

ORDINANCE NO. 1726

BEING AN ORDINANCE AMENDING CHAPTERS 5 ARTICLE V AND 5A ARTICLE III OF THE COLUMBIA HEIGHTS CITY CODE TO AMEND THE CODE SECTIONS REGULATING THE CITY'S LIQUOR LICENSING AND POSTING OF BUILDINGS TO PREVENT OCCUPANCY

The City of Columbia Heights does ordain:

Section 1

Chapter 5 of the Columbia Heights City Code is hereby amended to read as follows, to wit:

5.503 MALT LIQUOR

(A) No person, except the holder of intoxicating liquor licenses, wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale or otherwise, or keep or offer for sale, any malt liquor within the city without first having received a license as hereinafter provided. Licenses shall be of three kinds:

- (1) On-sale brewer taproom;
- (2) On-sale brew pub; and
- (3) Off-sale malt liquor.
- (4) On-sale malt liquor.

(B) On-sale brewer taproom licenses may be granted to a brewer licensed under M.S. § 340A.301, subd. 6(c), (i) or (j), subject to the provisions of M.S. § 340A.26, as it may be amended from time to time and as follows:

- (1) A brewer may only hold one on-sale brewer taproom license; and
- (2) The license permits the sale of malt liquor produced by the brewer for consumption of the malt liquor on the premises of, or adjacent to, a brewer taproom owned by the brewer.

(C) On-sale brew pub licenses may be granted to hotels, clubs, municipal liquor stores, restaurants, and non-profit organizations for sale and consumption of malt liquor produced on the licensed premise.

(D) Off-sale malt liquor licenses may be granted to a licensee with either an on-sale brewer taproom license or on-sale brew pub license, which shall permit the off-sale of malt liquor on the licensee's premise, subject to the provisions of M.S. §§ 340A.24 or 340A.28, as it may be amended from time to time and as follows:

- (1) A brewer may only hold one off-sale malt liquor license;
- (2) The off-sale of malt liquor shall only be permitted during the same days and hours of municipal liquor stores, and between the hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays;
- (3) The only off-sale of malt liquor shall be the malt liquor produced by the licensee at the licensee's premise; and
- (4) The packaging of the off-sale malt liquor containers and bottles are subject to M.S. § 340A.285, as it may be amended from time to time.

(E) "On -sale malt liquor" licenses shall be granted only to restaurants which are conducted in such a manner that at least 30% of the annual gross receipts of the establishment must be derived from or attributable to the sale of food or non-alcoholic beverages. A hotel or theater live performance/movie shall be eligible for an on-sale malt liquor license provided that, of that part of the total annual gross receipts attributable to or derived from the serving of food and malt liquor, 30% or more of the annual gross receipts for a license year is the serving of food or non-alcoholic beverages.

(EF) Every application for a license to sell malt liquor shall be made on a form supplied by the city. Applications shall be filed with the Clerk. It shall be unlawful to make any false statement in an application. By submitting an application, the applicant consents to any and all investigations the city deems appropriate and waives any claims the applicant may have. Copies of the application shall be submitted to such other city departments as the Council shall deem necessary for verification and investigation of the facts set forth in the application.

(FG) In addition to the information required on the State of Minnesota's corresponding alcohol-related application and the City of Columbia Heights' background application, applications for malt liquor licenses shall contain the following information:

- (1) Name of business;
- (2) Doing business as;
- (3) Whether the applicant is a natural person, partnership, corporation or other form of organization;
- (4) If the applicant is a corporation or other organization and is applying for an on-sale license, the following will be required:
 - (a) If incorporated, the state of incorporation;
 - (b) A true copy of certificate of incorporation or other documentation of legal status;
- (5) Applicant's information:
 - (a) Full legal name of applicant;
 - (b) Whether the applicant has ever used or been known by a name other than their full legal name, and, if so, listing of such name(s) and information concerning dates and places where used;
 - (c) Place of birth;
 - (d) Date of birth;
 - (e) Current address;
 - (f) Length of time residing at current address;
 - (g) Previous addresses within the past ten years;
 - (h) Whether applicant has ever been engaged as an employee or in operating a bar, saloon, hotel, restaurant, café, tavern, or other business of a similar nature. If so, applicant shall furnish information as to the dates, locations, and lengths of time employed;
 - (i) Type, name, and location of every business or occupation applicant has been engaged in within the past ten years;
 - (j) Names and addresses of applicant's employers and partners, if any, within the past ten years;
 - (k) Whether applicant has ever been convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor other than traffic violations. If so, the applicant shall furnish information regarding the time, place, and offense for which convictions were had.
 - (l) Three character references located within the State of Minnesota;
 - (m) Whether applicant has ever been in military service. If so, applicant shall attach DD-214 form;
 - (n) Any other information deemed necessary by the City Council or issuing authority.
- (6) Applicant's spouse's information:
 - (a) Full legal name of applicant's spouse;
 - (b) Whether the applicant's spouse has ever used or been known by a name other than their full legal name, and, if so, listing of such name(s) and information concerning dates and places where used;
 - (c) Place of birth;
 - (d) Date of birth;
 - (e) Current address;
 - (f) Length of time residing at current address;
 - (g) Previous addresses within the past ten years;

(h) Whether applicant's spouse has ever been engaged as an employee or in operating a bar, saloon, hotel, restaurant, cafe, tavern, or other business of a similar nature. If so, applicant's spouse shall furnish information as to the dates, locations, and lengths of time employed.

(i) Type, name, and location of every business or occupation applicant's spouse has been engaged in within the past ten years;

(j) Names and addresses of applicant's spouse's employers and partners, if any, within the past ten years;

(k) Whether applicant's spouse has ever been convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor other than traffic violations. If so, the applicant shall furnish information regarding the time, place, and offense for which convictions were had.

(l) Three character references located within the State of Minnesota;

(m) Whether applicant's spouse has ever been in military service. If so, applicant shall attach DD-214 form;

(n) Any other information deemed necessary by the City Council or issuing authority.

(7) The nature of any other business to be operated in conjunction with the sale of malt liquor and whether the applicant is the owner or operator of such other business, and if so, the length of time in such business; and

(8) In the case of corporations, partnerships, and other organizations, such information relating to the identity of each officer, director and partner as required in divisions (F)(5) and (F)(6).

(GH) All applications shall be referred to the Chief of Police. The Chief of Police or designee is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry obtained through the Criminal Justice System and/or a driver's license history inquiry as recorded by the State Department of Public Safety on the applicant. An investigation fee as set by Council resolution shall accompany each application. The application shall also be referred to the Chief of the Fire Department, the Building Official and the City Planning and Zoning Department for a report indicating whether said premises are in compliance with applicable ordinances and regulations. A public hearing shall then be held before the Council, at which time the application for a license shall be considered. Opportunity shall be given to any person to be heard for or against the granting of the license at a public hearing. The Council may accept or reject the license application in its discretion upon completion of the public hearing.

(HI) Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application.

(I) No license shall be granted to any person:

(1) Who is under 21 years of age;

(2) Who has been convicted of a felony, or any law of this state or local ordinance relating to the manufacture, transportation or sale of 3.2% malt, malt liquor or of intoxicating liquors;

(3) For the sale of malt liquor on any premises also occupied by a previous licensee who was convicted of a violation of this section;

(4) Who is not a citizen of the United States or a resident alien, or upon whom it is impractical to conduct a background and financial investigation due to the unavailability of information;

(5) Who is not of good moral character and repute;

(6) Who is or, during the period of this license, becomes the holder of a federal retail liquor dealer's special tax stamp for the sale of intoxicating liquor at such place; or

(7) Who is not the proprietor of the establishment for which the license is issued.

(JK) Licenses granted pursuant to the provisions of this chapter shall be subject to the following conditions:

(1) No gambling, nor any gambling device allowed that is prohibited by law.

(2) All licensees under this section shall allow the business premises to be inspected by police or health officials at any time.

(3) No sale of malt liquor may be made between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 1:00 a.m. and 10:00 a.m. on Sunday.

(4) No licensee who is not also licensed to sell intoxicating liquor shall sell or permit the consumption or display of intoxicating liquors on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquor. The presence of intoxicating liquors on the premises of such a licensee shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale; and the serving of any liquid for the purpose of mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this section.

(5) No person under 18 years of age shall be employed on the premises, except that persons under 18 years of age may be employed as musicians, bus boys and kitchen help.

(6) No person or customer, other than the licensee and his or her employees, may remain on any licensed premises after 1:30 a.m.

(7) No licensee or their agent shall serve malt liquor or permit the sale of malt liquor to any person under 21 years of age.

(8) Every licensee shall be responsible for the conduct of their place of business and shall maintain conditions of sobriety and order. The act of any employee on the licensed premises authorized to sell malt liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by ordinance, statute, or regulation equally with the employee.

(9) No licensee shall permit 18, 19 and 20 year olds to remain on the premises unless to perform work for the establishment including the sale or serving of alcoholic beverages, consume meals, and attend social functions that are held in a portion of the establishment where liquor is not sold.

(10) No licensee shall permit in any licensed establishment, or any adjoining property owned or leased by the licensee, any boxing, wrestling, or any other form of entertainment whose primary purpose is physical contact by striking or touching an opponent with hands, head, feet, or body. Team sports, in which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, football, baseball, hockey, and softball, are not included among activities prohibited by this section.

~~(KL)~~ No license shall be granted for sale on any premises where a licensee has been convicted of any violation of this section, or of the state beer or liquor law, or where any license hereunder has been revoked for cause until one year has elapsed after such conviction or revocation.

~~(LM)~~ No on-sale license shall be granted for a bona fide club which has not been in operation and eligible to receive a license for at least one year immediately preceding the application for a license.

~~(MN)~~ Each application for a license must be accompanied by the applicable license and investigation fees payment in full. As stated in § 5.103(E)(1): "Fees shall not be prorated unless specifically authorized herein, or by Council resolution, and are not refundable for any reason, including license revocation, suspension, denial or termination of the licensed activity." The annual fee for an on-sale and off-sale license shall be as set by Council resolution.

~~(NO)~~ On-sale and off-sale licenses shall expire on the last day of December in each year. Each such license shall be issued for a period of one year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year.

~~(OP)~~ (1) At the time of filing an application for any on-sale or off-sale malt liquor license, the applicant shall file with the Clerk proof of financial responsibility for liability. The issuer or surety on any liability insurance policy or bond shall be duly licensed to do business in the State of Minnesota, and all documents shall be approved as to content, form and execution. The licensee and the city shall be named as joint insured on the liability insurance policy. The policy shall be effective for the entire license year.

(2) Proof of financial responsibility may be provided by supplying to the Clerk any of the following items:

(a) A certificate that there is in effect for the license period an insurance policy providing at least \$50,000 of coverage because of bodily injury to any one person in any one occurrence, \$100,000 because of bodily injury to two or more persons in any one occurrence, \$10,000 because of injury to or destruction of property of others in any one occurrence, \$50,000 for loss of means of support of any one person in any one occurrence, and \$100,000 for loss of means of support of two or more persons in any one occurrence;

(b) A bond of surety company with minimum coverages as provided in division (2)(a) above; or

(c) A certificate of the State Treasurer that the licensee has deposited with that office \$100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.

~~(PQ)~~ Any liability insurance required by this section must provide that it may not be canceled for:

(1) Any cause, except for nonpayment of premium, by either the insured or the insurer unless the canceling party has first given 30 days' notice in writing to the issuing authority of intent to cancel the policy; and

(2) Nonpayment of premium unless the canceling party has first given ten days' notice in writing to the issuing authority of intent to cancel the policy.

~~(QR)~~ The operation of an on-sale, off-sale malt liquor license without having on file at all times with the city the liability insurance policy or other evidence of financial responsibility required herein shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy serves as notice to the licensee of the impending revocation and unless evidence of compliance with the financial responsibility requirements of this section are presented to the Clerk before the termination is effective, the license will be revoked instantly upon the lapse in coverage.

~~(RS)~~ Every license shall be granted subject to the conditions and provisions of this section and of other applicable ordinances of the city or state law.

~~(ST)~~ All licensed premises shall have the license posted in a conspicuous place at all times.

~~(FU)~~ No manufacturer or wholesaler of malt liquor shall have any ownership of or interest in an establishment licensed to sell at retail contrary to the provisions of M.S. § 340A.308, as it may be amended from time to time. No retail licensee and manufacturer or wholesaler of malt liquor shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of malt liquor and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.

~~(UV)~~ Any peace officer shall have the unqualified right to enter, inspect and search the premises of a licensee during business hours without a search and seizure warrant and may, in the absence of a license to sell intoxicating liquor, seize all intoxicating liquors found on the licensed premises. Business hours shall be deemed any time when licensee or employees are present on the premises. Refusal to permit such inspection is a violation of this section and grounds for revocation of license.

~~(WV)~~ Any person violating any provision of this section shall be guilty of a misdemeanor.

~~(WX)~~ Any on-sale or off-sale license holder is subject to the provisions of § 5.511 regarding penalties for license violations.

(Ord. 1638, passed 2-27-17; Am. Ord. 1640, passed 6-12-17; Am. Ord. 1669, passed 9-13-21)

5.505 INTOXICATING LIQUOR

A) No person, except wholesalers or manufacturers to the extent authorized by state statute, shall directly or indirectly deal in, sell, or keep for sale any intoxicating liquor without first having received a

license to do so as provided in this chapter. On-sale intoxicating liquor licenses may be issued to the following establishments:

(1) Hotels, provided the establishment has a dining area providing seating for at least 30 guests at one time and a minimum of ten guest rooms, and of that part of the total business receipts attributable to or derived from the serving of foods and intoxicating liquors, no less than ~~55~~40% of the business receipts from a license year must be attributable to the sale of food;

(2) Restaurants, provided the establishment derives at least ~~55~~40% of the annual gross receipts from the sale of food;

(3) Bowling centers, provided that the establishment is conducted in such a manner that no less than ~~55~~40% of the business receipts for the license year shall be derived from the serving of food and bowling; and

(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 years; liquor sales only to members and bona fide guests; and

(5) ~~Theaters live performance/movie~~, provided that part of the total business receipts attributable to or derived from the serving of foods and intoxicating liquors, no less than 40% of the business receipts from a license year must be attributable to the sale of food or non-alcoholic beverages.

{...}

5.506 ON-SALE WINE LICENSES.

(A) No person, except wholesalers or manufacturers to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale any wine without first having received an on-sale wine license as provided in this section or an intoxicating liquor license. The term "on-sale wine license" means a license authorizing the sale of wine and 3.2% malt liquor for consumption on the licensed premises only in conjunction with the sale of food.

(B) "On -sale wine" licenses shall be granted only to restaurants which are conducted in such a manner that at least ~~55~~30% of the annual gross receipts of the establishment must be derived from or attributable to the sale of food. A hotel ~~or theatre live performance/movie~~ shall be eligible for an on-sale wine license provided that, of that part of the total annual gross receipts attributable to or derived from the serving of food and wine, ~~55~~30% or more of the annual gross receipts for a license year is the serving of food.

Chapter 5A of the Columbia Heights City Code is hereby amended to read as follows, to wit:

5A.305 POSTING TO PREVENT OCCUPANCY.

The Property Maintenance Enforcement Officer may post any building, structure or premises covered by this article as being in direct violation of the chapter preventing further occupancy. Posting will occur if any owner, agent, licensee or other responsible person has been notified by inspection report of the items which must be corrected within a certain stated period of time and that the corrections have not been made. Current occupants shall have not more than ~~45~~ 90 days to vacate a posted property. Current occupants shall vacate posted property immediately if such occupancy will cause imminent danger to the health or safety of the occupants. No person, other than the Property Maintenance Enforcement Officer or his representative, shall remove or tamper with any placard used for posting. No person shall reside in, occupy or cause to be occupied any building, structure or dwelling which has been posted to prevent occupancy.

Section 2

This ordinance shall be in full force and effective from and after 30 days after its passage.

First Reading: March 23, 2026

Offered by:

Seconded by:

Roll Call:

Second Reading:

Offered by:

Seconded by:

Roll Call:

Date of Passage:

Amáda Márquez Simula, Mayor

Attest:

Sara Ion, City Clerk/Council Secretary