



City of Lino Lakes
Department of Administration
600 Town Center Pkwy
Lino Lakes, MN 55014

LIQUOR LICENSE APPLICATION

All application materials and fees must be received before your application will be processed.

Required Documentation

	Completed Application Form
	Completed Background Check Authorization Form (for each applicant that holds five percent [5%] or more financial interest in the business)
	Proof of Identification (valid driver's license or state issued ID, passport, military ID)
	Completed Minnesota Alcohol and Gambling Enforcement Application if applicable
	Certificate of Insurance with Liquor Liability for entire premises
	Completed Certificate of Compliance for MN Worker Compensation
	Completed Tax Identification Form

This application requests information that may be classified as private or confidential under the Minnesota Data Practices Act. State law or City ordinance requires this information. The information will be used to determine your eligibility for issuance of a license, permit, or identification card. Failure to provide the information may result in a denial of the license.

DIRECTIONS: This form must be filled entirely. If the application is by a natural person, such person must complete the application; if by a corporation, by an officer of the corporation; if by a partnership, by one of the partners; if by an unincorporated association, by the manager or managing officer of the association.

LICENSE TYPE AND FEES: Select requested license				
Off Sale (\$200)	On-Sale (\$4500)	3.2 On-Sale (\$300)	3.2 Off-Sale (\$200)	Sunday Sales (\$200)
Wine (\$500)	Club (\$300)	On-Sale Brewer Taproom (\$500)	Off-Sale Growler (\$200)	

1. BUSINESS AND APPLICANT DETAILS	
Type of Applicant (individual/partnership/corporation):	
Business Name:	
Business Address:	
Business Phone:	Business Email:

COMPLETE APPLICABLE PORTION OF APPLICATION FOR APPLICANT TYPE

2A. INDIVIDUAL APPLICANT INFORMATION	
Full Legal Name (as shown on license/ID or passport):	
Date of Birth:	Place of Birth:
Residential Address	
Phone Number:	Email Address:

Individual Applicant must complete a Background Authorization Form.

2B. PARTNERSHIP APPLICANT DETAILS: State full names of both partners	
Partner 1	
Legal Name (as shown on DL or passport):	
Interest in Business: %	Managing Partner:
Date of Birth:	Place of Birth:
Residential Address:	
Phone Number:	Email Address:
Partner 2	
Legal Name (as shown on DL or passport):	
Interest in Business: %	Managing Partner:
Date of Birth:	Place of Birth:
Residential Address:	
Phone Number:	Email Address:

Each Partner must complete a Background Authorization Form.

2C. CORPORATION APPLICANT DETAILS	
Name of Corporation:	
State of Incorporation or Association:	
Corporate Registered Address:	
Lino Lakes Business Address:	
Corporate Phone:	Corporate Email Address:

Corporate Officers	
President:	Email Address:
Residential Address:	
Vice President:	Email Address:
Residential Address:	
Secretary:	Email Address:
Residential Address:	
Treasurer:	Email Address:
Residential Address:	

CORPORATE NOTE:

Each Corporate Officer must complete a Background Authorization Form.

Each Officer must provide the full names, residence addresses and telephone numbers of all persons who singly or together with their spouse and his or her parents, brothers, sisters or children, own or control an interest in said corporation or associate in excess of five percent (5%). Attach separate sheet with details if applicable

3. GENERAL QUESTIONS: All applicants must respond.	
Provide the information for the MANAGER who will be in charge of day-to-day operations. The City must be informed of any change in management.	Name: Phone Number: Email Address:
Is the proposed licensed establishment a restaurant as defined by Minn. Stat. 157.15, subd. 3 ? If yes, a Sunday sales license is required for service of alcoholic beverages on Sundays.	YES NO
If the application is for a Club license, indicate the current number of members.	
Have all necessary applications (tobacco, dance, edible cannabinoid, etc.) been submitted to the City?	YES NO

Does the applicant hold any other liquor licenses?	YES NO If yes, list location(s):
Are the property taxes delinquent?	YES NO
Are city utilities delinquent?	YES NO

SECTION 4 MUST BE COMPLETED BY ALL NEW APPLICANTS.

RENEWAL APPLICANTS: Review and answer the following questions if there have been any changes since the last license application.

4. ESTABLISHMENT INFORMATION
State the exact description of the premises to be licensed. (New applicants must also submit a site plan showing dimensions, location of buildings, street access, parking facilities, and the locations of and distances to the closest point of a church structure or the closest point on a lot occupied by a public school.)
How is this property zoned under the Lino Lakes Zoning Ordinance?
If a bar, restaurant, or club, will there be an outdoor patio? YES NO If yes, is the patio new or are changes being made to an existing patio? YES NO If new or changing patio, submit plans/diagram with this application. You MUST contact the City Planner to discuss: 651-982-2420
If a bar, restaurant, or club, will the establishment be open: On Sundays? YES NO Until 2:00 AM? YES NO If YES, contact the City Clerk to obtain additional license applications for submission.

THE FOLLOWING QUESTIONS SHOULD BE ANSWERED BY APPLICANTS FOR AN ON-SALE BREWER TAPROOM LICENSE:

Attach a copy of your Minnesota malt beverage manufacturing license.

Will the on-sale of malt liquor be limited to the product of the brewery for consumption on the premises of the brewery only?

YES NO

Will brewery brew fewer than 250,000 barrels of malt liquor annually? YES NO

ANY FALSIFICATION OF ANSWERS TO THE PRECEDING QUESTIONS WILL RESULT IN THE DENIAL OF THE APPLICATION.

I hereby confirm that the information provided on this application for a Liquor License is true and accurate and I further authorize the City of Lino Lakes to have access to and consult all sources of information to verify the information provided above.

By signing this application, I agree that I have read and am familiar with the provisions of the City of Lino Lakes Code, Chapter 700: Intoxicating Liquor.

(Signature of Applicant)

(Date)

(Printed Name of Applicant)



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division (AGED)
445 Minnesota Street, Suite 1600, St. Paul, MN 55101
Telephone 651-201-7507 Fax 651-297-5259 TTY 651-282-6555

Certification of an On Sale Liquor License, 3.2% Liquor license, or Sunday Liquor License

Cities and Counties: You are required by law to complete and sign this form to certify the issuance of the following liquor license types: 1) City issued on sale intoxicating and Sunday liquor licenses
2) City and County issued 3.2% on and off sale malt liquor licenses

Name of City or County Issuing Liquor License _____ License Period From: _____ To: _____

Circle One: New License License Transfer _____ Suspension Revocation Cancel _____
(former licensee name) (Give dates)

License type: (check all that apply) ☐ On Sale Intoxicating ☐ Sunday Liquor ☐ 3.2% On sale ☐ 3.2% Off Sale

Fee(s): On Sale License fee: \$ _____ Sunday License fee: \$ _____ 3.2% On Sale fee: \$ _____ 3.2% Off Sale fee: \$ _____

Licensee Name: _____ DOB _____ Social Security # _____
(corporation, partnership, LLC, or Individual)

Business Trade Name _____ Business Address _____ City _____

Zip Code _____ County _____ Business Phone _____ Home Phone _____

Home Address _____ City _____

Licensee's Federal Tax ID # _____ Licensee's MN Tax ID# _____
(To apply call IRS 800-829-4933)

If above named licensee is a corporation, partnership, or LLC, complete the following for each partner/officer:

Partner/Officer Name (First Middle Last)	DOB	Social Security #	Home Address
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Partner/Officer Name (First Middle Last)	DOB	Social Security #	Home Address
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Partner/Officer Name (First Middle Last)	DOB	Social Security #	Home Address
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Intoxicating liquor licensees must attach a certificate of Liquor Liability Insurance to this form. The insurance certificate must contain all of the following:

- 1) Show the exact licensee name (corporation, partnership, LLC, etc) and business address as shown on the license.
- 2) Cover completely the license period set by the local city or county licensing authority as shown on the license.

☐ Yes ☐ No During the past year has a summons been issued to the licensee under the Civil Liquor Liability Law?

Workers Compensation Insurance is also required by all licensees: Please complete the following:

Workers Compensation Insurance Company Name: _____ Policy # _____

I Certify that this license(s) has been approved in an official meeting by the governing body of the city or county.

City Clerk or County Auditor Signature _____ Date _____
(title)

ON SALE INTOXICATING LIQUOR LICENSEES ONLY, must also purchase a \$20 Retailer Buyers Card. To obtain the application for the Buyers Card, please call 651-201-7507, or visit our website at <https://dps.mn.gov/divisions/age/Pages/default.aspx>



DEPARTMENT OF PUBLIC SAFETY
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION

445 Minnesota Street Suite 1600
St. Paul, MN 55101
Phone (651) 201-7507 TDD (651) 282-6555
Fax (651) 297-5259

CARD NUMBER

(Office Use Only)

APPLICATION FOR RETAILER'S (BUYER'S) CARD FOR LIQUOR AND WINE

PLEASE RETURN THIS APPLICATION WITH FEE \$20.00

Issuing Authority

Type Code

Buyer's Card Expires

Identification #

Print Name of Licensee (As shown on license)

Business Name (DBA)

Business Address

County

Business Phone

City, State, Zip Code

Authorized Signature

Certificate of Compliance

Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

Print in ink or type

Minnesota Statutes § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

License or certificate number (if applicable)	Business telephone number	Alternate telephone number
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Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.)

DBA ("doing business as" or "also known as" an assumed name), if applicable

Business address (must be physical street address, no P.O. boxes)	City	State	ZIP code
County	Email address		

You must complete number 1 or 2 below.

Note: You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

1. ☐ I have a workers' compensation insurance policy.

Insurance company name (not the insurance agent)

Policy number	Effective date	Expiration date
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☐ **I am self-insured for workers' compensation.** (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce; see www.mn.gov/commerce/industries/insurance/licensing/self-insurance.)

2. I am not required to have workers' compensation insurance because:

- ☐ I only use independent contractors and do not have employees. (See Minn. Stat. § 176.043 for trucking and messenger courier industries; Minn. Stat. § 181.723, subd. 4, for building construction; and Minnesota Rules chapter 5224 for other industries.)
- ☐ I do not use independent contractors and have no employees. (See Minn. Stat. § 176.011, subd. 9, for the definition of an employee.)
- ☐ I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)
- ☐ I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See Minn. Stat. § 176.041 for a list of excluded employees.)

Explain why your employees are not required to be covered

I certify the information provided on this form is accurate and complete. If I am signing on behalf of a business, I am authorized to sign on behalf of the business.

Print name

Applicant signature (required)	Title	Date
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Tax Identification Form – City of Lino Lakes License Applicants

License Applicant:

Pursuant to “Minnesota Statute 270C.72 Tax Clearance: Issuance of Licenses, the licensing authority is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the Social Security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance, renewal or transfer of your license in the event you owe the Minnesota Department of Revenue delinquent taxes, penalties or interest.
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement the Department of Revenue may supply this information to the Internal Revenue Service.
3. Failure to supply this information may jeopardize or delay the processing of your licensing issuance or renewal application.

Please supply the following information and return along with your application to the City of Lino Lakes.
Do not return to the Department of Revenue.

Name of Applicant: _____

Social Security Number: _____

(For individual business owner only, not partnership, corporation, etc.)

Type of Business _____

Minnesota Tax Identification Number: _____

Federal Tax Identification Number: _____

Signed by _____ Date: _____

Print Name of Person Signing _____

If a Minnesota Tax Identification Number is not required, please explain below:

2019 Minnesota Statutes

270C.72 Tax Clearance; Issuance of Licenses - Subdivision 4 Licensing authority; duties.

All licensing authorities must require the applicant to provide the applicant's Social Security number or individual taxpayer identification number and Minnesota business identification number, as applicable, on all license applications. Upon request of the commissioner, the licensing authority must provide the commissioner with a list of all applicants, including the name, address, business name and address, and Social Security number or individual taxpayer identification number and business identification number, as applicable, of each applicant. The commissioner may request from a licensing authority a list of the applicants no more than once each calendar year.



BACKGROUND AUTHORIZATION AND TENNESSEN WARNING

A BACKGROUND AUTHORIZATION AND TENNESSEN WARNING Form must be completed for each applicant and submitted together with the license application. The application background fee is non-refundable.

The City of Lino Lakes is investigating background information for approval of a request for licensing. This application requests information, which may be classified as private or confidential under the Minnesota Data Practices Act. State law or City ordinance requires this information. The information will be used to determine eligibility for issuance of the license or renewal. Failure to provide the information may result in a denial of the license.

Your background may include (but not limited to):

Criminal History, Driver's License Check, Outstanding Warrants, Fingerprinting, Photograph, Civil & Criminal Record Check, IRS Document Check, Credit Check and Interview.

Any information that you provide will be made accessible to the following persons or entities:

- A. The subject(s) of the data, which may include someone other than yourself.
- B. Individuals within the City of Lino Lakes whose work assignments reasonably require access to the information you provide.
- C. Any persons, entities or agencies authorized by state or federal law to have access to the information. These include, but are not necessarily limited to, the following:
 1. Law enforcement agencies. The information you provide may be referred to a law enforcement agency for purposes of initiating or furthering a criminal investigation. You are advised, however, that any statements you make under threat of discipline, or evidence obtained as a result of such statements, cannot be used against you in any criminal proceeding.
 2. Contracting Parties. Where a contract between the City of Lino Lakes requires that such party have access, the information you provide will be shared with that contracting party. The contracting party may not disclose the information except as authorized by state or federal law.
 3. City Attorneys. The information you provide may be shared with the City of Lino Lakes attorneys, if the information is related to a matter upon which the City of Lino Lakes has requested legal advice.
 4. Open Meetings. If it becomes reasonably necessary to discuss such information at any meeting required by law to be open to the public, the information you provide may become available to the public at such meeting.
 5. Court Order. The information you provide will be made available to any persons or entities authorized by court order to have access to the information.

6. Persons or entities who have the express written consent of the data subject, who may be someone other than you.

TENNESSEN WARNING

Data is requested from the applicant on various forms. The purpose and intended use of the requested data is to verify the applicant meets all state statute and city code provisions and, if the license or permit is approved, to verify that all required data remains current. The following data collected, created, or maintained is classified under the Minnesota Government Data Practices Act as Private data until license approval when the data becomes Public: (13.41, Subd.4).

1. Data submitted by applicants (other than names and designated addresses)
2. Orders for hearing and findings of fact
3. Conclusions of law and specification of the final disciplinary action contained in the record of the disciplinary action
4. Entire record concerning the disciplinary proceeding
5. License numbers
6. License status

The following data collected, created, or maintained is classified as Private: (13.41, Subd. 2).

1. The identity of complaints who have made reports concerning licenses or applicants which appear in inactive complaint data unless the complainant consents to the disclosure
2. The nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action
3. Inactive investigative data relating to violations of statutes or rules
4. The record of any disciplinary proceeding except as limited by Subd. 4

The following data collected, created, or maintained is classified as Confidential: (13.41, Subd.3).

1. Active investigative data relating to the investigation of complaints against any license
Under law, private data may be shared with licensing and inspection employees, approval authorities, insurance providers, law enforcement employees, contracted inspection officials, as required by court order and City officials who have a bona fide need for it.

The City of Lino Lakes may make any data classified as private or confidential accessible to an appropriate person or agency if the licensing agency determines that failure to make the data accessible is likely to create a clear and present danger to public health or safety. We ask that you complete or provide all data requested on the application form(s) unless we have noted that it is not required. Refusal to supply required information may mean that your application cannot be processed.

I HAVE READ AND UNDERSTAND THE ABOVE INFORMATION REGARDING MY RIGHTS AS A SUBJECT OF GOVERNMENT DATA.

Signed

Date

BACKGROUND CHECK AUTHORIZATION

DIRECTIONS: This form must be filled out entirely. Attach a copy of your valid ID, license, or passport.

1. True Name (exactly as on ID or passport):

2. Maiden, Alias, or Former Name:

3. Residential Address:

4. County in which you reside:

5. Date of Birth

6. Place of Birth

7. Phone Number:

8. Email Address:

9. Business Address:

10. Business Phone:

11. Driver’s License/ID Number:

Have you ever had a DL in another state?

YES

NO

If yes, state:

12. Marital Status

Married

Single

Divorced

If married, provide spouse true name, place/date of birth, and maiden name

13. Address(es) at which you have lived during the preceding 10 years (begin with present address). Attach additional sheets if needed.

<i>List Street, City, State, Zip</i>	<i>Date range</i>

I authorize the Lino Lakes Public Safety Department and the Minnesota Bureau of Criminal Apprehension to disclose all criminal background information on me as permitted by law to the City of Lino Lakes for the purpose of a background check.

The expiration of this authorization shall be one year from the date of my signature.

Signature of Applicant _____ Date _____

CHAPTER 701: LIQUOR LICENSING

Section

- 701.01 State liquor licensing law
- 701.02 License required
- 701.03 Application for license
- 701.04 License fees
- 701.05 Granting of license
- 701.06 Persons ineligible for license
- 701.07 Places ineligible for license
- 701.08 Conditions of the license
- 701.09 Restrictions on purchase and consumption
- 701.10 Revocation, denial or suspension
- 701.11 Nudity on premises of licensed establishments prohibited
- 701.12 Compliance checks
- 701.13 Violations and penalty

§ 701.01 STATE LIQUOR LICENSING LAW.

(1) *Provisions of state law adopted.* The provisions of M.S. Ch. 340A, as it may be amended from time to time, with reference to definitions of terms, applications for license, granting of license, conditions of license, restriction on consumption, provision of sales, conditions of bonds of license, hours of sales and all other matters pertaining to the retail sale, distribution and consumption of intoxicating liquor, are hereby adopted and made a part of this chapter as if fully set out herein. 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 chapter was adopted.

(2) *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 chapter, 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.

(Prior Code, § 701.01) (Am. Ord. 13-02, passed 10-28-2002)

§ 701.02 LICENSE REQUIRED.

(1) *General requirements.*

(a) 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 intoxicating liquor without first obtaining a license to do so as provided in this chapter. Each license shall be issued for a maximum period of one year, expiring on June 30 of each year. All licenses shall expire on the same date, except temporary licenses that shall expire according to their terms. Liquor licenses shall be of nine kinds:

1. On-sale;
2. On-sale wine;
3. On-sale 3.2% malt liquor;
4. Off-sale 3.2% malt liquor;
5. Off-sale;
6. Club license;
7. Sunday on-sale;
8. Temporary set-up license;
9. Temporary on-sale;
10. On-sale brewer taproom; and
11. Off-sale growler.

(b) For the purposes of this chapter, the term **RESTAURANT** is defined as 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 chapter, 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. 3d, 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 the purposes of this chapter unless it meets the definitions of an establishment under M.S. § 157.16, as it may be amended from time to time.

(2) *On-sale license.* On-sale licenses shall be issued only to hotels, clubs, restaurants and exclusive liquor stores and shall permit on-sale of liquor only.

(3) *On-sale wine license.*

(a) *On-sale wine licenses.* On-sale wine license shall be issued only to 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 division (1)(b) above and shall permit only the sale of wine for consumption on the licensed premises only in conjunction with the sale of food.

(b) *Strong beer sales in conjunction with wine and 3.2% beer licenses* Licensees who hold both an on-sale wine license and an on-sale 3.2% malt liquor license and whose gross receipts are at least 60% attributable to the sale of food may sell intoxicating malt liquor (strong beer) at on-sale without an additional license, as allowed by M.S. § 340A.404, Subd. 5, as it may be amended from time to time.

(4) *On-sale 3.2% malt liquor license.* On-sale 3.2% malt liquor means malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2% alcohol by weight. License may be granted only to golf courses, bona fide clubs, beer stores, exclusive on-sale liquor stores, restaurants and hotels where food is prepared and served for consumption on the premises. On-sale licenses shall permit the sale for consumption on the premises only.

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

(6) *Off-sale license.* Off-sale licenses shall be issued only to exclusive liquor stores and shall permit off-sale of liquor only. Off-sale liquor may be conducted on Sundays. All Sunday off-sale liquor sales must be made between the hours of 11:00 a.m. and 6:00 p.m.

(7) *Club license.* Club licenses shall be issued only to incorporated clubs which have been in existence for 15 years or more, or to congressionally chartered veterans' organizations which have been in existence for ten years, and shall permit on-sale of liquor to members and bona fide guests only.

(8) *Sunday on-sale license.* Sunday on-sale licenses may be issued to any hotel, restaurant or club which has facilities for serving at least 30 guests at one time and meets the definition of restaurant in division (1)(b) above, and which has an on-sale license and shall permit on-sale of liquor on Sunday in conjunction with the serving of meals only. A special license authorizing sales on Sunday may be issued to a license holder of an on-sale brewer taproom license for the operation of a taproom on Sundays.

(9) *Temporary set up license.* A one-day intoxicating liquor consumption and display permit may be issued to any non-profit organization in connection with a social activity occurring within the city and sponsored by the organization. No more than ten licenses shall be issued in the city in any year. The fee for the license shall be as established in the city fee schedule. A permit shall allow consumption or display of intoxicating liquor and the serving of liquids for the purpose of mixing with intoxicating liquor, but shall not allow the sale of intoxicating liquor. This permit shall be valid only for the day indicated on it. No permit issued pursuant to this division shall be valid unless first approved by the Commissioner of Public Safety.

(10) *Temporary on-sale intoxicating liquor and 3.2% malt liquor license.* License may be issued only in connection with a social event sponsored by a club, charitable, religious or other non-profit corporation that has existed for at least three years. 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. No permit issued pursuant to this division shall be valid unless first approved by the Commissioner of Public Safety.

(11) *On-sale brewer taproom.* On-sale brewer 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, subject to the restrictions of this chapter and M.S. § 340A.301, as it may be amended from time to time.

(12) *Off-sale growler.* An off-sale growler license authorizes off-sale of malt liquor produced by a brewer and packaged in 64-ounce or 750-milliliter containers that are designed, sealed and labeled pursuant to M.S. § 340A.301, as it may be amended from time to time. Only brewers licensed under M.S. § 340A.301(i) or (j) are eligible for an off-sale growler license, subject to the limitations set forth in statute. The off-sale of growlers may be conducted on Sundays. All Sunday growler sales must be made between the hours of 8:00 a.m. and 10:00 p.m.

(Prior Code, § 701.02) (Am. Ord. 3-83, passed 7-11-1983; Am. Ord. 13-99, passed 6-14-1999; Am. Ord. 05-04, passed 3-22-2004; Am. Ord. 20-11, passed 10-10-2011; Am. Ord. 04-12, passed 3-12-2012; Am. Ord. 08-14, passed 9-22-2014; Am. Ord. 05-15, passed 7-27-2015; Am. Ord. 03-17, passed 6-26-2017; Am. Ord. 05-22, passed 12-12-2022)

§ 701.03 APPLICATION FOR LICENSE.

(1) *Forms.*

(a) *Form.* Every application for a license issued under this chapter 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 business at that place and other information as the Council may require. 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 section. The form shall be verified and filed with the city. No person shall make a false statement in an application.

(b) *Description of premises.* The application shall specifically describe the compact and contiguous premises within which liquor may be dispensed and consumed. Sale and consumption of intoxicating liquors on premises with an on-sale license is limited to within the building at the address designated on the license unless the license specifically grants permission for sale and consumption outside of the building. Any area outside of the building where liquor will be served, such as a patio, garden or sidewalk area, must be described on the license, must be contiguous to the building and must be covered by liability insurance. The description may not include any parking lot or sidewalk.

(2) *Liability insurance.* Prior to the issuance of a liquor license or a wine license, the applicant shall file with the City Clerk a liability insurance policy in the minimum amount of \$100,000 coverage for one person and \$300,000 coverage for more than one person, which shall comply with provisions of M.S. § 340A.409, as it may be amended from time to time, relating to the liability insurance policies. The liability insurance policies shall further provide that no cancellation of the same for any cause can be made either by the insured or the insurance company without first giving ten days notice to the city in writing. The operation of a licensed premises without having on file at all times with the city the required liability insurance policy shall be grounds for immediate revocation of license.

(Prior Code, § 701.03) (Am. Ord. 08-91, passed 5-28-1991; Am. Ord. 13-99, passed 6-14-1999; Am. Ord. 03-10, passed 3-8-2010)

§ 701.04 LICENSE FEES.

(1) *Amounts.* The annual fee for liquor licenses shall be as stated in the annual fee schedule adopted by the City Council. 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 chapter. 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.

(2) *Payment.* Each application for a liquor license shall be accompanied by a receipt from the City Clerk for payment in full of the license fee and the fixed investigation fee required under § 701.05(1). All fees shall be paid into the general fund. If an application for a license is rejected, the City Clerk shall refund the amount paid as the license fee.

(3) *Term, pro-rata fee.* Each license shall be issued for a period of one year, except, that if the application is made during the license year, a license may be issued for the remainder of the year for a pro-rata fee with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of June.

(4) *Refunds.* A refund of a pro-rata share of an annual license fee may occur only if authorized by M.S. § 340A.408, Subd. 5, as it may be amended from time to time.

(Prior Code, § 701.03) (Am. Ord. 13-02, passed 10-28-2002)

§ 701.05 GRANTING OF LICENSE.

(1) *Preliminary investigation.*

(a) *Preliminary background and financial investigation.* On an initial application for a license, on an application for transfer of a license and 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 that is established in the city's fee schedule, which shall be in addition to any license fee. The results of the preliminary investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale liquor license or an on-sale wine license.

(b) *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 city 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 shall be the same amount as the fee established for the preliminary investigation, unless the investigation is required out of the state in which case the fee shall be \$10,000. The unused balance of the fee for a comprehensive background and financial investigation shall be returned to the applicant whether or not the application is denied. The fee shall be paid by the applicant and 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 liquor license or an on-sale wine license.

(c) *Inspection of premises.* The applicant shall at all times permit the health officers and representatives of the Police and Fire Departments to inspect and examine the place of business described in the application, together with all appliances, instruments or equipment used or to be used in the conduct of the business for which the license is sought and any refusal on the part of the applicant to permit the inspection or any false statement in the application shall be sufficient ground for the refusal to issue the license or to revoke the same after issuance thereof.

(2) *Hearing and issuance.* The Council shall investigate all facts set out in the application and not investigated in the preliminary background and financial investigation. 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 discretion, grant or refuse the application. No on-sale, on-sale wine license, off-sale license or club license shall become effective until it, together with the security furnished by the applicant has been approved by the Commissioner of Public Safety.

(3) *Transfers.* Each license shall be issued only to the applicant and for the premises described in the application. No license shall be transferred to another person or place without Council approval. 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. The transfer of any stock of a corporate licensee shall be deemed a transfer of the license, and any transfer of any stock without prior Council approval shall render the license void.

(4) *Corporate license.* Licenses may be issued to a partnership or a corporation.

(Prior Code, § 701.05)

(5) *Council discretion.* 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 chapter.

(Am. Ord. 13-99, passed 6-14-1999)

§ 701.06 PERSONS INELIGIBLE FOR LICENSE.

No license shall be granted to any person made ineligible for the license by state law. No more than one intoxicating liquor license shall be directly or indirectly issued within the city to any one person, unless the additional intoxicating liquor licenses are on-sale licenses issued to restaurants, as defined in § 701.02(1)(b).

(Prior Code, § 701.06) (Am. Ord. 13-99, passed 6-14-1999; Am. Ord. 02-15, passed 6-22-2015)

§ 701.07 PLACES INELIGIBLE FOR LICENSE.

(1) *General.* No license shall be issued for any place of any business ineligible for a license under state law.

(2) *Delinquent taxes and charges.* No license shall be granted for operation on any premises for which taxes, assessments or other financial claims of the city are delinquent and unpaid.

(3) *Distance from school or church.* No license shall be granted within 1,000 feet of any school or within 1,000 feet of any church. The distance shall be measured from the main entrance of the school or church to the main entrance of the applicant's place of business.

(a) For the purposes of the separation restriction in this division, a school is a building that is principally used as a place where 25 or more persons receive a full course of educational instruction and the educational instruction is provided on a daily basis by an established school board or church. This does not include any post-secondary or post-high school educational building, including any college or any vocational-technical college. Nor does the separation apply to a daycare or early childhood facility, where children typically are under constant supervision while at the facility and when traveling to and from the facility.

(b) The establishment of a school or church within the separation distance after an original liquor license application has been granted shall not, in and of itself, render the premises ineligible for renewal of the license.

(c) This separation distance restriction shall not be applicable if a school or church is located in a limited business or general business zoning district.

(Prior Code, § 701.07) (Am. Ord. 13-99, passed 6-14-1999; Am. Ord. 04-09, passed 8-10-2009)

§ 701.08 CONDITIONS OF THE LICENSE.

(1) *General.* Every license is subject to the conditions in the following divisions and all other provisions of this chapter and of any other applicable ordinance, state law or regulation.

(2) *Licensee responsibility.* Every licensee shall be responsible for the conduct of his or her place of business and the conditions of sobriety and order in it, including within any outdoor serving area. The act of any employee on the licensed premises authorized to sell intoxicating 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.

(3) *Inspections.* Every licensee shall allow any peace officer, health officer or properly designated officer or employee of the city to enter, inspect and search the licensed premises during business hours without a warrant.

(4) *Display hours.* No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

(5) *Federal stamps.* No licensee shall possess a federal wholesale liquor dealers special tax stamp or a federal gambling stamp.

(Prior Code, § 701.08)

(6) *Minors on premises.* No person under the age of 18 years shall be employed in any rooms constituting the place in which liquors 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 liquors are sold at retail on-sale.

(7) *Deliveries.* No delivery of alcohol to an off-sale license may be made by a wholesaler or accepted by an off-sale licensee on a Sunday. No order solicitation or merchandising may be made by a wholesale on a Sunday.

(Am. Ord. 03-10, passed 3-8-2010; Am. Ord. 03-17, passed 6-26-2017)

§ 701.09 RESTRICTIONS ON PURCHASE AND CONSUMPTION.

(1) *Liquor in unlicensed places* No person shall mix or prepare liquor for consumption in any public place or place of business unless it has a license to sell liquor on-sale or a permit from the Commissioner of Public Safety under M.S. § 340A.414, as it may be amended from time to time. No person shall consume liquor in any place, unless licensed or permitted.

(2) *Consumption in public places.* No person shall consume intoxicating liquor in a public park, 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 chapter, or where consumption and display of liquor is lawfully permitted.

(3) *Hours.* No on-sale or off-sale of liquor shall be made, nor any licensed premises be occupied, after 2:00 a.m. on Sunday nor until 8:00 a.m. on Monday, except that a holder of a Sunday on-sale license may sell liquor between 8:00 a.m. on Sunday and 2:00 a.m. on Mondays and the holder of a off-sale license may sell liquor between 11:00 a.m. and 6:00 p.m. on Sunday. No on-sale shall be made between the hours of 2:00 a.m. and 8:00 a.m. on any weekday. No on-sale shall be made after 8:00 p.m. on December 24. No off-sale shall be made before 8:00 a.m. or after 10:00 p.m. of any day except that no off-sale shall be made on December 24 after 8:00 p.m. No off-sale shall be made on Thanksgiving Day or Christmas Day, December 25.

(Am. Ord. 10-83, passed 10-11-1983; Am. Ord. 13-83, passed 12-27-1983; Am. Ord. 02-05, passed 6-13-2005; Am. Ord. 04-15, passed 7-27-2015; Am. Ord. 03-17, passed 6-26-2017)

(4) *Vacation of premises.* No licensee shall permit any person other than his or her employees to remain on the licensed premises more than 30 minutes after the time during which sales of liquor may legally be made. No person other than the licensee or his or her employees shall remain on the licensed premises more than 30 minutes after the time during which sales of liquor may legally be made. The presence of any person other than the licensee or his or her employees within, entering or leaving the premises more than 30 minutes after the time during which liquor may legally be sold shall be prima facie evidence of violation of this division. For purposes of this division, **PREMISES** shall mean any portion of the address or legal description to which the license is issued, including, but not limited to, the entire land area of the parcel, the interior or exterior of buildings or portions of buildings thereon, any entrance ways into any buildings, any sidewalk, parking lots, whether paved or not, and any adjoining unimproved land areas in the parcels.

(Prior Code, § 701.09) (Am. Ord. 13-83, passed 12-27-1983; Am. Ord. 11-89, passed 12-11-1989; Am. Ord. 13-02, passed 10-28-2002)

§ 701.10 REVOCATION, DENIAL OR SUSPENSION.

(1) *General.* A license issued or to be issued by the city may be denied, suspended or revoked by the City Council for any of the following causes:

(a) Fraud, misrepresentation or incorrect statement contained in the application for license or made in carrying on the licenses activity;

(b) Conviction of any crime or misdemeanor, pertaining to license held or applied for, subject to the provisions of M.S. Ch. 364, as it may be amended from time to time;

(c) Conducting a licensed activity in a manner as to constitute a breach of the peace, or a menace to the health, safety and welfare of the public, or a disturbance of the peace or comfort of the residents of the city, upon recommendation of the city health authorities or other appropriate city official;

(d) Expiration or cancellation of any required bond or insurance, or failure to notify the city within a reasonable time of changes in the terms of the insurance or the carriers;

(e) Actions unauthorized or beyond the scope of the license granted;

(f) Violation of any regulation or provision of this code applicable to the activity for which the license has been granted or any regulation or law of the state so applicable; or

(g) Failure to continuously comply with all conditions as required as precedent to the approval of the license.

(2) *Suspension pending a hearing.* The Council may for cause, when in its judgment the public health, safety and welfare is endangered and without advance notice, temporarily suspend any license pending a hearing on revocation for a period not to exceed 30 days.

(Prior Code, § 701.10) (Am. Ord. 13-02, passed 10-28-2002; Am. Ord. 05-22, passed 12-12-2022)

§ 701.11 NUDITY ON 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 section on the premises of any establishment licensed under this chapter. 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 chapter, as set forth in this section, 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 section 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 the imposition of a civil penalty under the provisions of § 701.10.

§ 701.12 COMPLIANCE CHECKS.

All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging persons at least 17 years of age, but less than 21 years of age, to enter each licensed premises to attempt to purchase intoxicating liquor. Prior written consent from a parent or guardian is required for any person under the age of 18 to participate in a compliance check. Persons used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel. No persons used in compliance checks shall attempt to use a false identification misrepresenting the person's age, and all persons lawfully engaged in a compliance check shall answer all questions about the person's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research, training purposes or required for enforcement of a particular state or federal law.

(Ord. 05-22, passed 12-12-2022)

§ 701.13 VIOLATIONS AND PENALTY.

(1) *Administrative civil penalties -- individuals.* If a person who is not a licensee is found to have violated this chapter, the person shall be charged an administrative penalty as follows:

- (a) *First violation.* The Council shall impose a civil fine not to exceed \$50.
- (b) *Second violation within 12 months.* The Council shall impose a civil fine not to exceed \$100.
- (c) *Third violation within 12 months.* The Council shall impose a civil fine not to exceed \$150.

(2) *Same -- licensee.* If a licensee or an employee of a licensee is found to have violated this chapter, the licensee shall be charged an administrative penalty as follows:

- (a) *First violation.* The Council shall impose a civil fine of \$500 and suspend the license for not less than one day.
- (b) *Second violation within 36 months.* The Council shall impose a civil fine of \$1,000 and suspend the license for not less than three consecutive days.
- (c) *Third violation within 36 months.* The Council shall impose a civil fine of \$2,000 and suspend the license for not less than ten consecutive days.
- (d) *Fourth violation within 36 months.* The Council shall revoke the license for at least one year.

(3) *Administrative penalty procedures.* Notwithstanding anything to the contrary in this section:

(a) Any of the administrative civil penalties set forth in this section that may be imposed by the Council, may in the alternative be imposed by an administrative citation.

(b) If one of the foregoing penalties is imposed by an action of the Council, no penalty shall take effect until the licensee or person has received notice (served personally or by mail) of the alleged violation and of the opportunity for a hearing before the Council, and such notice must be in writing and must provide that a right to a hearing before the Council must be requested within ten business days of receipt of the notice or such right shall terminate.

(4) *Misdemeanor prosecution.* Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor

for any alleged violation of this chapter.

(Ord. 05-22, passed 12-12-2022)