

**SPRING LAKE PARK
ORDINANCE 495**

**AN ORDINANCE AMENDING SPRING LAKE PARK CODE 11.08 RELATING TO
LIQUOR REGULATIONS**

NOW THEREFORE, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **AMENDMENT** “11.08.010 License Regulations” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

11.08.010 License Regulations

- A. *Adoption Of State Law By Reference.* The provisions of M.S. Ch. 340A as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2% malt liquor are hereby adopted by reference and are made a paragraph of this section as if set out in full. It is the intention of the City Council that all future amendments to M.S. Ch. 340A are hereby adopted by reference or referenced as if they had been in existence at the time this section is adopted.
- B. *City May Be More Restrictive Than State Law.* The Council is authorized by the provisions of M.S. § 340A.509 as it may be amended from time to time, to impose, and has imposed in this section, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in M.S. Ch. 340A as it may be amended from time to time.
- C. *Definitions.* In addition to the definitions contained in M.S. § 340A.101 as it may be amended from time to time, the following terms are defined for purposes of this section:

LIQUOR. As used in this section, without modification by the words an "intoxicating" or a "3.2% malt," includes both intoxicating liquor and 3.2% malt liquor.

RESTAURANT. An eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus and where the main food course is served and consumed while seated at a single location. To be a restaurant as defined by this paragraph, an establishment shall have a license from the state as required by M.S. § 157.16, as it may be amended from

time to time, and meet the definition of either a "small establishment," "medium establishment" or "large establishment" as defined in M.S. § 157.16, subd. 3(d), as it may be amended from time to time. An establishment which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered to be a restaurant for purposes of this section unless it meets the definitions of a "small establishment", "medium establishment" or "large establishment".

D. *Nudity On The Premises Of Licensed Establishments Prohibited.*

1. The City Council finds that it is in the best interests of the public health, safety, and general welfare of the people of the city that nudity is prohibited as provided in this paragraph on the premises of any establishment licensed under this section. This is to protect and assist the owners, operators, and employees of the establishment, as well as patrons and the public in general, from harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The Council especially intends to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct, including prostitution, sexual assault, and disorderly conduct. The Council also finds that the prohibition of nudity on the premises of any establishment licensed under this section, as set forth in this paragraph, reflects the prevailing community standards of the city.
2. It is unlawful for any licensee to permit or allow any person or persons on the licensed premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material. It is unlawful for any person to be on the licensed premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material.
3. A violation of this paragraph is a misdemeanor punishable as provided by law, and is justification for revocation or suspension of any liquor, wine, or 3.2% malt liquor license or any other license issued under this section or the imposition of a civil penalty under the provisions of Paragraph W,2.

E. *Consumption In Public Places.*

1. No person shall consume intoxicating liquor or 3.2% malt liquor on any public street, sidewalk, parking lot or alley, or in any public place other than on the premises of an establishment licensed under this section, ~~in a municipal liquor dispensary if one exists in the city;~~ or where the consumption and display of liquor is lawfully permitted.
2. No person shall consume or possess intoxicating liquor or 3.2% malt liquor in any city park unless specifically approved by the City Council. This prohibition shall include parking areas connected with the park.

F. *Number Of Licenses Which May Be Issued.* The number of licenses which may be granted under this paragraph, is limited to the number of licenses authorized under M.S. § 340A.413. The number of off-sale intoxicating liquor licenses which may be granted by the Council shall be further limited to one license until January 1, 2026. The Council is not required to issue the full number of licenses that it has available.

G. *Term And Expiration Of Licenses.* Each license shall be issued for a maximum period

of one year. All licenses, except temporary licenses, shall expire on December 31 of each year unless another date is provided by ordinance. All licenses shall expire on the same date. Temporary licenses expire according to their terms. Consumption and display permits issued by the Commissioner of Public Safety, and the accompanying city consent to the permit, shall expire on March 31 of each year.

H. *Kinds Of Liquor Licenses.* The Council is authorized to issue the following licenses and permits, up to the number specified in Paragraph F.

1. 3.2% malt liquor on-sale licenses, which may be issued only to golf courses, restaurants, hotels, clubs, bowling centers, and establishments used exclusively for the sale of 3.2% malt liquor with the incidental sale of tobacco and soft drinks.
2. 3.2% malt liquor off-sale license.
3. Temporary 3.2% malt liquor licenses which may be issued only to a club, charitable, religious, or nonprofit organization.
4. Off-sale intoxicating liquor licenses, which may be issued only to exclusive liquor stores or drug stores that have an off-sale license which was first issued on or before May 1, 1994. The fee for an off-sale intoxicating liquor license established by the Council under section 10 shall not exceed \$240 or a greater amount which may be permitted by M.S. § 340A.408, subd. 3, as it may be amended from time to time.
5. On-sale intoxicating liquor licenses, which may be issued to the following establishments as defined by M.S. § 340A.101, as it may be amended from time to time, and this section: hotels, restaurants, bowling centers, theaters, clubs or congressionally chartered veterans organizations, theaters, resorts as defined by M.S. § 157.15, subd. 11 and exclusive liquor stores. Club licenses may be issued only with the approval of the Commissioner of Public Safety. The fee for club licenses established by the Council under Paragraph I shall not exceed the amounts provided for in M.S. § 340A.408, subd. 2(b) as it may be amended from time to time. The following license classifications are established:
 - a. *Class A.* For establishments which are conducted in such a manner that the business of serving food for a license year is a minimum of 55% of the total business of serving food and intoxicating liquor.
 - b. *Class B.* For establishments which are conducted in such a manner that the business of serving food for a license year which is less than 55% of the total business of serving food and intoxicating liquor.
 - c. The Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at a community festival held within the city under the provisions of M.S. § 340A.404, subd. 4(b) as it may be amended from time to time. The Council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises 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 M.S. § 340A.404, subd. 4(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 being held on the premises.

6. Sunday on-sale intoxicating liquor licenses, only after authorization to do so by voter approval at a general or special election as provided by M.S. § 340A.504, subd. 3, as it may be amended from time to time. Sunday on-sale intoxicating liquor licenses may be issued only to a restaurant as defined in Paragraph C, club, bowling center, or hotel which has a seating capacity of at least 30 persons, which holds an on-sale intoxicating liquor license, and which serves liquor only in conjunction with the service of food. The maximum fee for this license, which shall be established by the Council under the provisions of Paragraph I, shall not exceed \$200, or the maximum amount provided by M.S. § 340A.504, subd. 3(c) as it may be amended from time to time.
7. Temporary on-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, which may be issued only in connection with a social event sponsored by a club, charitable, religious or other nonprofit corporation that has existed for at least three years, a political committee registered under state law, or a state university. No license shall be for longer than four consecutive days and the city shall issue no more than 12 days worth of temporary licenses to any one organization in one calendar year.
8. On-sale wine licenses, with the approval of the Commissioner of Public Safety to: theaters, restaurants that have facilities for seating at least 25 guests at one time and meet the criteria of M.S. § 340A.404, subd. 5, as it may be amended from time to time, and which meet the definition of restaurant in Paragraph C; to licensed bed and breakfast facilities which meet the criteria in M.S. § 340A.401, subd. 1, as it may be amended from time to time and to theaters that meet the criteria of M.S. § 340A.404(b) as it may be amended from time to time. The fee for an on-sale wine license established by the Council under the provisions of Paragraph I, shall not exceed one-half of the license fee charged for an on-sale intoxicating liquor license. The holder of an on-sale wine license who also holds an on-sale 3.2% malt liquor license is authorized to sell malt liquor with a content over 3.2% (strong beer) without an additional license.
9. Approval of the issuance of a consumption and display permit by the Commissioner of Public Safety. The maximum amount of the additional fee which may be imposed by the Council on a person who has been issued a consumption and display permit under the provisions of Paragraph I shall not exceed \$300, or the maximum amount permitted by M.S. § 340A.414, subd. 6, as it may be amended from time to time. Consumption and display permits shall expire on March 31 of each year.
10. One day consumption and display permits with the approval of the Commissioner of Public Safety may be issued to a nonprofit organization in conjunction with a social activity in the city sponsored by the organization.
11. Culinary class limited on-sale licenses may be issued to a business

establishment not otherwise eligible for an on-sale intoxicating liquor license that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. The license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six ounces of wine or 12 ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premises only.

12. Temporary off-sale wine licenses, with the approval of the Commissioner of Public Safety, may be issued for the off-sale of wine at an auction. A license issued under this subdivision authorizes the sale of only of only vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than 600 cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by Paragraph (I).
13. Brew pub on-sale intoxicating liquor or on-sale 3.2% malt liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to brewers who operate a restaurant in their place of manufacture and who meet the criteria established at M.S. § 340A.24, as it may be amended from time to time. Sales under this license at on-sale may not exceed 3,500 barrels per year. If a brew pub licensed under this paragraph possesses a license for off-sale under Paragraph H,12, the brew pub's total combined retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than ~~500~~750 barrels.
14. Brewer off-sale malt liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to a brewer that is a licensee under Paragraph H,11 and otherwise meets the criteria established at M.S. § 340A.24, as it may be amended from time to time. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the city. Malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. All malt liquor sold under this license shall be packaged in the manner required by M.S. § 340A.285 as it may be amended from time to time. Sales under this license may not exceed ~~500~~750 barrels per year. If a brewer licensed under this paragraph possesses a license under Paragraph H,11, the brewer's total retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than ~~500~~750 barrels. Brewer off-sale malt liquor licenses may also be issued, with approval of the Commissioner, to a holder of a brewer's license under M.S. § 340A.301. subd. 6(c), (i) or (j) and meeting the criteria established by M.S. § 340A.28, as it may be amended from time to time. The amount of malt liquor sold at off-sale may not exceed 750 barrels annually. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing

time at exclusive liquor stores. Packaging of malt liquor for off-sale under this license must comply with M.S. § 340A.285, as it may be amended from time to time. Notwithstanding any law to the contrary and in addition to the authority provided in M.S. § 340A.28, a Brewer off-sale malt liquor license may be issued, with the approval of the Commissioner, to a holder of a brewer's license under M.S. § 340.301, subd. 6(c), (i) or (j) and meeting the criteria established by Minn. Stat. § 340A.29 as may be amended from time to time, for off-sale of up to 128 ounces per customer per day of malt liquor produced and packaged by the holder. Packaging of malt liquor for off-sale under this license must comply with Minnesota Rules, parts 7515.1080 to 7515.1120.

15. Brewer temporary on-sale intoxicating liquor licenses may be issued, with the approval of the Commissioner of Public Safety, to brewers who manufacture fewer than 3,500 barrels of malt liquor in a year for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the brewer.
16. A brewer taproom license, may be issued to the holder of a brewer's license under M.S. § 340A.301 subd. 6(c), (i) or (j) as it may amended from time to time. A brewer's taproom license authorizes on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. A brewer may have only one taproom license and may not have an ownership interest in a brewer licensed under M.S. § 340A.301 subd. 6(d) as it may be amended from time to time. A brewer taproom license may not be issued to a brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually. Within ten days of issuing a brewer taproom license the Administrator, Clerk/Treasurer will inform the Commissioner of Public Safety of the licensee's name, address, trade name and the effective date and expiration date of the license. The Administrator, Clerk/Treasurer will inform the Commissioner of Public Safety of a license transfer, cancellation, suspension, or revocation during the license period.
17. A cocktail room license may be issued to the holder of a state microdistillery license if at least 50% of the annual production of the licensee is processed and distilled on premises. A microdistillery cocktail room license authorizes on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller. The holder of a microdistillery cocktail room license may also hold a license to operate a restaurant at the distillery. No more than one cocktail room license may be issued to any distiller and a microdistillery cocktail room license may not be issued to any person having an ownership interest in a distillery licensed under M.S. § 340A.301 subd. 6(a). No single entity may hold both a microdistillery cocktail room and taproom license and a microdistillery cocktail room and taproom license may not be co-located. Within ten days of the issuance of a microdistillery cocktail room license, the city shall inform the Commissioner of Public Safety of the licensee's name and address and trade

name, and the effective date and expiration date of the license. The city shall also inform the Commissioner of Public Safety of a microdistillery cocktail room license transfer, cancellation, suspension, or revocation during the license period.

18. A microdistiller off-sale license may be issued to the holder of a state microdistillery license if at least 50% of the annual production of the licensee is processed and distilled on premises. A microdistiller off-sale license authorizes off-sale of ~~one 375 milliliter bottle~~ up to 750 milliliters per customer per day of product manufactured on-site provided the product is also available for distribution to wholesalers. A microdistiller temporary on-sale intoxicating liquor license may be issued to the holder of a state microdistillery license.
19. A microdistiller temporary on-sale intoxicating liquor license may be issued to the holder of a state microdistillery license. A microdistillery temporary on-sale intoxicating liquor license authorizes on-sale of intoxicating liquor in connection with a social event within the city sponsored by the microdistillery.

I. *License Fees; Pro Rata.*

1. No license or other fee established by the city shall exceed any limit established by M.S. Ch. 340A, as it may be amended from time to time, for a liquor license.
2. The Council may establish from time to time in the ordinance establishing fees and charges the fee for any of the liquor licenses it is authorized to issue. The license fee may not exceed the cost of issuing the license and other costs directly related to the enforcement of the liquor laws and this section. No liquor license fee shall be increased without providing mailed notice of a hearing on the proposed increase to all affected licensees at least 30 days before the hearing.
3. The fee for all licenses, except temporary licenses, granted after the commencement of the license year shall be prorated on a monthly basis.
4. All license fees shall be paid in full at the time the application is filed with the city. If the application is denied, the license fee shall be returned to the applicant.
5. A refund of a monthly pro rata share of an annual license fee may be refunded, less the cost of issuance as determined by the Administrator, Clerk/Treasurer, if:
 - a. The license is transferred to a new licensee in accordance with Paragraph N and the city receives a license fee for the remainder of the license term from the transferee; or
 - b. A premises licensed to sell wine receives an on-sale intoxicating liquor license prior to the expiration of the wine license. In this instance, a pro rata share of the wine license may be refunded.

6. Off-sale intoxicating liquor licensees may request a reduction in their annual license fee by the amount specified in M.S. § 340A.408 if at the time of initial application or renewal they:

- a. Agree to have a private vendor approved by the city train all employees within 60 days of hire and annually thereafter in laws

- pertaining to the sale alcohol, the rules for identification checks, and the responsibilities of establishments serving intoxicating liquors;
- b. Post a policy requiring identification checks for all persons appearing to be 30 years old or less;
 - c. Establish 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;
 - d. Failure to abide by the provisions of this paragraph may result in suspension of the license until the conditions of the fee reduction are met and may result in suspension and/or revocation of the license pursuant to Paragraph V of this ordinance.

J. Council Discretion To Grant Or Deny A License.

1. The Council in its sound discretion may either grant or deny the application for any license or for the transfer or renewal of any license. No applicant has a right to a license under this section.
2. The Council may take into consideration any nuisance call or calls relating to the premises when considering the operation of the premises, application, transfer, modification or renewal of any license. For the purposes of this paragraph, **NUISANCE CALL** shall be defined as follows: any activity, conduct, or condition occurring on or related to the licensed premises which results in a call or report to the Spring Lake Park Police Department, other law enforcement agency or the Spring Lake Park Code Enforcement Department, including, but not limited to, calls and reports related to the following:
 - a. Any conduct, activity or condition alleged to constitute disorderly conduct, pursuant to M.S. § 609.72.
 - b. Any conduct, activity or condition alleged to constitute a public nuisance, pursuant to M.S. § 609.74 and/or §§ 94.15-94.18.
 - c. Any conduct, activity or condition alleged to constitute an assault pursuant to M.S. § 609.224.
 - d. Any conduct, activity or condition alleged to constitute a violation of Minnesota Statutes relating to prostitution, controlled substances, use of firearms, criminal sexual conduct, and gambling.
 - e. Any conduct, activity or condition alleged to constitute a disorderly house pursuant to M.S. § 609.33.
 - f. Any conduct, activity or condition alleged to constitute a violation of this paragraph.
 - g. A failure to meet the minimum criteria for a restaurant or license holder.
3. Any violation of any provision of this paragraph, or any nuisance call, regardless whether or not a criminal charge has been brought or a criminal conviction has been obtained, may be used by the Council, at its discretion, when considering the granting, denying, suspension, revocation, transfer, modification, or renewal of any license.

K. Application For License.

1. *Form.* Every application for a license issued under this section shall be on a form provided by the city. Every application shall state the name of the applicant, the applicant's age, representations as to the applicant's character, with references as the Council may require, the type of license applied for, the business in connection with which the proposed license will operate and its location, a description of the premises, whether the applicant is owner and operator of the business, how long the applicant has been in that business at that place, and other information as the Council may require from time to time. An application for an on-sale intoxicating liquor license shall be in the form prescribed by the Commissioner of Public Safety and shall also contain the information required in this paragraph. The form shall be verified and filed with the city. No person shall make a false statement in an application.
 2. *Responsible party.* Such application must identify a responsible party relative to each license. If the responsible party for a licensee will change, an application for the change shall be provided to the Administrator, Clerk/Treasurer at least 30 days prior to such change and shall be treated the same as an application for a new license. In the event that a 30-day prior notice is not feasible, a written explanation will be submitted to the Administrator, Clerk/Treasurer within one week of the known change documenting the reason(s) for the deviation; this is subject to approval by the police chief or his/her designee. Failure to file a timely application or explanation for a change in responsible party shall be grounds for revocation, suspension or nonrenewal of any license.
 3. *Financial responsibility.* Prior to the issuance of any license under this section, the applicant shall demonstrate proof of financial responsibility as defined in M.S. § 340A.409, as it may be amended from time to time, with regard to liability under M.S. § 340A.801, as it may be amended from time to time. This proof will be filed with the city and the Commissioner of Public Safety. Any liability insurance policy filed as proof of financial responsibility under this paragraph shall conform to M.S. § 340A.409, as it may be amended from time to time. Operation of a business which is required to be licensed by this section without having on file with the city at all times effective proof of financial responsibility is a cause for revocation of the license. The licensee shall name the city as a certificate holder on the insurance policy or bond.
- L. *Description Of Premises.* The application shall specifically describe the compact and contiguous premises within which liquor may be dispensed and consumed. The description may not include any parking lot or sidewalk. An application for the proposed enlargement, alteration or extension of any premises previously licensed shall be provided to the Administrator, Clerk/Treasurer at least 30 days prior to such proposed enlargement, alteration or extension and shall be treated the same as an application for a new license. Failure to file an application for such enlargement, alteration or extension shall be grounds for revocation, suspension or non-renewal of any license. All premises licensed under this paragraph shall be in compliance with all federal, state, municipal, building, zoning, and fire regulations. Failure to comply with

any such federal, state, municipal, building, zoning and fire regulations shall be grounds for revocation, suspension or non-renewal of any license.

- M. *Application For Renewal.* At least 60 days before a license issued under this section is to be renewed, an application for renewal shall be filed with the city. If, in the judgment of the Council, good and sufficient cause is shown by the applicant for his/her failure to file for a renewal within the time provided, the Council may, if the other provisions of this section are complied with, grant the application. The decision whether or not to renew a license rests within the sound discretion of the Council. No licensee has a right to have the license renewed.
- N. *Transfer Of License.* No license issued under this section may be transferred without the approval of the Council. Any transfer of stock of a corporate licensee is deemed to be a transfer of the license, and a transfer of stock without prior Council approval is a ground for revocation of the license. An application to transfer a license shall be treated the same as an application for a new license, and all of the provisions of this code applying to applications for a license shall apply.
- O. *Investigation.*
1. *Preliminary background and financial investigation.* On an initial application for a license, on an application for transfer of a license and, in the sound discretion of the Council that it is in the public interest to do so, on an application for renewal of a license, the city shall conduct a preliminary background and financial investigation of the applicant or it may contract with the Commissioner of Public Safety for the investigation. The applicant shall pay with the application an investigation fee set forth under SLPC 3.16.030 Paragraph A which shall be in addition to any license fee. The unused balance of the escrow shall be returned to the applicant. The results of the preliminary investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.
 2. *Comprehensive background and financial investigation.* If the results of a preliminary investigation warrant, in the sound discretion of the Council, a comprehensive background and financial investigation, the Council may either conduct the investigation itself or contract with the Commissioner of Public Safety for the investigation. The investigation fee for this comprehensive background and financial investigation to be paid by the applicant shall be the amount set forth under SLPC 3.16.030 Paragraph A. The unused balance of the escrow shall be returned to the applicant whether or not the application is denied. The fee shall be paid in advance of any investigation and the amount actually expended on the investigation shall not be refundable in the event the application is denied. The results of the comprehensive investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.
- P. *Hearing And Issuance.* The Council shall investigate all facts set out in the application and not investigated in the preliminary or comprehensive background and financial investigations. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the Council shall in its

sound discretion grant or deny the application. No license shall become effective until the proof of financial security has been approved by the Commissioner of Public Safety.

Q. *Restrictions On Issuance.*

1. Each license shall be issued only to the applicant for the premises described in the application.
2. Not more than one license shall be directly or indirectly issued within the city to any one person.
3. No license shall be granted or renewed for operation on any premises on which taxes, assessments, utility charges, service charges, or other financial claims of the city are delinquent and unpaid. In the event an action has been commenced pursuant to the provisions of M.S. Ch. 278, as it may be amended from time to time, questioning the amount of validity of taxes, the Council may, on application by the licensee, waive strict compliance with this paragraph. No waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one year after becoming due.
4. No license shall be issued for any place or any business ineligible for a license under state law.
5. No license shall be granted if the applicant, responsible party, owner, manager or any other person involved with the licensee:
 - a. Is under 21 years of age;
 - b. Who is not of good moral character and repute;
 - c. Who, if an individual, is not a U.S. citizen or resident alien, or upon whom it is impractical to conduct a background and financial investigation due to the lack of availability of information.
 - d. Who has been convicted, within five years prior to the application of such license, of any violation of any law of the United States, this state or any other state or territory, or of any local ordinance regarding the manufacture, sale or distribution of intoxicating liquor or whose liquor license has been revoked for any violation of any law or ordinance;
 - e. Who is a manufacturer or wholesaler of intoxicating liquor; and no manufacturer or wholesaler shall either directly or indirectly own or control or have any financial interest in any retail business selling intoxicating liquor;
 - f. Who is directly or indirectly interested in any other establishment in the city to which an on-sale liquor license has been issued under this section;
 - g. Who, if a corporation, does not have a manager who is eligible pursuant to the provisions of this paragraph; or
 - h. Who is the spouse or a person ineligible for a license pursuant to this paragraph or who, in the judgment of the Council, is not a real party in interest or beneficial owner of the business operated, or to be

operated, under the license.

- i. For the purpose of this paragraph, the following definition shall apply unless the content clearly indicates or requires a different meaning.

INTEREST. Any pecuniary interest in the ownership, operation, management or profits of a retail liquor establishment, but does not include bona fide loans, bona fide rental agreements, bona fide open accounts, or other obligations arising out of the ordinary and regular course of the business of selling or leasing merchandise, fixtures or supplies to the establishment.

6. No license, other than a temporary 3.2% malt liquor license or temporary on-sale intoxicating license, shall be granted within 500 feet of any school or church. The distance is to be measured from the closest side of the school or church to the closest side of the structure on the premises within which liquor is to be sold.
7. No license shall be issued for a premises owned, operated or managed by a person or by the spouse of a person, who is the holder of a sexually oriented business special use permit pursuant to SLPC 11.44.

R. *Conditions Of License.* The failure of a licensee to meet any one of the conditions of the license specified below shall result in a suspension of the license until the condition is met.

1. Within 90 days after employment, every person selling or serving liquor in an establishment which has an on-sale license shall receive training regarding the selling or serving of liquor to customers. The training shall be provided by an organization approved by the Council. Proof of training shall be provided by the licensee.
2. Every licensee is responsible for the conduct of the place of business and the conditions of sobriety and order in it. 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 section and the law equally with the employee.
3. Every licensee shall allow any peace officer, health officer, city employee, or any other person designated by the Council to conduct compliance checks and to otherwise enter, inspect, and search the premises of the licensee during business hours and after business hours during the time when customers remain on the premises without a warrant.
4. No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.
5. Compliance with financial responsibility requirements of state law and of this section is a continuing condition of any license.
6. Failure by an off-sale intoxicating liquor license who has received a fee reduction pursuant to Paragraph I,6 to abide by the provisions of Paragraph I.6.

S. *Hours And Days Of Sale.*

1. The hours of operation and days of sale shall be those set by M.S. §

340A.504, as it may be amended from time to time, except that the City Council may, by resolution or ordinance, provide for more restrictive hours than state law allows.

2. No person shall consume nor shall any on-sale licensee permit any consumption of intoxicating liquor or 3.2% malt liquor in an on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.
3. No on-sale licensee shall permit any glass, bottle, or other container containing intoxicating liquor or 3.2% malt liquor to remain upon any table, bar, stool, or other place where customers are served, more than 30 minutes after the time when a sale can legally occur.
4. No person, other than the licensee and any employee, shall remain on the on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.
5. Any violation of any condition of this paragraph may be grounds for revocation or suspension of the license.

T. *Minors On Premises.*

1. No person under the age of 18 years shall be employed in any rooms constituting the place in which intoxicating liquors or 3.2% malt liquor are sold at retail on sale, except that persons under the age of 18 may be employed as musicians or to perform the duties of a bus person, host or dishwashing services in places defined as a restaurant, hotel, motel or other multi-purpose building serving food in rooms in which intoxicating liquors or 3.2% malt liquor are sold at retail on sale.
2. No person under the age of 21 years may enter a licensed establishment except to work, consume meals, or attend social functions that are held in a portion of the premises where liquor is not sold.

U. *Restrictions On Purchase And Consumption.* No person shall mix or prepare liquor for consumption in any public place of business unless it has a license to sell on-sale, or a permit from the Commissioner of Public Safety under the provisions of M.S. § 340A.414, as it may be amended from time to time, which has been approved by the Council, and no person shall consume liquor in any such place.

V. *Suspension And Revocation.*

1. The Council shall either suspend for a period not to exceed 60 days or revoke any liquor license and/or assess a civil fine not exceeding \$2,000 upon finding that the licensee has failed to comply with any applicable statute, regulation, or provision of this section relating to liquor. Except in cases of lapse of proof of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, M.S. §§ 14.57 to 14.70, as it may be amended from time to time. The Council may act as the hearing body under that act, or it may contract with the Office of Administrative Hearings~~Hearing Examiners~~ for a hearing officer.
2. The following are the minimum presumptive periods of suspension or revocation ~~which shall be imposed by the Council~~ for violations of the

provisions of this section or M.S. Ch. 340A, as it may be amended from time to time or any rules promulgated under that section as they may be amended from time to time:

- a. For commission of a felony related to the licensed activity, sale of alcoholic beverages while the license is under suspension, sale of intoxicating liquor where the only license is for 3.2% malt liquor, or violation of Paragraph D, the license shall be revoked.
 - b. The license ~~shall~~may be suspended by the Council after a finding under Paragraph V,1 that the licensee has failed to comply with any applicable statute, rule, or provision of this section for at least the minimum periods as follows:
 - (1) For the first violation within any three-year period, at least one day suspension in addition to any criminal or civil penalties which may be imposed.
 - (2) For a second violation within any three-year period, at least three consecutive days suspension in addition to any criminal or civil penalties which may be imposed.
 - (3) For the third violation within any three-year period, at least seven consecutive days suspension in addition to any criminal or civil penalties which may be imposed.
 - (4) For a fourth violation within any three-year period, the license shall be revoked.
 - c. The periods listed in Paragraph V,2,b are presumptive penalties only. The Council is free to depart from the guidelines where it determines aggravating or extenuating circumstances exist.
 - d. The Council shall select the day or days during which the license will be suspended.
3. Lapse of required proof of financial responsibility shall effect an immediate suspension of any license issued pursuant to this section or state law without further action of the Council. Notice of cancellation or lapse of a current liquor liability policy shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or of suspension or revocation of a license may request a hearing thereon and, if a request is made in writing to the Clerk, a hearing before the Council shall be granted within ten days. Any suspension under this Paragraph V,2 shall continue until the Council determines that the financial responsibility requirements of state law and this section have again been met.
- ~~4. The provisions of Paragraph W pertaining to administrative penalty may be imposed in addition to or in lieu of any suspension or revocation under this section.~~

W. Penalties.

1. Any person violating the provisions of this chapter or M.S. Ch. 340A as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time is guilty of a misdemeanor

- and upon conviction shall be punished as provided by law.
2. The Council shall impose a civil penalty of up to \$2,000 for each violation of M.S. Ch. 340A, as it may be amended from time to time, and of this section. Conviction of a violation in a court of law is not required in order for the Council to impose the civil penalty. A hearing under the Administrative Procedures Act, M.S. §§ 14.57 to 14.70, as it may be amended from time to time, is not required before the penalty is imposed, but the Council shall hold a hearing on the proposed violation and the proposed penalty and hear any person who wishes to speak. Nonpayment of the penalty is grounds for suspension or revocation of the license. The following is the minimum schedule of presumptive civil penalties which must be imposed in addition to any suspension unless the license is revoked:
 - a. For the first violation within any three-year period: \$500.
 - b. For the second violation within any three-year period: \$ 1,000.
 - c. For the third and subsequent violations within any three-year period: \$2,000.
 3. The term **VIOLATION** as used in Paragraph V includes any and all violations of the provisions in this paragraph, or of M.S. Ch. 340A, as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time. The number of violations shall be determined on the basis of the history of violations for the preceding three-year period. Revocation shall occur within 60 days following a violation for which revocation is imposed.

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect upon approval and publication according to law.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Councilmember Moran	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

Robert Nelson, Mayor, Spring Lake
Park

Daniel R. Buchholtz, Administrator,
Clerk/Treasurer, Spring Lake Park