

CITY OF HASTINGS, MINNESOTA

ORDINANCE NO. 2015- 14, THIRD SERIES

An Ordinance of the City of Hastings Related to Liquor Licensing and
Authorizing Issuance of Additional Types of Liquor Licenses

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASTINGS:

HASTINGS CITY CODE CHAPTER 111, SECTION 111.04 IS AMENDED AS FOLLOWS (new language is underlined, strikethrough language is deleted):

§111.04 TYPES OF LICENSES.

(A) *Generally.* The following licenses may be issued after compliance with this chapter and state law.

(B) *Specifically.*

(1) *On-sale intoxicating liquor license.* On-sale intoxicating liquor licenses shall be issued only to restaurants, brew pubs, and hotels where food is prepared and served for consumption on the premises and shall permit the on-sale of intoxicating liquor or wine, if approved by the City Council.

(2) *On-sale 3.2% malt liquor license.* On-sale 3.2% malt liquor licenses may be issued only to clubs, restaurants, and hotels where food is prepared and served for consumption on the premises. On-sale 3.2% malt liquor licenses shall only permit the sale for consumption on the premises.

(3) *On-sale wine license.*

(a) On-sale wine licenses may be issued for the sale of wine not exceeding 14% alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food. An on-sale wine license may be issued only to a restaurant having facilities for seating at least 25 guests at one time.

(b) The city may issue an on-sale wine license to a state-licensed bed and breakfast facility for sale only to registered guests of the facility.

(c) On-sale wine licensees who also hold an on-sale 3.2% malt liquor license, and whose gross receipts are at least 60% attributable to the sale of food, are authorized to also sell intoxicating malt liquor at on-sale. The license holders, as a further condition of their license, must provide to the city, upon demand, the documentation that the city deems to be necessary to demonstrate the amount of annual sales related to food. License holders who sell intoxicating malt liquor must further comply with all insurance requirements imposed by city code and state statute for the on-sale of intoxicating liquor. (Ord. 489, passed 4-21-2003)

(4) *Club license.* Club on-sale intoxicating liquor licenses shall be issued only to clubs which have been in existence for 3 years or more and which meet requirements of M.S. Chapter 340A, as it may be amended from time to time; or to congressionally chartered veterans' organizations which have been in existence for 3 years or more, and which meet the requirements of M.S. Chapter 340A, as it may be amended from time to time.

(5) ~~On-sale Sunday liquor license.~~ On-sale Sunday liquor licenses shall be issued only to hotels, restaurants, microdistilleries or clubs which have facilities for serving food to not less than 30 guests at one time and which have been issued an on-sale intoxicating liquor license, on-sale brew pub license, or on-sale cocktail room license. On-sale Sunday liquor licenses may be issued to brewery taprooms which have been issued an on-sale brewery taproom license. Brew pubs holding a valid off-sale brew pub license may sell off-sale on Sundays malt liquor produced on-site and shall be subject to all conditions and restrictions contained in M.S. § 340A.24. Small brewers holding a valid off-sale brewery taproom license may sell off-sale on Sundays malt liquor produced on-site and shall be subject to all conditions and restrictions contained in M.S. § 340A.28 and M.S. § 340A.285.

(6) *Bottle club license.* Bottle club licenses may be issued to establishments as allowed by M.S. Chapter 340A, as it may be amended from time to time, for the consumption or display of intoxicating liquor or the serving of any liquid for the purpose of mixing with intoxicating liquor. This provision shall not apply to any person or premises otherwise licensed by the city for the sale of intoxicating liquor.

(7) *Off-sale intoxicating liquor license.* Off-sale intoxicating liquor licenses may be granted for the off-sale of intoxicating liquor.

(8) *Off-sale 3.2% malt liquor license.* Off-sale 3.2% malt liquor licenses shall permit only the sale of 3.2% malt liquor at retail, in the original package, for consumption off the premises.

(9) *Temporary on-sale intoxicating liquor license.* A temporary on-sale intoxicating liquor license may be granted as provided herein.

(a) *Applicant.* A club or charitable, religious, or nonprofit organization, duly incorporated as a nonprofit or religious corporation under the laws of Minnesota, and having its registered office and principal place of activity within the city, may qualify for a temporary on-sale intoxicating liquor license in connection with a social event within the city, sponsored by the applicant.

(b) *Term.* The city may authorize the on-sale of intoxicating liquor for not more than 3 consecutive days, and may authorize sales on premises other than premises the applicant owns or permanently occupies.

(c) *Insurance.* No temporary on-sale intoxicating liquor license shall be issued for the sale of liquor until the applicant provides the city with proof of liability insurance in the

minimum amounts required by M.S. Chapter 340A, as it may be amended from time to time, now in effect. An applicant for a temporary on-sale liquor license for the sale of wine only shall not be required to provide the city with proof of liability insurance.

(d) *Other restrictions.* Any temporary license issued under this chapter is subject to all state laws and rules, and city ordinances governing the sale of intoxicating liquor. All temporary licenses issued by the city under this chapter shall not be valid until approved by the Commissioner of Public Safety of the State of Minnesota.

(10) *Temporary on-sale 3.2% malt liquor license.*

(a) *Applicant.* A club or charitable, religious, or nonprofit organization, duly incorporated as a nonprofit or religious corporation under the laws of Minnesota, and having its registered office and principal place of activity within the city, may qualify for a temporary on-sale 3.2% malt liquor license.

(b) *Other restrictions.* The applicant for a temporary on-sale 3.2% malt liquor license shall comply with all other state laws and rules and city ordinances governing the sale of 3.2% malt liquor within the city.

(c) *Certificate of insurance.* A certificate of insurance evidencing liquor liability (dram shop) coverage as outlined in § 111.09. (Prior Code, § 3.4) (Am. Ord. 488, passed 5-20-2002) Penalty, see § 10.99

(11) *On-sale brew pub license.* On-sale brew pub licenses may be issued for a restaurant operated in the place of manufacture and shall be subject to all conditions and restrictions contained in M.S. § 340A.24. A brew pub holding a valid on-sale intoxicating liquor license need not also obtain an on-sale brew pub license for on-sale of malt liquor produced on-site provided all such sales and operations shall be subject to all conditions and restrictions contained in M.S. § 340A.24.

(12) *Off-sale brew pub license.* Off-sale brew pub licenses may be issued to brew pubs holding a valid on-sale brew pub license and shall be subject to all conditions and restrictions contained in M.S. § 340A.24 and M.S. § 340A.285.

(13) *On-sale brewery taproom license.* On-sale brewery taproom licenses may be issued 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 and shall be subject to all conditions and restrictions contained in M.S. § 340A.26.

(14) *Off-sale brewery taproom license.* Off-sale brewery taproom licenses may be issued to small brewers subject to all conditions and restrictions contained in M.S. § 340A.28 and M.S. § 340A.285.

(15) *Off-sale microdistillery license.* Off-sale microdistillery licenses may be issued to microdistilleries for the off-sale of one 375 milliliter bottle per customer per day of product

manufactured on-site and shall be subject to all conditions and restrictions contained in M.S. § 340A.22.

(16) *On-sale cocktail room license.* On-sale cocktail room licenses may be issued to microdistilleries 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 and shall be subject to all conditions and restrictions contained in M.S. § 340A.22.

HASTINGS CITY CODE CHAPTER 111, SECTION 111.06(A) IS AMENDED AS FOLLOWS (new language is underlined, strikethrough language is deleted):

§ 111.06 LICENSE FEES.

(A) *Annual fees.* The annual fees for licenses issued under this chapter are as follows.

(1) *On-sale intoxicating liquor license.* The annual fee for an on-sale intoxicating liquor license will be established by ordinance. As determined by Council resolution, the annual fee for an on-sale intoxicating liquor license may be paid in 2 equal semi-annual installments.

(2) *On-sale 3.2% malt liquor license.* The annual fee for an on-sale 3.2% malt liquor license will be established by ordinance and will be payable in full at the time of issuance or renewal of the license.

(3) *On-sale wine license.* The annual fee for an on-sale wine license will be established by ordinance.

(4) *Club license.* The annual fee for a club license shall be set by state law.

(5) *Club membership fee.*

(a) Two hundred members or less - \$300;

(b) Two hundred and one members to 500 - \$500;

(c) Five hundred and one members to 1,000 - \$650; and

(d) One thousand and one members to 2,000 - \$800.

(6) *Sunday liquor license.* The annual fee for any Sunday liquor license will be established by ordinance.

(7) *Bottle club.* The annual fee for a bottle club license will be established by ordinance.

(8) *Off-sale 3.2% malt liquor license.* The annual fee for an off-sale 3.2% malt liquor license will be established by ordinance.

(9) *Off-sale of intoxicating liquor.* The annual fee for an off-sale intoxicating liquor license will be established by ordinance.

~~(10)~~ *Temporary on-sale intoxicating liquor license.* The annual fee for a temporary on-sale intoxicating liquor license will be established by ordinance.

~~(11)~~ *Temporary on-sale 3.2% malt liquor license.* The annual fee for a temporary on-sale 3.2% malt liquor license will be established by ordinance.

~~(12)~~ *Sidewalk café license.* The annual fee for a sidewalk café license will be established by ordinance. (Ord. 2015-07, 3rd Series passed on 6-1-15)

(13) *On-sale brew pub license.* The annual fee for an on-sale brew pub license will be established by ordinance.

(14) *Off-sale brew pub license.* The annual fee for an off-sale brew pub license will be established by ordinance.

(15) *On-sale brewery taproom license.* The annual fee for an on-sale brewery taproom license will be established by ordinance.

(16) *Off-sale brewery taproom license.* The annual fee for an off-sale brewery taproom license will be established by ordinance.

(17) *Off-sale microdistillery license.* The annual fee for an off-sale microdistillery license will be established by ordinance.

(18) *On-sale cocktail room license.* The annual fee for an on-sale cocktail room license will be established by ordinance.

HASTINGS CITY CODE CHAPTER 111, SECTION 111.11 IS AMENDED AS FOLLOWS (new language is underlined, strikethrough language is deleted):

§ 111.11 HOURS AND DAYS OF SALES.

(A) *Generally.* Liquor licenses issued under this chapter are subject to the hours and days of sale as outlined in M.S. § 340A.504, as applicable, and as it may be amended from time to time. Hours and days not specified in state statute will be set by Council resolution. The closing hours listed below are assuming the licensee has obtained the necessary approvals from the state for a 2:00 a.m. closing. If required approvals are not received, then the closing shall be at 1:00 a.m. for closing times listed in divisions (B), (C)(1), and (C)(2) below. (Am. Ord. 504, passed 10-6-2003)

(B) *On-sale and off-sale of 3.2% malt liquor.* No on-sale or off-sale of 3.2% malt liquor may be made:

(1) Between 2:00 a.m. and 8:00 a.m. on Monday through Saturday; or

(1) Between 2:00 a.m. and 12:00 p.m. on Sunday. (Am. Ord. 504, passed 10-6-2003)

(C) *On-sale of intoxicating liquor.* No on-sale of intoxicating liquor may be made:

(1) Between 2:00 a.m. and 8:00 a.m. on Monday through Saturday; or

(2) Between 2:00 a.m. and 10:00 a.m. on Sunday.

(Am. Ord. 504, passed 10-6-2003; Am. Ord. 2010-03, 3rd Series, passed 3-1-2010)

(D) *Off-sale of intoxicating liquor.* No off-sale of intoxicating liquor may be made:

(1) On Sundays except that off-sale of malt liquor may be made by brew pubs holding a valid off-sale brew pub license and small brewers holding a valid off-sale brewery taproom license between the hours of 8:00 a.m. and 10:00 p.m. subject to all conditions and restrictions contained in M.S. § 340A.24 and M.S. § 340A.28;

(2) Before 8:00 a.m. on Monday through Saturday;

(3) After 10:00 p.m. on Monday through Saturday;

(4) On Thanksgiving Day;

(5) On December 25; or

(6) After 8:00 p.m. on December 24.

(E) *Closure of premises.* All on-sale licensed establishments, clubs, and bottle clubs shall be closed to the public or to members not later than ½ hour after the required time for stopping sales as provided in this chapter, and shall remain closed until the commencement of sales is permitted under this chapter. It is unlawful for any person other than the licensee and employees of the licensee to be in the licensed premises during the closed periods. (Prior Code, § 3.11) (Am. Ord. 488, passed 5-20-2002) Penalty, see § 10.99

Council member _____ moved a second to this Ordinance, and upon being put to a vote it was adopted by a majority of all Council members present.

Adopted by the Hastings City Council on this ____ day of _____, 2015, by the following vote:

Ayes

Nays:

Absent:

CITY OF HASTINGS

Paul J. Hicks, Mayor

ATTEST:

Julie A. Flaten,
City Clerk

I hereby certify that the above is a true and correct copy of the Ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the ____ day of _____, 2015, as disclosed by the records of the City of Hastings on file and of record in the office.

Julie A. Flaten,
City Clerk