispensary or as permitted in section 6-57 (d) of this chapter.

(Ord. No. 730, § 805:00, 8-17-2000; Ord. No. 967, 2-17-2015)

Sec. 6-132. - Location and operation.

- (a) *Location.* The municipal liquor dispensary shall be located at such suitable place within the corporate city limits as the council determines from time to time. However, no premises upon which taxes or other public levies are delinquent shall be leased for dispensary purposes.
- (b) *Manager.* The dispensary shall be in the immediate charge of a liquor store manager. The liquor store manager shall be recommended to the city council by the city administrator. The liquor store manager shall furnish a surety bond to the city, conditioned upon the faithful discharge of his/her duties, in such sum as the city council specifies. The bond premium may be paid by the city in the discretion of the council. The manager shall operate the dispensary under the city administrator's direction and shall perform such duties in connection with the dispensary as may be directed by the city administrator. The manager shall be responsible to the city administrator in full compliance with this chapter and the laws relating to the sale of the liquor, wine and 3.2 percent malt liquor.
- (c) *Employees.* The city administrator shall appoint such additional employees as may be required for the dispensary, based on an approved organizational chart allowing a certain number of full-time employees and part-time employees measured in full-time equivalence. The city council shall set forth a compensation schedule for all employees. No minors shall be employed in the liquor store.

(Ord. No. 730, § 805:05, 8-17-2000)

Sec. 6-133. - Dispensary fund.

- (a) A municipal liquor dispensary fund is created in which all revenue received from the operation of the dispensary shall be deposited and from which all ordinary operating expenses shall be paid. Any amounts it may be necessary to borrow from the city's general fund for initial costs or rent, fixtures and stock or for operating expenses shall be reimbursed to that fund out of the first available moneys coming into the dispensary fund thereafter. Surpluses accumulating in the dispensary fund may be transferred to the general fund or to any other appropriate city fund by resolution of the council and expended for any municipal purpose.
- (b) The handling of municipal liquor dispensary receipts and disbursements shall comply with the procedure prescribed by law for the receipts and disbursements of the city's funds generally.

(Ord. No. 730, § 805:10, 8-17-2000)

Sec. 6-134. - Restrictions on operation.

- (a) The municipal liquor dispensary shall observe the following restrictions upon the hours of operation:
  - (1) No sale of intoxicating liquor shall be made on any day or time restricted by state statutes.
  - (2) No off-sale shall be made before 8:00 a.m. nor after 10:00 p.m. of any day.
- (b) The main business of the municipal liquor dispensary is the sale of liquor. Ancillary articles allowed by state law such as tobacco products, ice, soft drinks, liqueur-filled candies, and liquor-related equipment may be sold.
- (c) All state laws regarding the off-sale of liquor shall be observed.

(Ord. No. 730, § 805:15, 8-17-2000; Ord. No. 987, § 1, 5-2-2017)

Sec. 6-135. - Penalty.

Any employee of the municipal liquor dispensary who willfully violates any section of this chapter or any provision of the laws of the state relating to gambling or the sale of intoxicating liquor or 3.2 percent malt liquor shall be discharged and shall be subject to any other appropriate penalties.

(Ord. No. 730, § 805:20, 8-17-2000)

Secs. 6-136—6-160. - Reserved.

### ARTICLE III. - CONSUMPTION AND DISPLAY OF INTOXICATING LIQUOR

#### DIVISION 1. - GENERALLY

Secs. 6-161—6-185. - Reserved.

#### DIVISION 2. - PERMIT<sup>5</sup>

Footnotes:

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**State Law reference**— Consumption and display permits, Minn. Stat. § 340A.414.

Sec. 6-186. - Required.

No business establishment or club which does not hold an on-sale intoxicating liquor license may directly or indirectly allow the consumption and display of alcoholic beverages or knowingly serve any liquid for the purpose of mixing with intoxicating liquor without first having obtained a permit from the commissioner of public safety and approval from the city council. No permit shall be approved by the city

council unless the applicant has paid a fee, in addition to the fee required by the commissioner, established by resolution of the city council from time to time, not exceeding any statutory maximum.

(Ord. No. 730, § 810:00, 8-17-2000)

**State Law reference**— Permit and local approval required, Minn. Stat. § 340A.414, subds. 1, 5.

Sec. 6-187. - Conditions for approval.

Conditions for approval of the permit required under this division are as follows:

- (1) The premises must have a state consumption and display permit and continuously meet all requirements for such permit.
- (2) The premises shall not be within 400 feet of any church or school.
- (3) If such premises is a club, the club shall have no members who are minors.
- (4) The permit fee in the amount established by law and resolution shall have been tendered to the city.
- (5) The premises shall have sinks and other suitable sanitary conditions for the persons eating or drinking on the premises.
- (6) The premises shall have adequate, separate toilets, which are conveniently located so that they can be reached without going outside or through building areas not occupied by the applicant. They shall be equipped with hot and cold running water and individual toilets and soap, and shall be readily cleanable and adequately heated, lighted and ventilated.
- (7) The premises shall be located in such a way that no unusual safety hazards are presented to the persons going to and from or being on the premises because of lighting or the design or location of the stairways, windows, steps, doors, sidewalks, streets, or parking facilities.
- (8) The premises shall have adequate emergency fire exit facilities, and no unusual fire hazards shall exist on the premises.

(Ord. No. 730, § 810:05, 8-17-2000)

**State Law reference**— Permit fee, Minn. Stat. § 340A.414, subd. 6.

Sec. 6-188. - Limitations.

- (a) No person who has brought liquor to a place having a permit issued pursuant to this division shall keep or leave such liquor at such place during his/her absence.
- (b) No person at an establishment having a permit shall furnish liquor to any person other than his/her bona fide guest.
- (c) No person shall furnish liquor or setups to a person under the age of 21.
- (d) No person under the age of 21 shall possess, consume, purchase, attempt to purchase, or have another person purchase for him/her any liquor at an establishment having a permit.
- (e) Any establishment having a permit shall be kept open for inspection at all times by the city law enforcement officers. No person shall refuse to permit such law enforcement officers to enter and inspect the premises for which a permit has been granted.

(Ord. No. 730, § 810:10, 8-17-2000)