



## APPLICATION FOR LIQUOR LICENSE PART II – PERSONAL INFORMATION

City of Burnsville

100 Civic Center Parkway, Burnsville, MN 55337-3817 (952) 895-4460 Fax (952) 895-4512

[www.burnsville.org](http://www.burnsville.org)

**This form must be completed by each of the following with a colored copy of driver's license or government issued photo ID attached.**

Applicant  Manager (s)  Owners/Partners/Directors/Officers/ and Shareholders with interest in excess of 5%.

### BACKGROUND INFORMATION

Legal Corporate Name of Establishment		Trade Name of Business (DBA)			
Street Address of Licensed Premises		Zip Code	Business Phone		Individual's Cell Phone
Your Name (Full First, Middle, Last)		Place of Birth (City, State)			Date of Birth
Residential Street Address		City		State	Zip Code
Race: Caucasian <input type="checkbox"/> African American <input type="checkbox"/> Asian <input type="checkbox"/> Hispanic <input type="checkbox"/> Other <input type="checkbox"/>		First, middle, or last names you have ever used or been known by			
Sex: Female <input type="checkbox"/> Male <input type="checkbox"/> U.S. Citizen: Yes <input type="checkbox"/> No <input type="checkbox"/>					
Social Security Number		Email Address		Title	% of ownership

### List your Residences for the past Five (5) Years – Attach additional sheets if necessary

Street Address	City	State	Zip	From	To

### List Name and Address or Employer and Occupation for the past Five (5) Years – Attach additional sheets if necessary

Employer and Occupation	Street Address and City	State	Zip	From	To

### SPOUSE'S INFORMATION

Spouse's Name		Place of Birth (City, State)		Date of Birth	
First, middle, or last names your spouse has ever used or been known by					
Spouse's Residential Street Address		City		State	Zip Code

### FOR CITY USE ONLY

Case File #:					
Amount/Date Fee Paid:	CCH	QDP	CJIN	Investigation Approval:	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

PERSONAL INFORMATION

**LICENSE HISTORY**

Have you ever been employed by a restaurant, bar or other business of a similar nature?  Yes  No If yes, Name Address City State Zip From To

Have you or your spouse ever had a liquor, wine or beer license: Revoked or suspended?  Yes  No New or renewal license denied?  Yes  No (By any government entity?) If yes, explain:

Do you or your spouse have any interest, directly or indirectly, in any liquor establishment in the State of Minnesota?  Yes  No If yes, give: Name Address City Type of interest held

Have you or your spouse ever been convicted of any ordinance violation, liquor law violation, petty misdemeanor, misdemeanor, gross misdemeanor, or felony? This includes both civil and criminal offenses, including liquor penalties. This includes state, local, and federal offenses. Do not include parking violations.  Yes  No If yes, Offense Fine/Penalty City State Date

Do you or your spouse have any delinquent personal or business taxes?  Yes  No If yes, Date filed: Address: County: State:

**REFERENCES**

Name	Address	City/State/Zip	Relationship	Email	Phone

**DATA PRIVACY ADVISORY**

The Minnesota Data Practices Act requires that we inform you of your rights about the private data we are requesting on this form. As part of this application, you are asked to provide private and/or confidential information about yourself that will be used to check driving history, criminal history, arrest records, warrant information, and other relevant records. You may refuse to provide this information. However, should you refuse; our investigation cannot be completed and will result in your application not being processed. The information you provide is public and will be used by the City of Burnsville Police Department, Licensing Department, the Burnsville City Council, and the general public.

**This AUTHORIZATION FOR RELEASE OF INFORMATION will expire two years from the date it was signed. I HAVE READ AND UNDERSTAND THE ABOVE DATA PRACTICES ADVISORY**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**VERIFICATION**

The data you furnish on this application will be used by the City of Burnsville to assess your qualifications for licensure. Disclosure of this information is voluntary. You are not legally required to provide this data; however, if you fail to do so, the City of Burnsville may be unable to process this application. Disclosure of your Social Security number, Minnesota Tax ID Number, or Individual Tax ID Number is required by Minnesota Statutes 270C.72 and your Social Security number may be requested by and released to the Department of Revenue. Upon submission of this application, all information except your Social Security Number will be public information pursuant to Minnesota Statutes, Chapter 13.

PERSONAL INFORMATION

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I will strictly comply with all the laws of the State of Minnesota governing the taxation and sale of intoxicating liquor and beer; the rules and regulations promulgated by the Liquor Control Commissioner; and all ordinances of the City of Burnsville. I hereby certify or declare under penalty of perjury under the laws of the State of Minnesota that I have read and understand every question in this application and that the answer to every question and in all supplemental documents submitted on behalf of this application are true and correct to the best of my knowledge, information and belief. I further understand that the giving of false information in this application, regardless of when it is discovered, and or the failure to give required pertinent information constitutes cause for the immediate revocation of any and all licenses and/or permits issued hereunder and may be grounds for prosecution for perjury. All information given is subject to verification by the State of Minnesota.

**A SIGNATURE IS REQUIRED IN ORDER TO PROCESS THIS APPLICATION**

Signature \_\_\_\_\_ Date \_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public My Commission expires on: \_\_\_\_\_

(Stamp)



I hereby certify that I have received a copy of the Burnsville Liquor Ordinance and the packet of information pertaining to the Burnsville Best Practices Alcohol Compliance Program and **will familiarize myself with the contents thereof.**

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Signature

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Business

# Chapter 1

## INTOXICATING LIQUOR AND 3.2 PERCENT MALT LIQUOR

### 3-1-1: PROVISIONS OF STATE LAW ADOPTED:

Except to the extent the provisions of this chapter are more restrictive, the provisions of Minnesota statutes chapter 340A, relating to the definition of terms, licensing, consumption, sales, hours of sale, and all other matters pertaining to the retail sale, distribution and consumption of intoxicating liquor and 3.2 percent malt liquor are adopted and made a part of this chapter as if set out in full. (Ord. 327, 9-6-1988; amd. Ord. 634, 8-5-1996)

### 3-1-2: LICENSE REQUIRED:

- (A) No person, except as provided in Minnesota statutes section 340A.301, subdivisions 1 and 8, section 340A.510, and manufacturers and wholesalers to the extent authorized by law, shall directly or indirectly deal in, sell, keep for sale or deliver any intoxicating liquor, 3.2 percent malt liquor or wine as part of a commercial transaction without first having received a license to do so as provided in this chapter; nor shall any private club or public place, directly or indirectly, or upon any pretense or by any device, allow the consumption or display of intoxicating liquor or serve any liquid for the purpose of mixing with intoxicating liquor without first obtaining a license from the city as provided in this chapter.
- (B) Holders of an on-sale intoxicating liquor license are exempt from the requirement that an on-sale 3.2 percent malt liquor license be obtained, and off-sale intoxicating liquor licensees are exempted from the requirement that an off-sale 3.2 percent malt liquor license be obtained before selling 3.2 percent malt liquor. (Ord. 327, 9-6-1988; amd. Ord. 634, 8-5-1996)

### 3-1-3: DEFINITIONS; TYPES OF LICENSES:

- (A) On-Sale A Intoxicating Liquor License: On-sale A intoxicating liquor license shall be granted only to restaurants (including brewpubs), bowling centers and exclusive liquor stores.
1. Minimum Square Footage Required: No on-sale A intoxicating liquor license shall be granted to any person where the licensed dining area is less than seven hundred fifty (750) square feet.
  2. Renewal: The minimum square footage for the renewal of licenses issued prior to the effective date of this provision shall be the square footage of the licensed dining area at the time a license

was first issued, plus any subsequent square footage voluntarily added to the licensed dining area.

3. Transfer: A licensee to whom an existing license is transferred in accordance with section [3-1-6-3](#) of this chapter shall not be required to increase the square footage beyond that required when the license was first issued, plus any subsequent square footage voluntarily added to the licensed premises.
4. Additional License Not Required: On-sale A licensees may also sell on-sale 3.2 percent malt liquor without obtaining an additional license under subsection (H) of this section.

(B) On-Sale B Intoxicating Liquor License: On-sale B intoxicating liquor licenses shall be granted only to restaurants or lounges which are part of an integrated hotel or motel complex.

1. Initial Investment Required: No on-sale B licenses shall be granted to any person who does not have invested or does not propose to invest in the business, including, but not limited to, all fees, site development, construction costs, utilities, furnishings and fixtures, but exclusive of land costs, an amount of at least one million dollars (\$1,000,000.00) based upon 1988 construction costs. The required amount shall be annually adjusted upward or downward by council resolution to reflect changes in construction costs as reflected in commonly accepted construction cost indexes. In the case of multipurpose buildings such as motels and hotels, only that portion of the building directly attributable to the preparation, handling, storing or serving of food and liquor shall be considered in determining the value of the investment. The council may provide for an independent appraisal, at applicant's expense, as an aid in determining the value of said premises. In the event this requirement as to investment is not complied with within one year from the date of issuance of the license, the license may be revoked.
2. Renewal: The minimum investment for the renewal of licenses issued prior to the effective date of this provision shall be the investment required when the license was first issued plus any subsequent investment voluntarily made.
3. Transfer: A licensee to whom an existing license is transferred in accordance with section [3-1-6-3](#) of this chapter shall not be required to increase the investment in the business beyond that required when the license was first issued plus any subsequent investment voluntarily made.
4. Additional License Not Required: On-sale B licensees may also sell on-sale 3.2 percent malt liquor without obtaining an additional license under subsection (H) of this section.

(C) Special Club License: Special club license may be issued to clubs as provided in Minnesota statutes section 340A.404, subdivision 1.

(D) On-Sale Wine License: On-sale wine license may be issued only to restaurants having facilities for seating at least twenty five (25) people at one time.

(E) Off-Sale Intoxicating Liquor License: Off-sale intoxicating liquor license may be granted for the sale of off-sale liquor.

No off-sale intoxicating liquor license shall be issued for a premises that is within 0.75 mile of another off-sale intoxicating liquor facility and not located in a freestanding building (standing or operating independently of anything else) except facilities located within the "Burnsville Center retail area", the area encompassing all Burnsville Center shopping centers and strip shopping centers as identified in the 2030 comprehensive plan, in general bounded by the nearest principal arterial, A minor arterial or B minor arterial streets. This area is more specifically defined as the area bounded by McAndrews Road on the north, Portland Avenue on the east, Southcross Drive on the south, County Road 5 on the west plus lots 1-3 block 1 of Westburn First Addition.

- (F) On-Sale Sunday Liquor License: On-sale Sunday liquor licenses may be issued to establishments holding an on-sale liquor license or club license and which have facilities for serving not less than thirty (30) guests at one time. Such license shall permit the sale of liquor to be consumed on the premises between the hours of eight o'clock (8:00) A.M. Sundays and two o'clock (2:00) A.M. on Mondays in conjunction with the serving of food. A separate application for such license shall be made to the city in the same manner as applications of other licenses to sell intoxicating liquor are made hereunder.
- (G) Bottle Club License: Bottle club licenses shall not be issued in the city.
- (H) On-Sale 3.2 Percent Malt Liquor License: On-sale 3.2 percent malt liquor licenses may be granted only to bona fide clubs, restaurants and hotels where food is prepared and served for consumption on the premises. On-sale 3.2 percent malt liquor licenses shall permit the sale of beer for consumption on the premises only. (Ord. 1343, 6-2-2015)
- (I) Temporary License: The city clerk or designee may issue a temporary on-sale intoxicating liquor, wine or 3.2 percent malt liquor license as authorized by sections [3-1-16](#) and [3-1-17](#) of this chapter. (Ord. 1343, 6-2-2015; amd. Ord. 1378, 3-8-2016)
- (J) Off-Sale 3.2 Percent Malt Liquor License: Off-sale 3.2 percent malt liquor licenses shall permit the sale of beer at retail in the original package for consumption off the premises only.
- (K) Off-Sale Malt Liquor License: Off-sale malt liquor licenses shall permit the sale of growlers (64 ounce containers) or seven hundred fifty milliliter (750 ml) bottles from premises that have been produced and packaged by a brewer. Sales may not exceed five hundred (500) barrels annually. Off-sale hours shall be limited to the legal hours for off-sale at exclusive liquor stores except Sunday sales shall be allowable from eight o'clock (8:00) A.M. to ten o'clock (10:00) A.M. as provided by Minnesota statutes chapter 340A.
- (L) Brewer Taproom License: A brewer taproom license may be issued for the sale of the brewer's own beer for consumption at the brewery location as authorized by Minnesota statutes 340A.26, subdivision 1.

(M) Cocktail Room License: A cocktail room license may be issued for the consumption of distilled liquor on the premises or adjacent to the distillery as authorized by Minnesota statutes 340A.22, subdivision 2. (Ord. 1343, 6-2-2015)

### **3-1-4: APPORTIONMENT OF INTOXICATING LIQUOR LICENSES:**

(A) Four (4) on-sale B intoxicating liquor licenses may be issued. (Ord. 820, 6-4-2001; amd. Ord. 1378, 3-8-2016)

### **3-1-5: LICENSE APPLICATION:**

#### **3-1-5-1: CONTENTS OF INITIAL APPLICATION:**

A license applicant shall complete the applicable application form prepared by the city clerk or designee. The city clerk or designee may waive completion of parts of the form that are inappropriate or unnecessary. (Ord. 466, 9-21-1992; amd. Ord. 1378, 3-8-2016)

#### **3-1-5-2: RENEWAL APPLICATION:**

(A) License Period, Expiration: Each renewal license shall be issued for a maximum period of one year. All licenses, except temporary licenses, expire on June 30 of each year. Temporary licenses shall expire according to their terms. (Ord. 327, 9-6-1988)

(B) Time Of Making Renewal Application: Applications for the renewal of an existing license shall be made at least ninety (90) days prior to the date of the expiration of the license, and shall state that everything in the prior applications remains true and correct except as otherwise indicated. The city will mail application forms to existing licensees approximately one hundred twenty (120) days prior to expiration of the licenses. If, in the judgment of the city clerk or designee, good and sufficient cause is shown by any applicant for his failure to file for a renewal within the time period provided, the council may, if the other provisions of this chapter are complied with, grant the application. (Ord. 1378, 3-8-2016)

### **3-1-5-3: EXECUTION OF APPLICATION:**

If the application is by a natural person, it shall be signed and sworn to by such person; if by a corporation, by an officer thereof; if by a partnership, by one of the partners; if by an incorporated association, by the operating officer or managing officer thereof. If the applicant is a partnership, the application, license and bond or insurance policy shall be made and issued in the name of all partners. It shall be unlawful to make any false statement in an application. Applications shall be filed with the city clerk or designee. (Ord. 327, 9-6-1988; amd. Ord. 1378, 3-8-2016)

### **3-1-6: GRANTING LICENSES:**

#### **3-1-6-1: INVESTIGATION:**

At the time of making an initial application, renewal application, or request for approval for a new operating manager, the applicant shall, in writing, authorize the Burnsville police department to investigate all facts set out in the application and do a personal background and felony criminal record check on the applicant. The applicant shall further authorize the police department to release information received from such investigation to the city clerk or designee. Should the city council deny the applicant's request for a license due, partially or solely, to the applicant's prior conviction of a crime, the city clerk or designee shall notify the applicant, in writing, of the following information:

(A) The grounds and reasons for the denial;

(B) The applicable complaint and grievance procedure as set forth in Minnesota statutes section 364.06;

(C) The earliest date the applicant may reapply for a license; and

(D) That all competent evidence of rehabilitation will be considered upon reapplication. (Ord. 1378, 3-8-2016)

#### **3-1-6-2: HEARING REQUIREMENTS:**

(A) Notice Of Hearing: Upon receipt of the written report and recommendation by the police department, and within twenty (20) days thereafter, the city clerk or designee shall cause to be

published in the official newspaper ten (10) days in advance a notice of hearing to be held by the council, 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, the nature of the business and such other information as the council may direct. (Ord. 327, 9-6-1988; amd. Ord. 1378, 3-8-2016)

- (B) **Conduct Of Hearing:** At the hearing, opportunity shall be given to any person to be heard for or against the granting of the license.
- (C) **Hearing On Renewal Applications:** No more than sixty (60) days after the date for submitting renewal applications, the council shall hold a public hearing. Notice of the time and place of said meeting and the fact that renewal applications will be considered shall be published in the official newspaper ten (10) days in advance of the hearing. Opportunity shall be given to any person to be heard for or against the granting of a renewal license.
- (D) **Cost Of Hearing:** The cost of all hearings except uncontested, routine renewal hearings shall be borne by the applicant.
- (E) **Nonapplicability:** The provisions of this section are not applicable to applications for temporary licenses. (Ord. 327, 9-6-1988)

### **3-1-6-3: GRANTING OR TRANSFER OF LICENSE; VOTE REQUIRED; BUILDINGS UNDER CONSTRUCTION:**

After such investigation and hearing, where applicable, the council shall grant or refuse the application in its discretion. A three-fifths ( $\frac{3}{5}$ ) vote of the council shall be required for the granting or transfer of a license.

- (A) **Issuance:** Each license shall be issued to the applicant only.
- (B) **Transfer Of License:** Each license shall be issued only for the exact rooms and square footage described in the application. No license may be transferred to another person or to another place without the approval of the council and without a new application having been filed. (Ord. 1343, 6-2-2015)
- (C) **Premises Under Construction:** When a license is granted for premises where the building is under construction or otherwise not ready for occupancy, the city clerk or designee shall not issue the

license until notified by the building official or their designee that the building is ready for occupancy. (Ord. 1343, 6-2-2015; amd. Ord. 1378, 3-8-2016)

### **3-1-6-4: REPORT TO STATE:**

The city clerk or designee shall, within ten (10) days after the issuance of any license under this chapter, submit to the commissioner of public safety the full name and address of each person granted a license, the true name, the effective license date, and the date of expiration of the license. The city clerk or designee shall also submit to the commissioner of public safety any change of address, transfer, cancellation or revocation of any license by the council during the license period. (Ord. 1343, 6-2-2015; amd. Ord. 1378, 3-8-2016)

### **3-1-6-5: PROXIMITY OF RELIGIOUS USES:**

While recognizing that religious uses are generally located in residential districts, within the city there is no separation requirement between a premises that has been duly licensed under this chapter and a religious use. The proximity of a religious use shall not be used as a reason to deny the issuance or renewal of a liquor license. (Ord. 599, 12-18-1995)

### **3-1-7: LICENSE FEES:**

#### **3-1-7-1: FEES ESTABLISHED:**

- (A) Annual Fees: The annual fees for all licenses and temporary licenses shall be established from time to time by resolution of the city council.
- (B) Fee Reduction: The off-sale intoxicating liquor license fee shall be reduced by one hundred dollars (\$100.00) provided at the time of initial application and renewal the licensee agrees to the following and complies with the following during the term of the license:
1. Agrees to have a private vendor, approved by the city, train all employees within sixty (60) days of hire and annually thereafter in laws pertaining to the sale of alcohol, the rules for identification checks, and the responsibilities of establishments serving intoxicating liquors;
  2. Posts a policy requiring identification checks for all persons appearing to be thirty (30) years old or less; and

3. Establishes a written cash award and incentive program to award employees who catch underage drinkers and a written penalty program to punish employees in the event of a failed compliance check.

Failure to comply with this subsection will result in the denial of the license fee reduction. During the term of the license, a licensee who agrees to the foregoing shall provide verification of compliance with the conditions of this section upon request by the city. If a licensee receives a fee reduction and fails to comply with the foregoing conditions, the licensee shall reimburse the city for the amount of the fee reduction.

(C) Prorated Fees: Except for temporary licenses, when a license is issued between July 1 and September 30, inclusive, the license fee shall be the annual fee. When it is issued between October 1 and December 31, inclusive, the fee shall be three-fourths ( $\frac{3}{4}$ ) the annual fee. When it is issued between January 1 and March 31, inclusive, the fee shall be one-half ( $\frac{1}{2}$ ) the annual fee. When it is issued between April 1 and June 30, inclusive, the fee shall be one-fourth ( $\frac{1}{4}$ ) the annual fee.

(D) Investigation Fees: Investigation fees for licenses shall be as follows:

1. At the time of each original application for a license, except on-sale wine, 3.2 percent malt liquor off-sale and on-sale or temporary licenses, the applicant shall deposit one thousand five hundred dollars (\$1,500.00) with the city for the investigation fee. Investigation fees shall be paid in full before the investigation is commenced. An applicant for an on-sale wine and on-sale 3.2 percent malt liquor license shall deposit five hundred dollars (\$500.00) with the city. An application for a 3.2 percent malt liquor off-sale license shall deposit one hundred dollars (\$100.00) with the city. There shall be no refund of deposits for wine and 3.2 percent malt liquor on-sale or off-sale licenses. For investigations conducted outside the state, the city may recover the actual investigation costs not to exceed ten thousand dollars (\$10,000.00). Any fee due in excess of the one thousand five hundred dollar (\$1,500.00) deposit must be paid prior to the license hearing and before the city council considers the application.
2. At any time an additional investigation is required because of a change in the ownership of any license or control of a corporate license within the meaning of subsection [3-1-11\(F\)](#) of this chapter, or because of a transfer from place to place, the licensee shall pay an additional investigation fee equal to the amount of the cost of the investigation. The deposit on the fee shall be one thousand five hundred dollars (\$1,500.00).
3. At any time that an additional investigation is required because of an enlargement, substantial alteration which, in the city's opinion, changes the character of the establishment, or extension of premises previously licensed, the licensee shall pay an additional investigation fee equal to the amount of the cost of investigation. The deposit on the fee shall be five hundred dollars (\$500.00).
4. If requested, the city will furnish the applicant verification of all costs in excess of two thousand five hundred dollars (\$2,500.00).
5. Investigation fees for temporary licenses shall be established, from time to time, by resolution of the city council.

6. Fees for additional investigation required because of a change in the operating manager or proprietor or other agent in charge of the licensed premises shall be established, from time to time, by resolution of the city council. (Ord. 1102, 12-3-2007)

### **3-1-7-2: PAYMENT OF FEES:**

(A) Annual Fees: The license fee for a renewal license for on-sale intoxicating liquor and on-sale wine shall be paid by licensees as follows: one-half ( $\frac{1}{2}$ ) of the annual license fee on or before July 1, and one-half ( $\frac{1}{2}$ ) of the annual license fee sixty (60) days thereafter. All new liquor licenses shall be paid in full at least ten (10) days before the public hearing on the application. All fees shall be paid into the general fund of the city. Upon rejection of any application for a license or upon withdrawal of an application before approval of the issuance by the council, the license fee shall be refunded to the applicant, except where rejection is for a wilful misstatement in the license application. (Ord. 1378, 3-8-2016)

### **3-1-7-3: REFUNDS:**

No part of the fee paid for any license shall be refunded except as authorized under Minnesota statutes section 340A.408, subdivision 5. (Ord. 327, 9-6-1988)

### **3-1-7-4: CHANGE OF OWNERSHIP; EXCEPTION:**

Where a new application is filed as a result of incorporation or a change of name by an existing licensee and the ownership control and interest in the license are unchanged, no additional investigation fee will be required. (Ord. 327, 9-6-1988)

### **3-1-8: CONDITIONS OF LICENSES:**

#### **3-1-8-1: COMPLIANCE WITH LAWS:**

(A) City And State Laws: Every license shall be granted subject to the conditions of this chapter and of any other applicable ordinance of the city and/or state law, including, but not limited to, the timely payment of real estate taxes, the local lodging tax and all other city charges. (Ord. 399, 2-4-1991)

(B) Consumption And Display: No person shall mix or prepare intoxicating liquor for consumption in any public place not licensed in accordance with the ordinances of the city and the laws of the state.

(C) Area Of License: No license shall be effective beyond the areas approved in the license for which it was granted. (Ord. 327, 9-6-1988)

### **3-1-8-2: LICENSE YEAR:**

All liquor licenses, except temporary licenses, shall expire on June 30. (Ord. 327, 9-6-1988)

### **3-1-8-3: POSTING LICENSE:**

The license shall be posted in a conspicuous place in the licensed establishment at all times. (Ord. 327, 9-6-1988)

### **3-1-8-4: RESPONSIBILITY OF LICENSEE; ORDERLY CONDUCT:**

(A) Every licensee shall be responsible for the conduct of his place of business including conduct and activity attributable to the business on property owned or controlled by the licensee. Every licensee shall also cooperate with the city in controlling activity attributable to the business in surrounding areas.

(B) The act of any employee on the licensed premises is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this chapter and the law equally with the employee. (Ord. 327, 9-6-1988)

### **3-1-8-5: HOURS OF OPERATION:**

(A) On-Sale Hours And Days Of Sale; Intoxicating Liquor: Except as provided in subsection (G) of this section, no sale of intoxicating liquor shall be made after two o'clock (2:00) A.M. on Sunday, nor until eight o'clock (8:00) A.M. on Monday. No on-sale shall be made between the hours of two

o'clock (2:00) A.M. and eight o'clock (8:00) A.M. on any weekday. No on-sale shall be made after eight o'clock (8:00) P.M. on December 24.

- (B) Off-Sale Hours; Intoxicating Liquor: No off-sale of intoxicating liquor shall be made before eight o'clock (8:00) A.M. or after ten o'clock (10:00) P.M. No off-sale shall be made on Thanksgiving Day or Christmas Day, December 25 or on December 24 after eight o'clock (8:00) P.M.
- (C) Hours And Days Of Sale; 3.2 Percent Malt Liquor: No sale of 3.2 percent malt liquor shall be made between the hours of two o'clock (2:00) A.M. and eight o'clock (8:00) A.M. on any weekday Monday through Saturday, inclusive, nor shall any sale of 3.2 percent malt liquor be made on any Sunday between the hours of two o'clock (2:00) A.M. and twelve o'clock (12:00) noon except that malt liquor in growlers only may be sold off-sale on Sundays upon approval of the city.
- (D) Nonemployees On-Sale A Premises: An on-sale A licensee shall not allow nonemployees on the business premises from thirty (30) minutes after the sale of intoxicating liquor is prohibited until the sale is again permitted.
- (E) Nonemployees On 3.2 Percent Malt Liquor Premises: An on-sale 3.2 percent malt liquor licensee other than a licensee that operates a restaurant as defined in Minnesota statutes section 340A.101, subdivision 25, shall not conduct business on the licensed premises between the hours of two o'clock (2:00) A.M. and eight o'clock (8:00) A.M., Monday through Saturday, inclusive, or on any Sunday between the hours of two o'clock (2:00) A.M. and ten o'clock (10:00) A.M., nor permit nonemployees on the business premises from thirty (30) minutes after the sale of intoxicating liquor is prohibited until the sale is again permitted. A licensee that operates a restaurant as defined in Minnesota statutes section 340A.101, subdivision 25, shall not display beer to the public or permit the public consumption of beer on the premises during the hours when the sale of beer is prohibited.
- (F) Nonemployees On Premises: Notwithstanding the provisions of subsections (A), (B), (C), (D) and (E) of this section, on-sale intoxicating liquor licenses and on-sale 3.2 percent malt liquor licenses may keep the premises open for its normal business purposes during the hours that the sale of intoxicating and 3.2 percent malt liquor is prohibited; provided, that there be no sale, consumption or display of intoxicating or 3.2 percent malt liquor during the hours in which the sale or consumption of liquor is prohibited; and provided, that the licensee has closed off all access to the bar area in a manner approved by the city council. (Ord. 1343, 6-2-2015)
- (G) On-Sale Sunday Liquor Sale Hours: An on-sale Sunday liquor sale license shall permit the sale of intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of eight o'clock (8:00) A.M. and two o'clock (2:00) A.M. on the following Monday; provided, that the licensee is in compliance with Minnesota statutes section 144.411 et seq. (Ord. 1378, 3-8-2016)

(H) Employees On-Sale A Premises: An on-sale A licensee shall not permit employees to consume intoxicating liquor after thirty (30) minutes after the sale of intoxicating liquor is prohibited. (Ord. 1343, 6-2-2015)

### **3-1-8-6: BEVERAGE RESTRICTIONS:**

(A) No intoxicating or 3.2 percent malt liquor shall be sold or furnished or delivered to any obviously intoxicated person, to any minor, or to any person to whom a sale is prohibited by state law. (Ord. 1378, 3-8-2016)

(B) No person shall give, sell, procure or purchase intoxicating liquor or 3.2 percent malt liquor to or for any person to whom the sale would be forbidden by law. (Ord. 327, 9-6-1988; amd. Ord. 634, 8-5-1996)

### **3-1-8-7: EMPLOYMENT OF PERSONS UNDER EIGHTEEN YEARS OF AGE:**

No person under eighteen (18) years of age may serve or sell liquor in any establishment licensed under this chapter. (Ord. 1097, 10-15-2007)

### **3-1-8-8: OWNERSHIP OF EQUIPMENT:**

No equipment or fixture in any licensed place shall be owned in whole or in part by any manufacturer or distiller except such as shall be expressly permitted by state law. (Ord. 327, 9-6-1988)

### **3-1-8-9: DISPLAY OF LIQUOR:**

No on-sale liquor establishment shall display liquor to the public during hours when the sale of liquor is prohibited by this chapter. (Ord. 327, 9-6-1988)

### **3-1-8-10: PROHIBITED CONDITIONS:**

- (A) Prostitution: No licensee shall knowingly permit the licensed premises or any room in those premises or any adjoining building directly under his control to be used by prostitutes.
- (B) Controlled Substances: No licensee shall knowingly permit the sale, possession or consumption of controlled substances on the licensed premises in violation of Minnesota statutes chapter 152. (Ord. 327, 9-6-1988)

### **3-1-8-11: RIGHT OF INSPECTION:**

- (A) Premises: Any police officer, fire inspector, building inspector or any properly designated officer or employee of the city shall have the unqualified right to enter, inspect and search the premises of any licensee hereunder at any time without a warrant. (Ord. 1343, 6-2-2015)
- (B) Records: The business records of the licensee, including federal and state tax returns, shall be available for inspection by the city at all reasonable times upon written request. (Ord. 327, 9-6-1988)

### **3-1-8-12: CORPORATIONS, PARTNERSHIPS OR ASSOCIATIONS:**

- (A) All corporations, partnerships, and associations must designate an operating manager. The operating manager must be the person working full time at the licensed premises who is in day to day charge of liquor sales. (Ord. 466, 9-21-1992)
- (B) Licenses issued to corporations shall be valid only so long as there is no change in the officers or ownership interest of the corporation, within the meaning of subsection [3-1-11\(F\)](#) of this chapter, unless such change is approved by the council, in which event said licenses shall continue in force until the end of the then current license year. (Ord. 1343, 6-2-2015)
- (C) Licenses issued to associations or partnerships shall be valid only so long as there is no change in the partnership or association, unless such change is approved by the council, in which event said license shall continue in force until the end of the then current license year. (Ord. 466, 9-21-1992)
- (D) Corporations, partnerships, or associations holding licenses shall submit written notice to the city clerk or designee of any changes described herein on or before thirty (30) days prior to the effective date of any such change. Notwithstanding the definition of "interest" as given in

subsection [3-1-11](#)(F) of this chapter, in the case of a corporation, the licensee shall notify the city clerk or designee when a person not listed in the application acquires an interest which, together with that of a spouse, parent, brother, sister, or child, exceeds five percent (5%) and shall give all information about said person as is required of a person pursuant to the provisions of this chapter.

- (E) Corporations holding licenses shall submit written notice to the city clerk or designee of any change in operating managers at least ten (10) days prior to the effective date of such change. The written notice shall designate the new operating manager and shall contain all of the information about said person as is required of a single applicant in section [3-1-5-1](#) of this chapter. The new operating manager shall be subject to the investigation required by section [3-1-6-1](#) of this chapter. Investigation fees shall be as determined by the city council pursuant to subsection [3-1-7-1](#)(D) of this chapter. (Ord. 466, 9-21-1992; amd. Ord. 1378, 3-8-2016)
- (F) The designation of a new operating manager shall not cause the corporation's license to become invalid before a decision is rendered by the city council, provided proper notice and application are made pursuant to subsection (E) of this section. A proposed new operating manager shall be referred to as the interim operating manager. In the event an interim operating manager is rejected by the city council, the corporation shall designate another interim operating manager and make the required application pursuant to section [3-1-5-1](#) of this chapter within fifteen (15) calendar days of the council's decision. In any event, a corporation shall be limited to two (2) successive interim operating managers. (Ord. 466, 9-21-1992)

### **3-1-8-13: SPECIAL CONDITIONS:**

At the time a license or license renewal is issued, the city may attach special conditions to the license to protect the welfare of the community. Violation of any of the conditions shall be grounds for revocation of the license. (Ord. 327, 9-6-1988)

### **3-1-9: LIABILITY INSURANCE REQUIRED:**

Except as provided below, as required by state law no license may be issued, maintained or renewed unless the applicant or licensee demonstrates proof of financial responsibility with regard to liability imposed by state law. All applicants for any type of intoxicating liquor, 3.2 percent malt liquor or wine license must, as a condition to the issuance of the license, demonstrate proof of financial responsibility with regard to liability imposed by Minnesota statutes section 340A.801 to the city. This section does not apply to on-sale 3.2 percent malt liquor licensees who by affidavit establish that they had sales of less than twenty five thousand dollars (\$25,000.00) of 3.2 percent malt liquor for the preceding year, or off-sale 3.2 percent malt liquor licensees with sales of less than fifty thousand dollars (\$50,000.00) of 3.2 percent malt liquor for the preceding year, or to holders of on-sale wine licenses with sales of less than twenty five thousand dollars (\$25,000.00) of wine for the preceding year. Proof of financial responsibility may be given as provided by Minnesota statutes chapter 340A.

If the insurance or other evidence of financial responsibility lapses during the term of any on-sale

license issued under this chapter, then such lapse shall constitute an automatic termination of the license and no licensee may continue to operate during that lapse.

The licensee is liable and responsible for the filing and maintenance of such policies, deposits, guarantees, bonds or certifications as are required, and shall not be entitled to assert the acts or omissions of agents, brokers, employees, attorneys or any other persons as a defense or justification for failure to comply with such filing and maintenance requirements. In the event the licensee reinstates and files such policies, bonds or certifications without a lapse within thirty (30) days, the license is automatically reinstated on the same terms and conditions, and for the same period as originally issued. After thirty (30) days, the licensee must apply for a new license as though it were an original application.

Notice of cancellation of liquor liability insurance or other evidence of financial responsibility shall serve as notice to the licensee of the impending automatic termination. (Ord. 1343, 6-2-2015)

### **3-1-10: PUBLIC CHARACTER OF LIQUOR SALES:**

No sales of intoxicating liquor or 3.2 percent malt liquor shall be made to or in guestrooms of hotels unless the rules of such hotel provide for the service of meals in guestrooms; nor unless the sale of such intoxicating liquor or 3.2 percent malt liquor is made in the manner on-sale is required to be made; nor unless such sale accompanies and is incidental to the regular service of meals to guests therein; nor unless the rules of such hotel and the description, location and number of such guestrooms are fully set out in the application for a license. (Ord. 327, 9-6-1988; amd. Ord. 634, 8-5-1996)

### **3-1-11: PERSONS INELIGIBLE FOR LICENSE:**

(A) State Law: No license shall be granted to or held by any person made ineligible for such a license by state law. (Ord. 327, 9-6-1988)

(B) Multiple Interest: No license shall be granted to a person who is directly or indirectly interested in any other off-sale intoxicating liquor establishment in the city to which a license has been issued under this chapter. No person shall own an "interest", as defined in this chapter, in more than one off-sale intoxicating liquor establishment for which a license has been granted in this city under this chapter. (Ord. 1378, 3-8-2016)

(C) Manager Required: No licenses shall be granted to a corporation that does not have an operating manager who is eligible pursuant to the provisions of this chapter. (Ord. 466, 9-21-1992)

- (D) **Real Party In Interest:** No license shall be granted to a person who is the spouse of a person ineligible for a license pursuant to the provisions of subsections (A) and (B) of this section or who, in the judgment of the council, is not the real party in interest or beneficial owner of the business operated, or to be operated, under the license. (Ord. 327, 9-6-1988)
- (E) **Residency Requirements Renewal:** A license will not be renewed if, in the case of an individual, the licensee does not reside within seventy five (75) miles of the city at the time of the date for renewal; if, in the case of a partnership, the managing partner does not reside within seventy five (75) miles of the city at the time of renewal; or in the case of a corporation, if the operating manager does not reside within seventy five (75) miles of the city at the time of the date of renewal. The time for establishing residency may, for good cause, be extended by the council. (Ord. 797, 6-19-2000)
- (F) **"Interest" Defined:** The term "interest" as used in this section includes any pecuniary interest in the ownership, operation, management or profits of a retail 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 or selling or leasing merchandise, fixtures or supplies to such establishment; or an interest of five percent (5%) or less in any corporation holding a city liquor license. A person who receives monies, from time to time, directly or indirectly from a licensee in the absence of a bona fide consideration therefor 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 the payment of the licensee and all other facts reasonably tending to prove or disapprove the existence of any purposeful scheme or arrangement to evade the prohibition of this section shall be considered. (Ord. 1378, 3-8-2016)
- (G) **Financial Claims Of The City Or State, Due, Delinquent, Or Unpaid:** No license shall be granted or renewed for operation on any premises on which county real estate taxes, assessments, city lodging tax, or other financial claims of the city or of the state are due, delinquent, or unpaid. If any action has been commenced pursuant to the provisions of Minnesota statutes chapter 278, questioning the amount or validity of taxes, the council may on application by the licensee waive strict compliance with the provisions; no waiver may be granted, however, for taxes, or any portion thereof, which remain unpaid for a period exceeding one year after becoming due unless such one year period is extended through no fault of the licensee. (Ord. 327, 9-6-1988)

### **3-1-12: RESTRICTIONS INVOLVING UNDERAGED PERSONS:**

#### **3-1-12-1: PROHIBITED ACTS:**

- (A) **No Sale To Underaged Persons:** No licensee, his agent or employee shall serve or dispense upon the licensed premises any intoxicating liquor or 3.2 percent malt liquors to a person under the legal

drinking age; nor shall such licensee, or his agent or employee, permit any such person to be furnished or allowed to consume any such liquors on the licensed premises; nor shall such licensee, his agent or employee, permit any such person to be delivered any such liquors.

- (B) **Delivery To Underaged Persons:** No person under the legal drinking age shall receive delivery of intoxicating or 3.2 percent malt liquor. (Ord. 327, 9-6-1988; amd. Ord. 634, 8-5-1996)
- (C) **Open Containers:** No person shall consume intoxicating liquor or 3.2 percent malt liquor or have in his possession any bottle or receptacle containing intoxicating liquor or 3.2 percent malt liquor which is open while in the parking area of any shopping center or other commercial establishment; provided, that persons may consume intoxicating and 3.2 percent malt liquor and have in their possession a bottle or receptacle containing intoxicating liquor or 3.2 percent malt liquor, which is open, while in the parking area of a commercial establishment other than a shopping center, when that liquor or 3.2 percent malt liquor is furnished by the establishment at that location free of charge for the appreciation of its customers, employees, and the community; provided, further that the office of chief of police has been provided written notice of such event at least ten (10) days prior thereto. (Ord. 347, 7-5-1989; amd. Ord. 634, 8-5-1996)

### **3-1-12-2: MISREPRESENTING AGE:**

No underaged person shall misrepresent his age for the purpose of obtaining intoxicating liquor or 3.2 percent malt liquor, nor shall he enter any premises licensed for the retail sale of intoxicating liquor or 3.2 percent malt liquor for the purpose of purchasing or having served or delivered to him for consuming any such intoxicating liquor or 3.2 percent malt liquor, nor shall any such person purchase, attempt to purchase, consume, or have another person purchase for him any intoxicating liquor or 3.2 percent malt liquor.

Exception: If minors are used for compliance checks, they shall not be guilty of unlawful attempt to purchase as part of the compliance check. (Ord. 1378, 3-8-2016)

### **3-1-12-3: IDENTIFICATION REQUIREMENTS:**

(A) **Identification Required:** Any person shall, upon demand of the licensee, his employee or agent, produce and permit to be examined a current driver's license or state identification card issued by the authorized department of any state per Minnesota statutes section 340A.503. In the case of a foreign national, a valid passport may be used as an alternative to the foregoing methods of identification.

(B) **Prima Facie Evidence:** In every prosecution for a violation of the provisions of this section relating to the sale or furnishing of intoxicating liquor or 3.2 percent malt beverages to underaged persons

and in every proceeding before the council with respect thereto, the fact that the underaged person involved has obtained and presented to the licensee, his employee or agent, a driver's license, passport or state identification card issued by the authorized department of any state, from which it appears that said person was not an underaged person and was regularly issued such identification card, shall be prima facie evidence that the licensee, his agent or employee is not guilty of a violation of such a provision and shall be conclusive evidence that a violation, if one has occurred, was not wilful or intentional. (Ord. 1378, 3-8-2016)

### **3-1-13: REVOCATION, SUSPENSION, OR NONRENEWAL OF LICENSE:**

#### **3-1-13-1: GROUNDS FOR ACTION:**

The council may suspend, deny renewal of, or revoke any license for the sale of intoxicating liquor or 3.2 percent malt liquor for any of the following reasons or for any other lawful reason:

- (A) False or misleading statements made on or in conjunction with an application or failure to abide by the commitments, promises or representations made to the city council.
- (B) Violation of any standard or special conditions under which the license was granted, including, but not limited to, the timely payment of real estate taxes, the local lodging tax and all other city charges.
- (C) Violation of any state or federal law or city ordinance regulating the sale of intoxicating liquor or controlled substances, or that would disqualify the applicant or licensee from license eligibility under the standards and procedures in Minnesota statutes chapter 364.
- (D) Creation of or failure to prevent a nuisance on the premises or in the surrounding area.
- (E) The licensee or any person whose conduct may by law be imputed to the licensee suffered or permitted illegal acts upon the licensed premises or on property owned or controlled by the licensee adjacent to the licensed premises, unrelated to the sale of beer, wine or liquor.
- (F) The licensee or any person whose conduct may by law be imputed to the licensee had knowledge of illegal acts upon or attributable to the licensed premises, but failed to report the same to the police.

- (G) The license was issued in violation of any of the provisions of the zoning code, or the premises which are licensed or which are to be licensed do not comply with applicable health, housing, fire, zoning and building codes and regulations.
- (H) The licensed business, or the way in which the business is operated, maintains or permits conditions that create a danger to the public health, safety or welfare, or unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public. (Ord. 1343, 6-2-2015)

### **3-1-13-2: INACTIVE LICENSE:**

The city council may revoke the intoxicating liquor or 3.2 percent malt liquor license of any establishment granted a license that is not under construction and exhibiting satisfactory progress toward completion within six (6) months from its issuance, or any establishment that ceases operation for a period of six (6) months. A hearing shall be held to determine what progress has been made toward opening or reopening the establishment and, if satisfactory progress is not demonstrated, the council may revoke the license. (Ord. 1343, 6-2-2015)

### **3-1-13-3: COUNCIL ACTION REQUIRED:**

Any revocation of a license, or any proposed suspension departing from the administrative penalties under this title shall be acted upon by the city council.

If requested by the licensee, revocation or suspension of a license shall be preceded by a hearing conducted in accordance with section [1-4-6](#) of this code. The recommendation of the hearing officer shall be presented to the council for final action. (Ord. 1378, 3-8-2016)

### **3-1-13-4: COSTS:**

Once a notice of intent to not renew, revoke or suspend a license has been mailed, the licensee becomes responsible for any reasonable costs of investigation, administration and hearings associated with said action as a condition to reissuance, reinstatement, termination of suspension or dismissal prior to hearing. (Ord. 1343, 6-2-2015)

### **3-1-13-5: ADMINISTRATIVE CIVIL PENALTIES:**

(A) Purpose: The purpose of this section is to establish a standard by which the city clerk or designee determines the length of license suspensions and the propriety of revocations, and shall apply to all on-sale and off-sale licensed premises. These penalties are presumed to be appropriate for every case; however, the city clerk or designee may deviate in an individual case where the city manager finds that there exist substantial reasons making it more appropriate to deviate. When deviating from these standards the city clerk or designee must provide written findings that support the penalty selected.

(B) Administrative Penalties For Violations: Penalties for convictions or violations must be presumed as follows (unless specified, numbers below indicate consecutive days' suspension):

1. Revocation On First Violation: The following violations require revocation of the license on the first violation:
  - a. Commission of a felony related to the licensed activity.
  - b. Sale of alcoholic beverages while license is under suspension.
  - c. Sale of intoxicating liquor where only license is for 3.2 percent malt liquor.
2. Underage Sales And Compliance Check Failures: The following grid applies solely to the following violations:
  - a. Licensee failure of an underage compliance check.
  - b. Sale of alcoholic beverages to underage persons.

<b>Violation</b>	<b>Best Practices Business<sup>1</sup></b>	<b>Nonbest Practices Business</b>
First violation	\$500.00 fine	\$1,000.00 fine and 3 day suspension of license <sup>2</sup>
Second violation within 2 years	\$750.00 fine and 3 day suspension of license	\$1,500.00 fine and 6 day suspension of license
Third violation within 2 years	\$1,000.00 fine and 6 day suspension of license best practices review panel	\$2,000.00 fine and 9 day suspension of license
Fourth violation within 2 years	Revocation: Minimum revocation period will be 1 year from the revocation date	Revocation: Minimum revocation period will be 1 year from the revocation date

Notes:

1. "Best practices" applies to those license holders who at the time of the violation are registered with the city to participate in its alcohol "best practices program".
2. During periods of suspension, all alcohol containing products must be removed from public view or covered. Suspension period must contain the day of the week the violation occurred

on.

3. Administrative Penalties For Other Violations: The following administrative penalties grid applies to violations not contained in subsections (B)1 and (B)2 of this section:

Type Of Violation	Adverse License Action Based On Type Of Violation*			
	First	Second	Third	Fourth
a. Commission of a felony related to the licensed activity	Revocation	n/a	n/a	n/a
b. Sale of alcoholic beverages while license is under suspension	Revocation	n/a	n/a	n/a
c. Sale of intoxicating liquor where only license is for 3.2 percent malt liquor	Revocation	n/a	n/a	n/a
d. Sale of alcoholic beverages to obviously intoxicated person	3 <sup>1</sup>	6	18	Revocation
e. After hours sale of alcoholic beverages	3 <sup>1</sup>	6	18	Revocation
f. After hours display or consumption of alcoholic beverages	2 <sup>1</sup>	4	12	Revocation
g. Refusal to allow city inspectors or police admission to inspect premises	5	15	Revocation	n/a
h. Illegal gambling on premises	3	6	18	Revocation
i. Failure to take reasonable steps to stop person from leaving premises with alcoholic beverages	2 <sup>1</sup>	4	12	Revocation
j. Failure to make application for license renewal prior to license expiration date	3 <sup>1</sup>	6	18	Revocation

Notes:

\* Numerical values represent length of license suspension in days.

1. The city manager or designee may in their discretion impose a civil fine of \$500.00 in lieu of a suspension on the first violation.

(C) Multiple Violations: At a licensee's first violation, the city manager or designee must act upon all of the violations that have been alleged in the notice sent to the licensee. The city manager or designee in that case must consider the administrative penalty for each violation under the first violation column in subsection (B) of this section. The occurrence of multiple violations is grounds for deviation from the administrative penalties at the city manager's discretion.

- (D) Subsequent Violations: Violations occurring after the notice of hearing has been mailed, but prior to the hearing, must be treated as a separate violation and dealt with as a second violation, unless the city manager and licensee agree in writing to add the violation to the first violation. The same procedure applies to a second, third or fourth violation.
- (E) Subsequent Violations: Upon a second, third or fourth violation by the same licensee, the city manager or designee must impose the administrative penalty for the violation or violations giving rise to the subsequent violation without regard to the particular violation or violations that were the subject of the first or prior violation. However, the city manager or designee may consider the amount of time elapsed between violations as a basis for deviating from the administrative penalty imposed by this section.
- (F) Computation Of Violations: After the first violation, a subsequent violation by the same licensee will be determined as follows:
1. If the first violation was within eighteen (18) months of the current violation, the current violation will be treated as a second violation.
  2. If a licensee has two (2) previous violations, and the current violation occurred within thirty (30) months of the first violation, the current violation will be treated as a third violation.
  3. If a licensee has three (3) previous violations, and the current violation occurred within forty eight (48) months of the first violation, the current violation will be treated as a fourth violation.
  4. Any violation not covered by subsection (F)1, (F)2 or (F)3 of this section will be treated as a first violation.
- (G) Other Penalties: Nothing in this section shall restrict or limit the authority of the city manager or designee to suspend up to sixty (60) days, deny the renewal of, revoke the license, or impose a civil fine not to exceed two thousand dollars (\$2,000.00), to impose conditions or take any other action in accordance with law; provided, that the license holder has been afforded an opportunity for a hearing in the manner provided for in section [3-1-13-3](#) of this chapter. (Ord. 1378, 3-8-2016)

### **3-1-14: BUILDING CHANGES; REPORT REQUIRED:**

Proposed enlargement or substantial alteration which changes the character of the establishment, or extension of premises previously licensed shall be reported to the city clerk or designee at or before the time application is made for a building permit for any such change. The enlargement, substantial alteration or extension shall not be allowed unless the council approves an amendment to the license. (Ord. 327, 9-6-1988; amd. Ord. 1378, 3-8-2016)

### **3-1-15: WINE LICENSES:**

- (A) The provisions of this chapter and Minnesota statutes chapter 340A relating to the definition of terms, licensing, consumption, sales, conditions of bonds and liability insurance, hours of sale, and all other matters pertaining to the retail sale, distribution and consumption of intoxicating liquor are hereby applicable to wine licenses.
- (B) No person, except a wholesaler or manufacturer to the extent authorized under state license shall directly or indirectly deal in, sell or keep for sale in the city any wine without an on-sale wine license. An on-sale wine license authorizes the sale of wine not exceeding twenty four percent (24%) 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 twenty five (25) guests at one time.
- (C) The holder of an on-sale wine license who is also the holder of an on-sale 3.2 percent malt liquor license may sell intoxicating malt liquor without an additional on-sale intoxicating liquor license. (Ord. 1343, 6-2-2015)

### **3-1-16: TEMPORARY 3.2 PERCENT MALT LIQUOR AND WINE LICENSE:**

The city clerk or designee may issue to a club or charitable, religious or nonprofit organization in existence for at least three (3) years a temporary license for the on-sale of 3.2 percent malt liquor and wine in connection with a social event within the city sponsored by the licensee. The license may authorize the on-sale of 3.2 percent malt liquor and wine for not more than three (3) consecutive days, and may authorize on-sales on premises other than premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for 3.2 percent malt liquor and wine catering services with the holder of a full year on-sale liquor license issued by a municipality. The licenses are subject to the terms, including the license fee, normally imposed by the city. The licenses issued under this section are subject to all laws and ordinances governing the sale of intoxicating liquor, including furnishing a form of proof of financial responsibility as provided in section [3-1-9](#) of this chapter or furnishing an affidavit establishing sales of less than twenty five thousand dollars (\$25,000.00) the preceding year. Temporary licenses for wine must first be approved by the commissioner of public safety before they become valid. (Ord. 1003, 12-5-2005; amd. Ord. 1378, 3-8-2016)

### **3-1-17: TEMPORARY INTOXICATING LIQUOR LICENSE:**

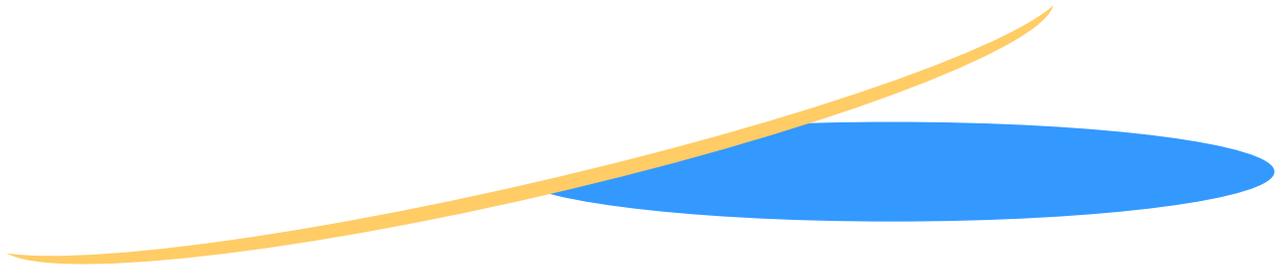
- (A) The city clerk or designee may issue to a club or charitable, religious, or other nonprofit organization in existence for at least three (3) years, or a political committee registered under Minnesota statutes section 10A.14, a temporary license for the on-sale of intoxicating liquor in

connection with a social event within the city sponsored by the licensee. The license may authorize the on-sale of intoxicating liquor, 3.2 percent malt liquor and/or wine for not more than four (4) consecutive days, and may authorize on-sales on premises other than the premises the licensee owns or permanently occupies. No licensee hereunder may obtain more than one temporary intoxicating liquor license in any twelve (12) month period, except that a second temporary license may be issued under this subsection provided that the licensee can establish to the city's satisfaction that liquor was not sold under the initial temporary license. (Ord. 1378, 3-8-2016)

- (B) The license may provide that the licensee contract for intoxicating liquor catering services from the holder of a full year on-sale liquor license issued by the city. The license may provide that persons serving intoxicating liquor, 3.2 percent malt liquor, or wine at the social event shall be employees of the holder of full year on-sale liquor licenses issued by the city. (Ord. 1036, 7-5-2006)
- (C) The licenses issued under this section are subject to all laws and ordinances governing the sale of intoxicating liquor. All applicants for a license issued under this section must, as a condition to the issuance of the license, demonstrate proof of financial responsibility with regard to liability, imposed by Minnesota statutes section 340A.801 to the city. Proof of financial responsibility may be given by complying with section [3-1-9](#) of this chapter.
- (D) Licenses under this section are not valid unless first approved by the commissioner of public safety. (Ord. 327, 9-6-1988)

### **3-1-18: HEARING ON DENIAL OR VIOLATION:**

- (A) Notice Of Action: If the city manager or designee denies the issuance of a license, or suspends, or revokes a license, or imposes civil penalties as prescribed in this chapter, the manager or designee shall send to the applicant, or licensee, by certified mail, return receipt requested, written notice of the action, and the right to an appeal. Appeals shall be heard as set forth in section [1-4-6](#) of this code.
- (B) Default: If the applicant or license holder has been provided written notice of the denial or violation and if no request for a hearing is filed within the ten (10) calendar day period, then the denial, civil penalty, suspension or revocation imposed in section [3-1-13](#) of this chapter shall take immediate effect by default. The city manager or designee shall mail notice of the denial, fine, suspension or revocation to the applicant or license holder. The city shall investigate compliance with the suspension or revocation. (Ord. 1378, 3-8-2016)



# Best Practices Program

City of Burnsville, Minnesota  
Alcohol Compliance Program





# CITY OF BURNSVILLE

January 1, 2004

## **Purpose**

The Best Practices Program is a joint effort by the City of Burnsville, health professionals, school officials, businesses, and alcohol vendors to eliminate illegal sales of alcohol to youth. It is a voluntary program offered to liquor license holders in the city. The program offers incentives to the licensees to undertake certain practices believed to be helpful in avoiding sales to minors.

## **Benefits of Participation**

Any vendor participating in the Best Practices Program will receive two benefits. The first is the availability of regularly scheduled, city-provided training at no cost. The training will not be offered to vendors who do not participate. Training of employees is usually required by liquor license insurance companies or results in premium discounts.

The second benefit is a reduction in penalties if a violation occurs. Participating vendors will be given the advantage of a different set of penalties. The following grid shows penalties counted over a two-year period.

The following violations are subject to civil penalties outlined on the grid:

- sales to minors
- failure of an underage compliance check

Violation	Best Practices Business	Non Best Practices Business
1 <sup>st</sup> Violation	\$500 fine	\$1000 fine and 3 day suspension of license
2 <sup>nd</sup> Violation within 2 yrs	\$750 fine and 3 day suspension of license	\$1500 fine and 6 day suspension of license
3 <sup>rd</sup> Violation within 2 yrs	\$1000 fine and 6 day suspension of license Best Practices review panel	\$2000 fine and 9 day suspension of license
4 <sup>th</sup> Violation within 2 yrs	Revocation*	Revocation*

*\*Minimum revocation period will be one year from the revocation date*

## **Participation**

The licensee will be given the opportunity to participate in the program at the time a license and then annually at the time of license renewal. The licensee will indicate in writing their intent to participate. The first four items in the grid are mandatory. The licensee must choose items from the list of electives to equal a total of 60 points. The City will conduct spot checks of participants to determine compliance.



# City of Burnsville

## Best Practices Program Application

**We choose to NOT participate in the Best Practices Program.** \_\_\_\_\_  
 Signature of applicant

Name of Business: \_\_\_\_\_

Business Address: \_\_\_\_\_

Manager's Name: \_\_\_\_\_ Business Phone \_\_\_\_\_

**Tobacco License** \_\_\_\_\_ **Alcohol License** \_\_\_\_\_

This business, operating in the City of Burnsville with the above mentioned license (s), agrees to be a Best Practices establishment. We understand we must complete the selected items below equaling at least 60 points. The first four items are mandatory. The City will conduct spot checks regarding our participation to determine compliance.

	Selected	Points	Items
1.	X	Required	Permit inspections of records to ensure criteria is being met.
2.	X	Required	Minimum of 75% of all selling employees trained by Burnsville Police Department.
3.	X	Required	Internal program in place for on-going training of new and current selling employees.
4.	X	Required	Policy requiring identification checks for anyone appearing to be 40 or under.
<b>Electives</b>			
5.		20	Participation on TIPS, SALES or similar (city approved) training program-75% of selling employees certified.
6.		10	Internal employee reward and recognition program (program to reward any employee who catches any underage customer attempting to purchase).
7.		10	Approved internal compliance check program.
8.		10	Automated identification card scanner system (can not do both eight and nine).
9.		20	Automated identification card scanner system integrated into register system (can not do both eight and nine).
10.		10	Pre-arrangement to meet immediately on violations (meet with Police Dept and City Staff immediately instead of waiting for criminal court proceedings).
11.		10	Policy requiring identification checks for every transaction regardless of apparent age.
12.		10	Pre-arrangement to work with Police on preventing secondary sales (sales outside store to underage youth).
13.		10	Minimum age of 21 for employees selling products.

Total Points Selected \_\_\_\_\_ (must equal 60 or more)

Manager's Signature \_\_\_\_\_ Date \_\_\_\_\_

Application Approved \_\_\_\_\_  
 Date \_\_\_\_\_