

CHAPTER 6. ALCOHOLIC BEVERAGES

ARTICLE II. On-Sale Intoxicating Liquor & Wine Licenses

Section 6-50. Classifications.

Licenses addressed within this Article shall be of three kinds: On-Sale Intoxicating, which includes On-Sale Intoxicating Liquor Club License as defined by State Law, Temporary On-Sale Intoxicating Liquor and Wine.

- (a) On-sale licenses within this article shall be granted only to businesses or organizations listed in Section 6-51 of this Article and shall permit the sale of such liquor for consumption on the premises only.
- (b) On-sale licenses within this Article may be granted to Theatres as authorized in Minnesota Statutes 340A.404 (b).
- (c) Temporary on-sale licenses may be issued as set forth in this Chapter to permit the sale of liquor for consumption on a specific premises for a specific time period described in the license, subject to such special terms and conditions as the City may prescribe or as required by State Law.
 - (1) Notwithstanding any other provisions of this Chapter or any other ordinance to the contrary, the City may issue a "temporary-on-sale" license to itself for the dispensing of 3.2 percent malt liquor at City parks.

Section 6-51. Businesses and organizations allowed a license.

- (a) On-sale intoxicating liquor licenses shall be issued only to:
 - (1) Hotels;
 - (2) Restaurants and brewpubs; whose principal part of business is the sale of food.
 - (3) Bowling centers;
 - (4) Clubs or congressionally chartered veterans organizations with the approval of the Commissioner, provided that the organization has been in existence for at least three (3) years and liquor sales will only be to members and bona fide guests.
 - (5) Theatres, as authorized in Minnesota Statutes 340A.404 (b).
 - (6) Brewery Taprooms (see Article IV).
 - (7) Cocktail Rooms (see Article IV).

Section 6-52. Application.

- (a) Application for a license under this Article shall be made on the State Liquor Control Division Form provided for such licenses and shall be accompanied by an application provided by the City which provides necessary information as determined by the City and State Law.
- (b) Every application for a license shall be verified and filed with the City Clerk.

Section 6-53. Procedure for issuance.

The following procedure shall be followed in processing applications for licenses under this Article:

- (a) All applications shall be referred to such City departments as the City deems necessary for the verification, investigation and inspection of premises and facts as set forth in the application.
- (b) After receipt of the reports and recommendations by the City staff the City Council shall conduct a public hearing. Prior to such hearing the City Clerk shall publish in the official newspaper a notice of public hearing setting forth the day, time and place when the hearing will be held, the name of the applicant, the premises where the business is to be conducted and such information as the City may determine. Such notice shall be published at least ten (10) days prior to the hearing. At the hearing opportunity shall be given to any person to be heard for or against the granting of a license. After the hearing the City Council may either grant or deny the license. If the license is granted, the City Council may withhold its issuance until the applicant has qualified in all respects for the license. If the premises to be licensed are not complete at the time that the hearing is conducted, the City Council may grant the license but shall withhold its issuance until the premises have been completed in accordance with the requirements of this Code and other ordinances of the City and in accordance with the representations made by the applicant.
- (c) Each license shall be issued to the applicant only. Each license shall be issued only for the premises described in the application.
- (d) The City Clerk shall, within ten (10) days after the issuance of any license under this article, submit to the Commissioner the full Licensee information as required by the Commissioner, along with the effective and expiration date of the license. The City Clerk shall also submit to the Commissioner proof that Liquor Liability/Proof of Financial Responsibility is in place for the licensed period.

Section 6-54. Bonds.

- (a) At the time of filing an application for a license under this Article, the applicant shall file with the City Clerk one of the following:
 - (1) A bond in the amount of \$5,000 with corporate surety;
 - (2) A one-time cash security deposit in the form of a cashier's check in the amount of \$5,000; or
 - (3) A letter of credit in the amount of \$5,000.
- (b) The surety bond or letter of credit required by this Article shall be subject to the approval of the City.
- (c) The surety on such bonds shall be a surety company duly licensed to do business in the State and the letters of credit shall be a bank duly licensed to do business in the State. The bond or letter of credit shall be approved as to form and execution by the City. All surety bonds and letters of credit, when approved by the proper City officers, shall be deposited with the City Clerk.
- (d) All such bonds, cash security deposits, and letters of credit shall be conditioned as follows:
 - (1) The licensee will obey the laws relating to the licensed business.
 - (2) That the licensee will pay to the City when due all taxes, license fees, penalties and other charges provided by law.

- (3) That in the event of violation of any law relating to the business for which the license has been granted for the sale of liquor, the bond, cash security deposit or letter of credit shall be forfeited to the City.
- (e) All such bonds and letters of credit shall run concurrent with the period of the license, and shall provide that no cancellation for any cause can be made either by the bonding company, the applicant or the bank, without such person first giving thirty (30) days' written notice to the City, addressed to the City Clerk, of intention to cancel the bond or letter of credit.

Section 6-55. Hours of operation & Security.

- (a) No “on-sale” of intoxicating liquor shall be made during the times when such sale is prohibited by State law.
- (b) No “on-sale” of intoxicating liquor shall be made:
 - (1) Between the hours of 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, except as provided within this Article.
 - (2) After 1:00 a.m. on Sundays, except as provided by this Article.
- (c) On-Sale Intoxicating Liquor Licensees shall evacuate the premises by 1:30 a.m. every day, except as provided for in this Article.
- (d) Sunday Sales; On-Sale.
 - (1) It is unlawful for any establishment, directly or indirectly, to sell or serve intoxicating liquors on Sundays without first having obtained a Special Sunday License from the State of Minnesota and the City of Anoka for a period of one (1) year for a fee to be determined by City Council. A special license may be revoked by the governing body for cause. Application for the special license shall be made to the City in the same manner as applications for other licenses to sell intoxicating liquor are made.
 - (2) Establishments to which a Sunday On-Sale License has been issued to or hereafter may be issued to, which are hotels, restaurants, brewpubs or clubs as defined by Minn. Stat. § 340.07 and the Anoka City Code, and which have facilities for serving not less than thirty (30) guests at one time, may serve intoxicating liquors during the times as prescribed by State law and in connection with the serving of food provided that the licensed establishment is in compliance with the Minnesota Clean Indoor Air Act.
- (e) Sales after 1:00 a.m.; Special 2:00 a.m. License.
 - (1) State Permit Required. No licensee may sell intoxicating liquor “on-sale” between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the Commissioner of the MN Department of Public Safety, Liquor Control Division, pursuant to Minnesota Statutes.
 - (2) City’s Special 2:00 a.m. License Required. No licensee may sell intoxicating liquor “on-sale” between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a Special 2:00 a.m. License from the City. Special 2:00 a.m. licenses are at a fee established by the City Council. Special 2:00 a.m. Licenses shall run concurrent with the licensee’s original On-Sale Intoxicating Liquor License for a period of one year to expire on December 31st.
 - (3) Days Permitted. Special 2:00 a.m. Licenses shall be issued only to allow sales

until 2:00 a.m. on Fridays, Saturdays, Sundays, Mondays, March 18th, Thanksgiving Day, July 5th and New Years Day.

- (4) Special 2:00 a.m. Licensees shall be required to offer the sale of food to its customers until 1:00 a.m. on Fridays, Saturdays, Sundays, Mondays, March 18th, Thanksgiving Day, July 5th and New Years Day.
- (5) Special 2:00 a.m. Licensees shall evacuate the premises by 2:30 a.m. on Fridays, Saturdays, Sundays, Mondays, March 18th, Thanksgiving Day, July 5th and New Years Day.
- (f) Security Requirements for Special 2:00 a.m. License Holders in the Downtown Entertainment District.
 - (1) Security Personnel must be on site for all licensed locations that hold a Special 2:00 a.m. License.
 - a. A minimum of one (1) Security Person shall be on-site from 11:00 p.m. until closing on Fridays, Saturdays, Sundays, Mondays, March 17th, March 18th, Thanksgiving Eve and Day, July 4th and July 5th and New Years Eve and Day.
 - b. A Security Person shall be posted at every entrance and exit to the business from 1:00 a.m. until closing on Fridays, Saturdays, Sundays, Mondays, March 17th, March 18th, Thanksgiving Eve and Day, July 4th and July 5th and New Years Eve and Day. Fire exits that are used only in emergency situations are excluded from this requirement.
 - (2) Security personnel shall be clothed in wear or have clearly displayed identification tags, that identify them as security personnel and which provides their name and the name of the establishment for which they are providing the security service.
- (g) Plastic Beverage Containers for Special 2:00 a.m. License Holders located in the Downtown Entertainment District.

Between the hours of 1:00 a.m. and closing, plastic beverage containers must be used for or in the distribution of beverages at establishments located in the Downtown Entertainment District. Containers must have the business names printed upon the container or other visible identification as agreed upon by City staff. Manufactured bottle beverages are excluded from this requirement.

Section 6-56. Wine licenses.

- (a) The City may issue an On-Sale Wine License with the approval of the Commissioner to a restaurant having facilities for seating at least 25 guests at one time. A wine license permits the sale of wine of up to 24 percent (24%) alcohol by volume for consumption with the sale of food. A wine license authorizes the sale of wine on all days of the week unless the City Council authority restricts the license's authorization to the sale of wine on all days except Sundays.
- (b) The City Council may by ordinance authorize the holder of an On-Sale Wine License issued pursuant to this Chapter, who is also licensed to sell 3.2 percent malt liquors at on-sale, and whose gross receipts are at least 35 percent (35%) attributable to the sale of food, to sell Strong Beer on-sale without an additional license, unless otherwise permitted by State Law.
- (c) The City may issue an On-Sale Wine License with the approval of the Commissioner to a

licensed bed and breakfast facility. A license under this section authorizes a bed and breakfast facility to furnish wine only to registered guests of the facility.

Section 6-57. Temporary On-Sale Intoxicating Liquor Licenses.

Temporary licenses for the on-sale of intoxicating liquor shall be issued on the following terms and conditions, as well as those set forth in this Article:

- (a) A club or charitable, religious or other nonprofit organization in existence for a least three (3) years may apply for and be granted a temporary license for the on-sale of intoxicating liquor in connection with a social event within the City. The license shall be issued for not more than four (4) consecutive days, which may authorize sales on premises other than those owned or permanently occupied by the holder of an on-sale liquor license.
- (b) Applicant must have been in existence and actively engaged in programs in the City intended to further and promote the purposes for which organized for a period of at least eighteen (18) consecutive months prior to the date of application for such license.
- (c) Application for a license under this section shall be made on the State Liquor Control Division form provided for such licenses and shall be accompanied by application and license fees in the amounts determined by the City Council and proof of financial responsibility in the amount of \$300,000.00 single limit coverage. All applications must be submitted to the City Clerk at least thirty (30) days in advance of the days for which such license is requested. Upon review of the application, the City Council shall approve or disapprove the license in its discretion after considering input from any person heard for or against the granting of the license, based upon consideration of the health, safety and general welfare of the citizens of the City.
- (d) Licenses issued under this section are subject to all laws and ordinances governing the sale of liquor except Minn. Stats. § 340A.409 and those laws and ordinances which by their nature are not applicable. Licenses under this section are not valid unless approved by the Commissioner.

Section 6-58. License renewal.

- (a) At the time of submittal of an application for a renewal of an On-Sale Intoxicating Liquor or Wine license, that has been in effect for a full twelve (12) preceding months, the applicant shall file with the City Clerk a statement made and signed by a Certified Public Accountant that shows the total gross sales and the total food sales of the restaurant 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. Licensees that hold a "Club" license as defined by Minnesota Statutes are exempt from this requirement. Licensees that have obtained special legislation from the State of Minnesota are exempt from this requirement.

Section 6-59. Suspension or revocation.

The City Council may suspend or revoke an On-Sale Intoxicating, Wine or Temporary On-Sale Intoxicating Liquor License for the violation of Minn. Stats. § 340A 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. Stats. § 340A.415.

Sections 6-60 thru 6-79. Reserved.