

## CHAPTER 6. ALCOHOLIC BEVERAGES

### ARTICLE I. LIQUOR LICENSING IN GENERAL

#### **Section 6-1. State Law Adopted.**

The provision of Minnesota Statutes Chapter 340A, commonly known as the Liquor Act, are adopted and made part of this Chapter as if set out in full. Whenever there is an inconsistency between the provisions of Minnesota Statutes Chapter 340A and the provisions of this Chapter, the more restrictive provision shall govern, where allowed by State Law.

#### **Section 6-2. Definitions.**

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

Commissioner. Means the State Commissioner of Public Safety.

Bonafide 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: (i) has more than fifty (50) members; (ii) has owned or rented a building or space in a building for more than one (1) year that is suitable and adequate for the accommodation of its members; (iii) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting called for that purpose. No member, officer, agent, or employee shall receive any profit, directly or indirectly, 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 governing body.

Brewer. Means a person who manufactures malt liquor for sale and who holds a Brewers License issued by the State of Minnesota.

Brewery Taproom. Means the premises on which malt liquor is produced by a Brewer and is sold for consumption on the premises and not sold to other bars, restaurants or wholesalers, unless permitted by State Law and issued a license by the Minnesota Department of Public Safety, Alcohol & Gambling Enforcement Division. An establishment licensed under Minn. Stat. § 340A.301, subd. 6(d) may sell “growlers” off-sale with appropriate City license.

Brewpub. Means the premises, operated in conjunction with a bar or restaurant, where malt liquor is produced by a Brewer and is sold for consumption on the premises and not sold to other bars, restaurants or wholesalers, unless permitted by State Law and issued a license by the Minnesota Department of Public Safety, Alcohol & Gambling Enforcement Division.

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: (i) has more than fifty (50) members; (ii) has owned or rented a building or space in a building for more than one (1) year that is suitable and adequate for the accommodation of its members; (iii) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting called for that purpose. No member, officer, agent, or employee shall receive any profit, directly or indirectly, 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 governing body.

Cocktail Room. Means the premises on which distilled spirits are produced by a micro distillery and sold for consumption on the premises and not sold to other bars, restaurants or wholesalers, unless permitted by State Law and issued a license by the Minnesota Department of Public Safety, Alcohol & Gambling Enforcement Division.

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 industrial use.

Growler. Means a 64-ounce container of malt liquor brewed and sold to an individual on the site of a licensed Brewery Taproom for consumption off the licensed premises as prescribed for in MS 340A.301.

Hotel. Means any establishment having a resident proprietor or manager, where in consideration of payment therefore, food and lodging are regularly furnished to transients, which maintains for the use of its guests not less than ten guest rooms with bedding and other usual, suitable and necessary furnishings in each room, which is provided at the main entrance with a suitable lobby, desk and office for the registration of its guests on the ground floor, which employs an adequate staff to provide suitable and usual service and which maintains under the same management and control as the rest of the establishment and has, as an integral part therefore, a restaurant.

Liquor. Means 3.2 Malt Liquor, Intoxicating Liquor, Strong Beer/Malt Liquor, Wine.

Intoxicating liquor. Means ethyl alcohol and includes distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 percent of alcohol by weight.

3.2 Malt Liquor. Means any potable malt beverage with an alcoholic content of more than one-half percent (½%) by volume and not more than three point two percent (3.2%) by weight.

Micro Distillery. Means a distillery producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.

Off-sale. Means the sale of liquor in the original package in retail stores for consumption off or away from the premises where sold.

On-sale. Means the sale of liquor by the glass, or by the drink for consumption on the premises only.

On-sale wine license. Means a license authorizing the sale of wine not to exceed 14 percent alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food unless otherwise permitted by State Law.

Original Package. Means the bottle or container in which the liquor is placed at the place of manufacture.

Principal part of the business. Means more than 35 percent (35%) of gross sales.

Restaurant. Means any establishment under the control of a single proprietor or manager, having appropriate facilities to serve meals, for seating not less than twenty-five (25) guests at one time in one or more dining rooms having a net dining area of at least 1,500 square feet, and where in consideration of payment therefore, meals are regularly served at tables to the general public and which employs an adequate staff for the usual and suitable service to its guests and the principal part of the business of which is the serving of foods. The term "restaurant," when used in connection with "on-sale wine or on-sale 3.2 malt liquor licenses, shall mean an establishment under the control of a single proprietor or manager, having appropriate facilities for serving meals and seating not fewer than 25 guests at one time, and where, in consideration of payment thereof, meals

are regularly served at table to the general public and which employs an adequate staff to provide the usual and suitable service to its guests.

Sale, sell, and sold. Means all barters and all manners of furnishing intoxicating liquor including such furnishing in violation or evasion of law.

**Section 6-3. Non-applicability.**

- (a) This chapter does not apply to:
  - (1) Medicines intended for therapeutic purposes and not intended as a beverage;
  - (2) Industrial alcohol designed for mechanical, chemical, scientific, pharmaceutical, or industrial purposes; or
  - (3) Non-potable compounds or preparations containing alcohol.

**Section 6-4. License Required.**

- (a) No person, except wholesalers or manufacturers, to the extent authorized under a State license, shall directly or indirectly deal in, sell or keep for sale any liquor for sale without first having obtained the proper license from the City.
- (b) No person shall mix or prepare intoxicating liquor for "on-sale" consumption in any public place not licensed in accordance with this Code and the laws of the State.

**Section 6-5. Responsibility of Licensee**

Every Licensee under this chapter is responsible for the conduct in the licensed establishment and any sale of alcoholic beverage by an employee authorized to sell alcoholic beverages in the establishment is the act of the licensee.

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*State law reference ---Adoption by references, Minn. Stat. §471.62*

The following regulations govern all licenses issued under this Chapter:

- (a) The licensee shall act in a responsible manner toward the conduct of every person(s) on the premises.
- (b) The licensee shall not dispense liquor to be consumed off the premises on which it was purchased or received, unless specifically authorized by appropriate licensure through this chapter.
- (c) At all times during the operating hours of the establishment, the licensee shall have appointed an individual to serve as the manager or person in charge of the operation of the establishment.
- (d) The licensee shall require all their employees who are engaged in the selling or serving of alcoholic beverages, or serving as security personnel in the establishment, to abstain from the use of alcohol while working.
- (e) Applicable to On-Sale License Holders: Between 11:00 p.m. and closing, on Fridays, Saturdays, Sundays, Thanksgiving Eve and Day, July 3<sup>rd</sup> and July 4<sup>th</sup> and New Years Eve and Day no licensee, responsible party or employee or agent of a licensee shall:
  - (1) Sell, offer to sell, or deliver to any person or group of persons any drink or drinks

containing liquor at a price less than the price charged for such drinks prior to 11:00 p.m.

- (2) Sell, or offer to sell, or deliver to any person or group of persons multiple drinks containing liquor for a single price.
  - (3) Give away a drink or drinks containing liquor at no cost.
  - (4) Increase the volume of liquor contained in a drink without increasing proportionately the price charged for such drink.
- (f) Between 1:00 a.m. and closing, the performance of live music, DJ's, or other live entertainment, is prohibited

**Section 6-6. Restrictions involving sale, etc., to minors, etc.**

- (a) No person shall give, sell, procure or purchase liquor to or for any person to whom the sale of liquor is forbidden by law; nor shall a licensee, or his/her agent or employee, permit such person to be furnished or consume any such liquors on the licensed premises.
- (b) No person under twenty-one (21) years of age shall misrepresent his/her age for the purpose of obtaining liquor nor shall he/she enter upon any premises licensed for the retail sale of intoxicating liquor for the purpose of purchasing or having served or delivered to him/her for consuming any such intoxicating liquor; nor shall any such person purchase, attempt to purchase, consume or have another purchase for him/her any intoxicating liquor.
- (c) No person under eighteen (18) years of age may serve or sell liquor in a retail liquor establishment.
- (d) It is unlawful for any person to induce a person under the age of twenty-one (21) years to purchase or procure any liquor, or to lend or knowingly permit the use of the person's driver's license, permit, state identification card, or other form of identification by a person under the age of twenty-one (21) years for the purpose of purchasing or attempting to purchase liquor.
- (e) Any person who may appear to the licensee, his/her employees or agents, to be under the age of twenty-one (21) years shall, upon demand of the licensee, his/her employee or agent, produce and permit to be examined, documentation on the proof of age. Proof of age for purchasing or consuming liquor shall be established by one of the following:
  - (1) A valid driver's license or identification card issued by Minnesota, another State, or a province of Canada, and including the photograph and date of birth of the licensed person;
  - (2) A valid military identification card issued by the United States Department of Defense;
  - (3) A valid passport issued by the United States; or
  - (4) In the case of a foreign national, by a valid passport.
- (f) In a prosecution under subsection (e) of this section, it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in subsection (e) of this section in selling, bartering, furnishing, or giving the liquor.

**Section 6-7. Other restrictions on purchase or consumption.**

No person shall give, sell, procure or purchase liquor for any person to whom the sale of liquor is forbidden by law.

**Section 6-8. Effective area of license.**

No license issued under this Chapter shall be effective beyond the building space and attached courtyards, patios or gardens as approved by the City and as shown in the license application for such license.

**Section 6-9. Enlargement, alteration, or extension of premises.**

Proposed enlargement, alteration or extension of premises previously licensed shall be reported to the City Clerk at or before the time of application is made for a building permit for any such change and the licensee shall also give such other information as is required by this Chapter

**Section 6-10. Display of license.**

Every license issued under this article shall be posted in a conspicuous place on the licensed premises at all times.

**Section 6-11. Persons eligible.**

- (a) No license under this Chapter may be issued to:
- (1) A person under twenty-one (21) years of age;
  - (2) A person who has had an intoxicating liquor, 3.2 percent malt liquor, Brewery Taproom or Wine license revoked within five (5) years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent (5%) of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;
  - (3) A person not of good moral character and repute;
  - (4) A person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler;
  - (5) Who, if an individual, is an illegal alien;
  - (6) A person who would be ineligible under law or ordinance for such a license;
  - (7) Who directly or indirectly holds an interest in any other establishment in the City to which a license of the same class has been issued under this Chapter. The term "interest" as used in this Chapter includes any pecuniary interest in the ownership, operation, management or profits of a retail liquor establishment, but does not include bona fide loans, bona fide fixed sum rental agreements, bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures, or supplies to such establishment; or an interest of ten percent (10%) or less in any corporation holding a license. A person who receives money from time to time directly or indirectly from a licensee, in the absence of a bona fide

consideration therefore and excluding bona fide gifts or donations, shall be deemed to have a pecuniary interest in such retail license. In determining "bona fide" the reasonable value of the goods or things received as consideration for any payment by the licensee and all other facts reasonably tending to prove or disprove the existence of any purposeful scheme or arrangement to evade the prohibitions of this section shall be considered;

- (8) Who, if a corporation, does not have a manager who is eligible pursuant to the provisions of this Chapter.
  - (9) Who is the spouse of a person ineligible for a license under this Chapter, who in the judgment of the City Council is not the real party in interest or beneficial owner of the business operated or to be operated under the license.
  - (10) No license shall be granted, or renewed, for operation on any premises, to an applicant who owes taxes, assessments, or other financial claims to the City which are delinquent and unpaid. In the event an action has been commenced pursuant to the provisions of Minn. Stat. § Chpt 278 challenging the amount or validity of taxes, the City Council may, upon written request by the licensee, waive strict compliance with these provisions; however, no waiver may be granted for taxes, or any portion thereof, which remain unpaid for a period exceeding one (1) year after becoming due.
- (b) In addition, no retail license shall be issued to, and the City Council shall refuse to renew the license of, a person who, within five (5) years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.
- (c) Licenses in connection with premises of another. An intoxicating liquor license may not be issued to a person in connection with the premises of another to whom a license could not be issued under the provisions of this article. This subsection does not prevent the granting of a license to a proper lessee because the person has leased the premises of a minor, a noncitizen who is not a resident alien, or a person who has been convicted of a crime other than a violation of Minn. Stat. § 340A.

**Section 6-12. Premises ineligible for license.**

- (a) Existence of any of the following conditions render any premises ineligible for receipt of a license under this Chapter:
- (1) No license shall be granted, or renewed, for operation on any premises, to an applicant who owes taxes, assessments or other financial claims to the City which are delinquent and unpaid. In the event an action has been commenced pursuant to the provisions of Minn. Stat. § Chp. 278 challenging the amount or validity of taxes, the City Council may, upon written request by the licensee, waive strict compliance with this provision; however, no waiver may be granted for taxes or any portion thereof, which remain unpaid for a period exceeding one (1) year after becoming due.
  - (2) No license shall be granted for a foreign corporation.
  - (3) No license shall be granted for any place which has a common entrance or exit between any two establishments; except that a public concourse or public lobby shall not be construed as a common entrance or exit.

- (4) No on-sale license intoxicating liquor license shall be granted for a restaurant which does not comply in all respects with the definition of a restaurant as contained in this Chapter, nor to any restaurant which does not have a total market value, including land, building and equipment, of at least \$250,000.00, as appraised by the City Assessor and based upon current valuations. Brewery taprooms are exempt from this requirement.
- (5) No on-sale license shall be granted for a hotel which does not comply in all respects with the definition of a hotel as contained in this Chapter, nor to any hotel which does not have a total market value, including land, building and equipment, of at least \$1,000,000.00 as appraised by the City Assessor.
- (6) No "on-sale" license shall be granted to restaurants, hotels, brewery taprooms, brewpubs or cocktail rooms, unless they are located in a location that is properly zoned for the business.

**Section 6-13. Applicability of other laws.**

Every license required by this Chapter shall be granted subject to the provisions of this Chapter and of any other applicable ordinance or law.

**Section 6-14. Off-sale license prohibited.**

The number of off-sale intoxicating liquor licenses that shall be issued by the City shall be zero.

**Section 6-15. Fees; transferability.**

- (a) The following provides provisional control as to license fees and related subjects:
  - (1) Annual license fees for liquor licenses shall be determined by the City Council after notice and hearing on any proposed increase. Notice of a proposed increase must be mailed to all affected licensees at least thirty (30) days before the date set for the hearing.
  - (2) The annual license fee shall be paid in full on or before December 15, or at the time of submittal of application for a new license, by cash or certified funds. All fees shall be paid into the general fund of the City. All licenses shall expire on December 31 of each year. Upon rejection of any application for a license, or upon withdrawal of application before approval of the issuance by the City Council, the license fee shall be refunded to the applicant. Once issued, refunds shall be made only under the conditions specified by Minn. Stats. § 340A.408 and upon request of the Licensee.
  - (3) The fee for a license granted after the commencement of the license year shall be prorated on a daily basis, except that there shall be no prorating of fees on investigations, renewals or transfers.
  - (4) A license may be granted for a premise where the building is not ready for occupancy, contingent upon the license being issued to the premise within ninety (90) days of the initial license approved by the City Council. If said license is not issued within the ninety (90) days, the applicant(s) must re-apply for a license as a new application and pay the applicable new application fee(s). No refunds shall be administered to an applicant when a license has been approved by the City but not issued because the building is not ready for occupancy and has not met the City's requirements to obtain a Certificate of Occupancy.

- (5) No transfer of a license shall be permitted from place to place or person to person without complying with the requirements of an original application except as provided for by this Chapter.
- (6) At the time of each original application for a license, the applicant shall pay in full an investigating fee. Investigation fees shall be determined by the City. No investigation fees shall be pro-rated or refunded.
- (7) At any time that an additional investigation is required because of a change of ownership or control of a corporation or because of an enlargement, alteration of extension of premises previously licensed, the licensee shall pay an additional investigating fee in the same amount as the original investigation fee.
- (8) Where a new application is filed as a result of incorporation by an existing licensee and the ownership control and interest in the license are unchanged, no additional license fee will be required.

**Section 6-16. Liability insurance/Proof of Financial Responsibility.**

- (a) No license required by this Chapter may be issued, maintained, or renewed unless the applicant demonstrates proof of financial responsibility for liability that might be imposed under Minn. Stats. § 340A.801. The City shall, pursuant to Minn. Stats. § 340A.409, if applicable, submit to the Commissioner the applicant's proof of financial responsibility.
- (b) The minimum requirement for proof of financial responsibility shall be a certificate that there is in effect for the license period a liquor liability insurance policy providing at least \$300,000 of coverage, single limit or which may be satisfied in the manner provided in Minn. Stat. § 340A.409.
- (c) A liquor liability insurance policy required by this chapter must provide that the policy may not be canceled for:
  - (1) Any cause, except for nonpayment of premium, by either the insured or the insurer unless the canceling party has first given thirty (30) days' notice in writing to the City of intent to cancel the policy; and
  - (2) Nonpayment of premium unless the canceling party has first given ten (10) days notice in writing to the City of intent to cancel the policy.

**Section 6-17. Council Discretion to Grant, Deny, Renew or Not Renew a License.**

- (a) The City Council in its sole discretion may either grant or deny the application for any license or grant or deny a request for the transfer, modification or renewal of any license issued under this Chapter. No applicant has a right to a license under this Ordinance.
- (b) The City Council may take into consideration any nuisance call or calls relating to the premises when considering the application, transfer, modification, or renewal of any license. For the purpose of this section, "nuisance call" shall be defined as follows: Any activity, conduct, or condition occurring on or related to the premises, which results in a call or report to the Anoka Police Department or any other law enforcement agency, including, but not limited to, called and reports related to the following:
  - (1) Any conduct, activity or condition alleged to constitute disorderly conduct, pursuant to Minn. Stat. § 609.72.
  - (2) Any conduct, activity or condition alleged to constitute a public nuisance, pursuant to Minn. Stat. § 609.224

- (3) Any conduct, activity or condition alleged to constitute an assault pursuant to Minn. Stat. § 609.224
  - (4) Any conduct, activity or condition alleged to constitute a violation of Minnesota Statutes relating to prostitution, controlled substances, use of firearms, criminal sexual conduct, and gambling.
  - (5) Any conduct, activity or condition alleged to constitute a violation of the Anoka City Code.
- (c) Any violation of any provision of the Anoka City Code, or nuisance call, regardless whether or not a criminal charge has been brought or a criminal conviction has been obtained, may be used by the Council, at its discretion, when considering the granting, denying, suspension revocation, transfer, modification or renewal of a license.

**Section 6-18. License Renewal.**

- (a) Applications for the renewal of an existing license shall be made by December 1<sup>st</sup> of each calendar year and shall be made in such form as the City may require.
- (b) License Holders of an On-Sale Intoxicating Liquor or Wine License, must submit at the time of submittal of an application to renew their license, a statement made and signed by a Certified Public Accountant that shows the total gross sales and the total food sales of the business for the 12-month period immediately preceding the date for filing renewal applications, which verifies that a minimum of 35% of the total gross sales is derived from the sale of food for On-Sale Intoxicating Liquor License Holders and On- Sale Wine License holders, unless precluded from this requirement by State Law.

**Section 6-19. Suspension or Revocation.**

The City Council may suspend or revoke any liquor license for a violation of Minn. Stat. § 340A.415 and shall revoke such license for any willful violation, which under the laws of the State is grounds for mandatory revocation, and shall revoke for failure to keep the insurance required by this chapter. The City Council may revoke or suspend any license or impose a civil fine for any violation of this chapter or State law relating to alcoholic beverages. The procedure to be followed shall be as set forth in Minn. Stat. § 340A.415.

**Section 6-20. Responsibility for conduct at place of business.**

Every licensee under this chapter shall be responsible for the conduct at his/her place of business and for the conditions of sobriety and order in the place of business and on the premises.

**Section 6-21. Inspection of premises.**

All premises where any license under this Chapter is granted shall be open to inspection by a licensed police officer or other properly designated officer or employee of the City at any time during which the place so licensed is open to the public for business.

**Section 6-22. Inspection of records.**

The business records of the licensee, including federal and state tax returns shall be available for inspection by the City Manager, or other duly authorized representative of the City at all reasonable times.

**Section 6-23. Changes in business organization.**

Changes in the corporate or association officers, corporate charter, articles of incorporation,

bylaws or partnership agreement, as the case may be, shall be submitted to the City Clerk within thirty (30) days after such changes are made.

**Section 6-24. Off-sale prohibition.**

No licensee under this article shall sell liquor off-sale unless provided for by proper licensure within this Chapter.

**Section 6-25. Age of employment.**

No person under eighteen (18) years shall be employed in any rooms in which liquors are sold at retail, unless permitted by State Law

**Section 6-26. Gambling & Gambling Devices prohibited.**

No licensee under this Chapter or any of his/her employees shall keep, possess or operate or permit the keeping, possession or operation of any slot machine, dice or any gambling device or apparatus on the licensed premises, or in any room adjoining the licensed premises. Notwithstanding the provisions of this section, lottery tickets may be purchased and sold within the licensed premises as authorized by the Director of the lottery under Minn. Stat. § 349A.

**Section 6-27. Display of liquor.**

No licensed liquor establishment shall display liquor to the public during hours when the sale of liquor is prohibited by this article.

**Section 6-28. Ownership of equipment and fixtures.**

No equipment or fixture in any licensed place shall be owned in whole or in part by any manufacturer or distiller of intoxicating liquor except such as shall be expressly permitted by state law. In the case of a corporation, the licensee shall notify the City Clerk when a person not listed in the application acquires an interest which, together with that of his spouse, parent, brother, sister or child, exceeds five percent, and shall give all information about such person as is required of a person pursuant to the provisions of this chapter.

**Section 6-29. Sale of ethyl alcohol or similar products.**

The retail sale for beverage purposes of ethyl alcohol or neutral spirits, or substitutes thereof, possessing the taste, aroma and characteristics generally attributed to ethyl alcohol or neutral spirits, as such, is hereby, prohibited. Nothing in this section shall be construed to prohibit the sale of other products obtained by the use of ethyl alcohol or neutral spirits as defined in U.S. Treasury Department, Bureau of Internal Revenue, Regulations 125, Article 11, Standards of Identity for Distilled Spirits.

**Section 6-30. Restaurants, hotels, and brewpubs.**

A restaurant, hotel or brewpub which holds an On-Sale Intoxicating Liquor or On-Sale 3.2 Malt Liquor License shall be conducted in such a manner that the principal part of the business is the serving of food. The principal part of the business for a license year must be the serving of food, which means that not less than 35% of the total gross sales in a consecutive 12-month period prior to submittal of the license is attributed to the sale of food (for renewal licenses only).

**Section 6-31. Notice Posting.**

Premises licensed for the retail sale of alcoholic beverages shall display the notice required under Minn. Stat. § 340A.410, subd 4b.

**Section 6-32. Original packaging and composition.**

No licensee shall sell, offer for sale or keep for sale, liquors in any original package, which has been refilled or partly refilled. No licensee shall directly or through any other person delete 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 the 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.

**Section 6-33. Service in guest rooms and with meals at hotels.**

No sale of liquor shall be made to or in guest rooms of hotels, unless the rules of such hotels provide for the service of food in guest rooms; nor unless the sale of such liquor is made in the manner "on-sale" are required to be made; nor unless such sale accompanies and is incident to the regular service of meals to guests therein; nor unless the rules of such hotel and the description, location and number of such guest rooms are fully set out in the application for a license.

**Section 6-34. Prohibition for places of public gathering for entertainment or amusement.**

No license issued under this Chapter shall give permission to sell liquor or wine in any theatre, recreation hall or center, dance hall, ballpark or other place of public gathering for the purpose of entertainment or amusement, and no such liquor shall be consumed thereon, unless provided for by law and issued a license by the City.

**Section 6-35. Interests of manufacturers, affiliates and subsidiaries.**

No license holder or manufacturer of liquor nor any affiliate or subsidiary company of such manufacturer shall sell liquor except as allowed by law. An affiliate or subsidiary company shall be one in which such manufacturer or its stockholders own a majority of the stock.

*State Law reference: Interests of Brewers in retail Minn. Stat. §340A.301; prohibited transactions between brewers, wholesalers and retailers MS 340A.508.*

**Section 6-36 thru 6-49. Reserved.**