

**CITY OF MARSHALL
ORDINANCE 24-019**

**AN ORDINANCE AMENDING CHAPTER 6 ARTICLE II DIVISION 2
INTOXICATING LIQUOR**

The Common Council of the City of Marshall do ordain:

SECTION 1:AMENDMENT “Section 6-53 Issuance Limitations On Kinds Of Establishments” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 6-53 Issuance Limitations On Kinds Of Establishments

- (a) On-sale intoxicating liquor licenses ~~may shall~~ be issued only to the following establishments: as defined by Minn. Stat. §340A.101, as it may be amended from time to time:
- (1) Hotels;
 - (2) Restaurants;
 - (3) Bowling centers;
 - (4) Clubs or congressionally chartered veterans organizations with the approval of the commissioner, provided that the organization has been in existence for at least three years and liquor sales will only be to members and bona fide guests;
 - (5) Resorts as defined in Minn. State §157.15, subd. 11;
 - (6) Theater;
 - (7) Convention center;
 - (8) Summer collegiate baseball team or baseball team competing in a league established by the Minnesota Baseball Association or a person holding a concession or management contract with the baseball team for beverage sales at a ballpark or stadium;
 - (9) Auto racing facility; and
 - (10) Exclusive liquor stores.
- (b) In addition, the Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises:
- (1) At a community festival held within the city under the provisions of Minn. State §340A.404, subd. 4 subpart (b) as it may be amended from time to time, pursuant to section 6-61 hereof; or
 - (2) At any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports, convention, or cultural facility owned by the city, under the provisions of Minn. Stat. §340A.404, subd. 4 subpart (a) as it may be amended from time to time; however, the licensee is prohibited from

dispensing intoxicating liquor to any person attending or participating in an amateur athletic event for persons 18 years of age or younger being held on the premises.

(Code 1976, § 5.40(1))

State law reference(s)—Similar provisions, Minn. Stat. § 340A.404, subd. 1.

SECTION 2:AMENDMENT “Section 6-80 Issuance Of On-Sale Wine License; Restrictions” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 6-80 Issuance Of On-Sale Wine License; Restrictions

- (a) An on-sale wine license may be issued by the city only with the approval of the commissioner to the following:
 - (1) a restaurant having facilities for seating at least 25 guests at one time. A wine license permits the sale of wine of up to 14 percent alcohol by volume for consumption with the sale of food. A wine license authorizes the sale of wine on all days of the week unless the issuing authority restricts the license's authorization to the sale of wine on all days except Sundays.
 - (2) Theatre. A wine license authorizes the sale of wine on all days of the week to persons attending events at the theater.
 - (3) Convention center. A wine license authorizes the sale of wine on all days of the week to persons attending events at the convention center.
 - (4) Summer collegiate league baseball team or a baseball team competing in a league established by the Minnesota Baseball Association, or to a person holding a concessions or management contract with the owner for beverage sales at a ballpark or stadium for the purposes of summer collegiate league baseball games, town ball games, and any other events at the ballpark or stadium. A wine license authorizes the sale of wine on all days of the week to persons attending baseball games and any other events at the ballpark or stadium
- (b) The council may by ordinance authorize a holder of an on-sale wine license issued pursuant to subsection (a) of this section who is also licensed to sell 3.2 percent malt liquor at on-sale pursuant to Minn. Stat. § 340A.411, and whose gross receipts are at least 60 percent attributable to the sale of food, to sell intoxicating malt liquors at on-sale without an additional license.
- (c) The city may issue an on-sale wine license with the approval of the commissioner to a licensed bed and breakfast facility. A license under this subsection authorizes a bed and breakfast facility to furnish wine only to registered guests of the facility.
- (d) A farm winery licensed under Minn. Stat. § 340A.315 may be issued a temporary

license for on-sale of intoxicating liquor produced by the farm winery at an approved festival or event pursuant to the provisions of this code. The licenses are subject to the terms, including a license fee, imposed by the city and all laws and ordinances governing the sale of intoxicating liquor. Licenses under this subdivision are not valid unless first approved by the city council.

(Code 1976, § 5.70(2)(A); Ord. No. 658 2nd series, § 3, 5-22-2012)

State law reference(s)—Similar provisions, Minn. Stat. § 340A.404, subd. 5.

SECTION 3: EFFECTIVE DATE This Ordinance shall take effect after its passage and summary publication.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

_____.

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall