



Legislation Details (With Text)

File #: Ord. 987 **Version:** 1 **Name:**

Type: Ordinance **Status:** Passed

File created: 4/10/2017 **In control:** City Council

On agenda: 5/2/2017 **Final action:** 5/2/2017

Title: Consider Ordinance Amendment to Chapter 6 Alcoholic Beverages related to Sunday liquor sales.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1 - Sunday sales ord, 2. 2- H.F. No. 30 Bill Related to Permitting Off-Sale intoxicating Liquor on Sundays

Date	Ver.	Action By	Action	Result
5/2/2017	1	City Council	approve the second reading	Pass
4/18/2017	1	City Council	approve the first reading	Pass

City Council Meeting Date: May 2, 2017

To: Mayor and City Council

From: Ben Martig, City Administrator

Consider Ordinance Amendment to Chapter 6 Alcoholic Beverages related to Sunday liquor sales.

Action Requested:

The City Council approves of the second reading of an ordinance amending Chapter 6 - Alcoholic Beverages related to Sunday sales.

Summary Report:

The State of Minnesota approved changes to Sunday liquor sales. Specifically, the bill (HF 30/SF 1086) was signed into law as Chapter 6 on March 7th (see attached). Under the new law, off-sale of intoxicating liquor may occur on Sundays between the hours of 11 a.m. and 6 p.m., as of July 1, 2017.

In the case, *A/AL, Inc. v. City of Faribault*, the Minnesota Court of Appeals held cities may not prohibit sales of liquor on a day when state law allows it. In other words, cities may not be more restrictive than state law on days of sale. At the same time, the court acknowledged cities can be more restrictive than state law in the hours of sale, according to *Minnesota Statutes, section 340A.504, subdivision 6*. This issue isn't particularly relevant in Northfield as the law is only applicable to our municipal liquor store, so ultimately the hours and days of operations may be limited by the City and can be done outside of our ordinance. Staff is recommending changing the ordinance to clarify that it is in conformance with State law and to clarify any other restrictions of municipal Sunday liquor sales through a resolution, if interested, by Council as presented later in this memo.

The current City ordinance explicitly bans Sunday off-sale of intoxicating liquor. This ban will become invalid on July 1 and so staff is recommending repealing prior to that time as an administrative clarification. If a city's

ordinance simply references Minnesota Statutes, section 340A.504 for hours and days of operation, then cities need not change their ordinance to address the addition of Sundays. The City Attorney has drafted the ordinance language to simply refer to state statutes. The City Council reviewed the draft language on April 4, 2017.

Alternative Options:

N/A

Financial Impacts:

The ordinance change would not specifically have any financial impact as proposed.

Tentative Timelines:

- April 18 - First Reading of Ordinance
- May 2 - Second Reading of Ordinance
- Effective Date of New Ordinance - 30 days after publication June 10, 2017. Per State law, Sunday hours are not in effect until July 2.