

CHAPTER 6. ALCOHOLIC BEVERAGES

ARTICLE III. 3.2 Percent Malt Liquor

Section 6-80. Classifications.

3.2 percent malt liquor licenses shall be of three (3) kinds: on-sale, off-sale, and temporary on-sale.

- (a) On-sale 3.2 malt liquor licenses shall be granted only to cafes, restaurants and hotels where food is prepared and served for consumption on the premises and in bona fide clubs, and shall permit the sale of such liquor for consumption on the premises only.
- (b) Off-sale licenses shall be granted to permit the sale at wholesale or retail of such liquor in the original packages for removal from and consumption off the premise only.
- (c) Temporary on-sale licenses may be issued as set forth in this Article to permit the sale of such 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 article 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 6-81. 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 6-82. Procedure for Issuance.

The following procedure shall be followed in processing applications for licenses issued 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) Upon successful completion of verification, investigation and necessary inspections, all new licenses shall be submitted to the City Council for approval.
- (c) 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 6-83. Temporary On-Sale 3.2 Malt Liquor Licenses.

Temporary licenses for the on-sale of 3.2 percent malt 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 3.2 malt

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 6-84. Suspension or revocation.

The City Council may suspend or revoke an On-Sale 3.2% Malt Liquor, Off-Sale 3.2% Malt Liquor or Temporary On-Sale 3.2% Malt 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 6.85 thru 6.89. Reserved.