On Sale/Sunday Sale Liquor New License

LICENSE APPLICATION INSTRUCTIONS

City of Maple Grove•PO Box 1180 Maple Grove, MN 55311•763-494-6010

The attached forms must be completed or provided by the individual making a new application for an On Sale/Sunday Sale Liquor License

Item numbers 1-7 are attached to be completed by applicant and returned with your application

☑ 1. Liquor License Application

☑ 2. Certification of an On Sale Liquor License, 3.2% Liquor License, or Sunday Liquor License
This is a Minnesota Department of Public Safety form that is returned with your application.

☑ 3. Application for ***Optional*** 2 A.M. Liquor License
If the 2 A.M. optional closing is desired, please submit a check with your application for city approval.

☑ 4. Application for Retailer's (Buyer) Card
This application must be returned to the Minnesota Department of Public Safety with $20.00 fee.

☑ 5. Background Investigation Consent Release

☑ 6. Certificate of Compliance Dept. of Revenue Information

☑ 7. Certificate of Compliance Minnesota Worker's Compensation Law

Item numbers 8-13 are provided by applicant and returned with your application

☑ 8. Copy of summon or notice received by applicant pursuant to Minnesota Statutes 340A.802 during the preceding year

☑ 9. Copy of Articles of Partnership or Articles of Corporation and Bylaws

☑ 10. Description of the premises including a ***diagram*** of the licensed area and any outdoor seating

☑ 11. Mandatory Alcohol Compliance Training Certificate – proof of attendance; must attend prior to license approval
City requires attendance at a minimum of one training session during the current licensing period.
City Code Sec 4-11 (5.)

☑ 12. Copy of restaurant license

☑ 13. Insurance Certificate (*sample certificate is attached for your reference)*
Note: the liquor liability must cover the license period of July 1 through June 30.

These forms are to be submitted with the following fees:

$500	Investigative fee for partnership/corporation/LLC licensee *(not pro-rated and non-refundable)*
$250	Investigative fee for individual licensee *(not pro-rated and non-refundable)*
$8,000	On Sale licensee fee *(pro-rated)*
$200	Sunday Sale license fee *(pro-rated)*

(check payable to City of Maple Grove; call 763-494-6010 for the amount)
The licensing period is July 1 through June 30

Review and Approval Process

Upon City Council approval, a license will be prepared and mailed to the applicant.

Return Completed Documents to
City of Maple Grove
Administration Department/Licensing
PO Box 1180
Maple Grove, MN 55311-6180
Contact 763-494-6010

LIQUOR LICENSE APPLICATION

City of Maple Grove•PO Box 1180 Maple Grove, MN 55311•763-494-6010

Type of License	Annual Fee
On Sale Liquor	*$8,000.00*
Sunday Sale	*$200.00*
On Sale Wine and 3.2% Malt Liquor	*$2,300.00*
On Sale 3.2% Malt Liquor	*$300.00*
Off Sale	*$200.00*
Off Sale 3.2% Malt Liquor	*$35.00*

Type of License

☐ *On Sale Liquor* ☐ *Sunday Sale* ☐ *On Sale Wine and 3.2% Malt Liquor*
☐ *On Sale 3.2% Malt Liquor* ☐ *Off Sale* ☐ *Off Sale 3.2% Malt Liquor*

Part I: Business Information

Legal Corporate Name of Business	Business Telephone Number
DBA *(doing business as name if applicable)*	Email Address:
Address	
City/State/Zip	
Type of Ownership: ☐ Sole Proprietor ☐ Corporation ☐ Partnership ☐ LLC	Date & State of Incorporation:

Part II: Business Information for: Corporation, Partnership or LLC list all partners, officers or directors with complete mailing addresses and date of birth.

First and Last Name	Mailing Address City/State/Zip	Date of Birth

Part III: List and/or attach all names having a 10 percent or greater interest in the ownership, operation, management, or profits of the liquor establishment including their occupation, residence, and place of business.

First and Last Name	Occupation	Residence	Place of Business

Part IV: List all names who will have management or control over the business:
A written notification to the City is required when management changes.

Part V: List three (3) business references, giving names, addresses, and telephone numbers:

First and Last Name	Address	City/State/Zip	Telephone Number

Part VI: Does your business have outdoor seating? ☐ Yes or ☐ No
If yes, please provide a layout of the outdoor seating.

Part VII: Are any real estate taxes, assessments or other financial claims delinquent or unpaid, including lease agreements, that would prevent the approval of this license? If yes, give details.

Part VIII: Applicant Information

Applicant Name_____

The applicant will be the person responsible for receiving notices, administrative or criminal, sent by the City to the licensee.

Date of Birth	Drivers License Number

Is Applicant the owner and operator of the business ☐ Yes or ☐ No If no, please identify name and address of the owner/operator

_____

Part IX: List three (3) applicant references, giving names, addresses, and contact numbers:			
First and Last Name	Address	City/State/Zip	Contact Number

The applicant acknowledges that (1) this application is made pursuant and subject to all laws of the State of Minnesota, the ordinances and regulations of said City and the regulations of the Division of Alcohol and Gambling Enforcement Division of the Department of Public Safety related to the sale and places of sale of intoxicating liquors; (2) the applicant has answered all questions in a true and correct manner to the best of the applicant's knowledge and belief; (3) when applying for a new license or a change in applicant information, the applicant will be charged, in advance, a nonrefundable investigation fee pursuant to City Code.

The Applicant will be the person responsible for receiving any notices (administrative or criminal) sent by the City to the Licensee.

Signature of Applicant	**Date**

STATE OF _____

COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, _____.

_____ *Seal*

Notary Public

Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division (AGED)
444 Cedar Street, Suite 222, St. Paul, MN 55101-5133
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: (circle 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 MN Tax ID #_____
(To Apply call 651-296-6181)

Licensee's Federal 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
(Partner/Officer Name (First Middle Last)	DOB	Social Security #	Home Address
Partner/Officer Name (First Middle Last)	DOB	Social Security #	Home Address

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.

Circle One: (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 must also purchase a $20 Retailer Buyers Card. To obtain the application for the Buyers Card, please call 651-201-7504, or visit our website at www.dps.state.mn.us.

(Form 9011-12/09)

Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division (AGED)
444 Cedar Street, Suite 133, St. Paul, MN 55101-5133
Telephone 651-201-7507 Fax 651-297-5259 TTY 651-282-6555
www.dps.state.mn.us

Application for Optional 2 AM Liquor License

License type code: 2AM License Expiration Date_____ ID#_____
(For Office Use Only)

Licensee Name: _____

Trade Name: _____

Licensed Location Address: _____

City, State, Zip Code: _____

Business Phone: _____

If the 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

_____
Partner/Officer Name (First Middle Last) DOB Social Security # Home Address

_____
Partner/Officer Name (First Middle Last) DOB Social Security # Home Address

Licensee must report previous 12 month on sale alcoholic beverage gross receipts by checking one of the boxes below. Next to the box you check is your 2 AM license fee. Make check payable to: **Alcohol and Gambling Enforcement Division (AGED).** Mail this application and check to : AGED, 444 Cedar St., Suite 133, St. Paul, MN 55101-5133.

☐ $300 2 AM license fee - Up to $100,000 in on sale gross receipts for alcoholic beverages
☐ $750 2 AM license fee - Over $100,000, but not over $500,000 in on sale gross receipts for alcoholic beverages
☐ $1,000 2 AM license fee - Over $500,000 in on sale gross receipts for alcoholic beverages
☐ $200 2 AM license fee - 3.2% On Sale Malt Liquor licensees or Set Up license holders
☐ $200 2 AM license fee - Did not sell alcoholic beverages for a full 12 months prior to this application

☐ Yes ☐ No Does your city or county licensing official allow the sale of alcoholic beverages until 2 AM?

City Clerk/County Auditor Signature_____ Date_____

(I certify that the city or county of _____ approves the sale of alcoholic beverages until 2 AM)

Licensee Minnesota Tax ID Number (Required)_____

Licensee Signature_____ Date_____
(I certify that I have answered the above questions truthfully and correctly)

Licensee: Prior to submitting this application to the Alcohol and Gambling Enforcement Division, it must be signed by your local city or county licensing official.

DEPARTMENT OF PUBLIC SAFETY
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
444 Cedar Street Suite 222
St. Paul, MN 55101-5133
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	

PS 9135 (12/09)

BACKGROUND INVESTIGATION CONSENT RELEASE

City of Maple Grove•PO Box 1180 Maple Grove, MN 55311•763-494-6010

Interest includes pecuniary interest in the ownership (of ten percent or greater), operation, management, or profits of a retail liquor establishment, and a person who receives money from time to time directly or indirectly from a licensee, in the absence of consideration and excluding gifts or donations, has a pecuniary interest in the retail business.

As a license applicant, I hereby give my consent for a personal background investigation, to include a criminal history check, to be used in the determination of whether my application is to be approved. The results of such investigation shall be made public pursuant to appropriate City Council approval or denial of the license application. I understand that I am under no legal obligation to consent to such investigation, but that if I refuse to so consent, my application cannot be processed.

I release the City of Maple Grove and the Maple Grove Police Department, and any of its agents or employees, from any and all liability for its receipt and use of information and records received pursuant to this consent. I further acknowledge that I have carefully read this release, fully understand its terms and legal significance, and execute it voluntarily.

TYPE OF LICENSE:

☐ *On Sale/Sunday Sale* ☐ *On Sale Wine and 3.2* ☐ *On Sale 3.2* ☐ *Off Sale* ☐ *Off Sale 3.2*

Business Name

Applicant Information:

First Name	Middle Name	Last Name

Home Address	City/State/Zip
Home Telephone	Business Telephone
Date of Birth	City and State of Birth
Drivers License Number	State

Physical Information:

Sex	Race	Height	Weight	Eye Color	Hair Color

Other Known Names:

Have you ever been convicted of a felony, gross misdemeanor, or misdemeanor? ☐Yes ☐No

If yes, state jurisdiction, type of violation and disposition

TENNESSEN WARNING: In connection with your request for a license, the City has asked that you provide information about yourself which may be classified as private, confidential, nonpublic, or protected nonpublic under the Minnesota Government Data Practices Act. This means that this data is not ordinarily available to the general public. Accordingly, the City is required to inform you of the following:

1. The purpose and intended use of the information requested is to determine if you are eligible for a license from the City of Maple Grove.
2. The known consequences of supplying the requested information is that the information or further investigation could disclose information which could cause your application to be denied.
3. You are not legally obligated to supply the requested information. The known consequences of refusing to supply the requested information is that your request for a license cannot be processed.
4. A criminal charge, arrest, or conviction will not necessarily bar you from obtaining a license with the City, unless the conviction is related to the matter for which the license is sought, according to Minn Stat. 364.03. However, failure to reveal the requested criminal information will be considered falsification of the application and may be used as grounds for the denial of the application.
5. Other governmental agencies necessary to process your application are authorized by law to receive the information provided.
6. The City is required by law to furnish some of this information to the Department of Labor and Industry and the Minnesota Commissioner of Revenue.

The undersigned, by signing this notice, acknowledges that he/she has read and understood the contents of this notice and has received a copy of this notice.

Signature	Date

These statements are true, correct and are made with the knowledge that this information may be made public. False disclosures are subject to perjury proceedings and forfeiture of the license application.

CERTIFICATE OF COMPLIANCE
DEPARTMENT OF REVENUE INFORMATION

City of Maple Grove•PO Box 1180 Maple Grove, MN 55311•763-494-6010

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 (person signing the application).

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 license 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 license issuance.

Please supply the following information and return along with your application:

Personal Information:

Applicant's Name	
Applicant's Address	City/State/Zip
Social Security Number	Phone Number

Business Information:

Business Name	
Business Address	City/State/Zip
Minnesota Tax ID #	**Federal Tax ID #**

If a Minnesota Tax ID number is not required, please attach explanation.

TENNESSEN WARNING: In connection with your request for a license, the City has asked that you provide information about yourself which may be classified as private, confidential, nonpublic, or protected nonpublic under the Minnesota Government Data Practices Act. This means that this data is not ordinarily available to the general public. Accordingly, the City is required to inform you of the following:

7. The purpose and intended use of the information requested is to determine if you are eligible for a license from the City of Maple Grove.
8. The known consequences of supplying the requested information is that the information or further investigation could disclose information which could cause your application to be denied.
9. You are not legally obligated to supply the requested information. The known consequences of refusing to supply the requested information is that your request for a license cannot be processed.
10. A criminal charge, arrest, or conviction will not necessarily bar you from obtaining a license with the City, unless the conviction is related to the matter for which the license is sought, according to Minn Stat. 364.03. However, failure to reveal the requested criminal information will be considered falsification of the application and may be used as grounds for the denial of the application.
11. Other governmental agencies necessary to process your application are authorized by law to receive the information provided.
12. The City is required by law to furnish some of this information to the Department of Labor and Industry and the Minnesota Commissioner of Revenue.

The undersigned, by signing this notice, acknowledges that he/she has read and understood the contents of this notice and has received a copy of this notice.

Signature	
Position	Date

CERTIFICATE OF COMPLIANCE
MINNESOTA WORKER'S COMPENSATION LAW

City of Maple Grove•PO Box 1180 Maple Grove, MN 55311•763-494-6010

Minnesota Statute, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in an activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirements of Minnesota Statute Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure.

This information is required by law, and licenses and permits to operate a business may not be issued or renewed if it is not provided and/or is falsely reported. Furthermore, if the required information is not provided or is falsely stated, it shall result in a $2000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry. This information will be collected by the City and retained in the files.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law. Please supply the following information and return along with your application:

Business Name *(Individual name only if no company name used)*

DBA *(doing business as name, if applicable)*

Business Address/City/State/Zip

YOUR LICENSE OR CERTIFICATE WILL NOT BE ISSUED WITHOUT THE FOLLOWING INFORMATION.
You must complete number 1, 2 or 3 below:

NUMBER 1 – Complete this portion if you are insured:

Insurance Company Name *(NOT the Agency or Agent)*

Workers' Compensation Insurance Policy No.	Effective Date	Expiration Date

NUMBER 2 – Complete this portion if self-insured:

☐ I have attached a copy of the permit to self-insure.

NUMBER 3 – Complete this portion if exempt:

I am not required to have workers' compensation liability coverage because:

☐ I have no employees

☐ I have employees but they are not covered by the workers' compensation law. (See MN Stat. 176.041 for a list of excluded employees.) Explain why your employees are not covered: _____

_____

☐ Other: _____

_____

ALL APPLICANTS COMPLETE THE FOLLOWING SECTION:

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

Applicant Signature	Title	Date

NOTE: If your Workers' Compensation policy is cancelled within the license or permit period, you must notify the agency who issued the license or permit by resubmitting this form.

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 01/10/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Name and Address of Agency
Phone and Fax Number
E-mail Contact

CONTACT NAME:
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A :	Shall have minimum Best Rating of A-VII	
INSURER B :	or as approved by City's Insurance Agent	
INSURER C :	XXXX	
INSURER D :		
INSURER E :		
INSURER F :		

INSURED Name and Address of Insured (exactly how it appears on liquor license)
SAMPLE - LIQUOR LICENSE WHEN LIQUOR IS A SEPARATE POLICY OR COVERAGE PART

COVERAGES CERTIFICATE NUMBER: Sample Liquor Cert REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT X LOC			XXX	Current Minimum	Dates Limits	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 50,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 1,000,000
							PRODUCTS - COMP/OP AGG	$ 1,000,000
								$
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
A	UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $			AS NEEDED	Current	Dates	EACH OCCURRENCE	$ 5,000,000
							AGGREGATE	$ 5,000,000
								$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		XXX	Current	Dates	X WC STATU-TORY LIMITS OTH-ER	
							E.L. EACH ACCIDENT	$ 100,000
							E.L. DISEASE - EA EMPLOYEE	$ 100,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000
A	Liquor Liability - Minimum Limits			XXX	07/01/2012	07/01/2013	$500,000 Each Cause $500,000 Aggregate	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

In the event of cancellation for nonpayment of premium, the certificate holder will receive 10 days notice of cancellation. The liquor liability limtis apply per location and are not subject to any self-insured retention or deductible. (State whether this is a separate liquor liability policy or a separate coverage part of a package policy).

CERTIFICATE HOLDER

City of Maple Grove
Attn: Stevie Koll Anderson
P.O. Box 1180
Maple Grove, MN 55369

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2010 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD

ARTICLE XII.

INSURANCE REQUIREMENTS

Sec. 16-431. Intoxicating liquor licenses.

(a) Every applicant and licensee under chapter 4, article II, pertaining to intoxicating liquor, except for on-sale temporary licenses, shall file with the clerk proof of financial responsibility, which filing shall be a condition of the issuance or renewal of any license, permit or authorization pursuant to chapter 4, article II.

(b) Proof of financial responsibility with regard to liability imposed by Minn. Stats. 340A.801 may be given by filing any one of the following:

(1) A certified copy of a bond of a surety company with minimum coverage as provided in subsection (b)(3) of this section, and the surety company shall have a minimum Best's Key Rating Guide of A-VII, or as approved by the city's insurance agent;

(2) A certificate of the state treasurer that the applicant or licensee has deposited with him $500,000.00 in cash or securities having a market value of $500,000.00 which may legally be purchased by savings banks or for trust funds; or

(3) An insurance policy or certificate of insurance acceptable to the city and issued by an insurer authorized to do business in the state for the following minimum coverage for the period of the license:

Bodily injury--Each person limit	$500,000.00
Bodily injury--Each occurrence limit	500,000.00
Property damage--Each occurrence limit	500,000.00
Loss of means of support--Each person limit	500,000.00
Loss of means of support--Each occurrence limit	500,000.00
Annual aggregate limit	500,000.00

(c) The insurance required in subsection (b)(3) of this section shall also provide the following:

(1) The policy may not be canceled or not renewed for any cause either by the insured or the insurance company without the canceling party first giving 30 days' written notice addressed to the city clerk of its intent to cancel or not renew the policy, except such required notice shall be ten days for nonpayment of premium.

(2) Proof of financial responsibility required in subsection (b) of this section will be submitted by the city to the commissioner.

(3) The insurance policy shall be written by an insurer having a minimum Best's Key Rating Guide of A-VII, or as approved by the city's insurance agent.

(4) The liquor liability (dram shop) limits shall apply separately from the general liability limits. In the event the licensee's insurance policy has combined liquor and general liability limits in a package policy and the liquor limits are not part of a separate coverage part in the package policy, the minimum liquor limits required in (b)(3) shall be increased to $500,000.00 each cause and $500,000.00 annual aggregate.

(5) The liquor (dram shop) limits shall not be subject to a self insured retention (SIR) or deductible.

(6) The liquor liability (dram shop) limits shall:

a. Apply per location, or

b. If the applicant/licensee has on-sale community center authorization, may provide an insurance policy or certificate of insurance acceptable to the city and issued by an insurer to do business in the state for the following minimum coverage for the period of the authorization:

Bodily injury--Each person limit	$500,000.00
Bodily injury--Each occurrence limit	500,000.00
Property damage--Each occurrence limit	500,000.00
Loss of means of support--Each person limit	500,000.00
Loss of means of support--Each occurrence limit	500,000.00
Annual aggregate limit	500,000.00

(d) In addition to the requirements of subsection (b) of this section, the applicant or licensee shall file with the city clerk a comprehensive general liability policy or certificate of insurance on an occurrence basis for the period of the license, acceptable to the city, and issued by an insurance company authorized to do business in the state for the following minimum coverage:

General aggregate	$500,000.00
Products--Comp/ops aggregate	500,000.00
Personal and advertising injury	500,000.00
Each occurrence	500,000.00

(1) Should the policy be canceled or not renewed for any cause prior to expiration date thereof, the issuing company shall mail 30 days' written notice to the city clerk, except such notice shall be ten days for nonpayment of premium.

(2) The policy shall be written by an insurance company having a Best's Key Rating Guide of A-VII, or as approved by the city's insurance agent.

(3) If such policy of insurance is scheduled to expire prior to the end of the period covered by the license (because of multiple locations), a new policy or certificate referencing the same minimum coverage set forth in this subsection (d) must be submitted to the city clerk at least 30

days before the expiration of the policy.

(e) Cancellation or expiration of an insurance policy or certificate or bond required in this section and failure to provide another insurance policy or certificate or bond as required in this section shall be grounds for automatic denial, revocation, suspension, or failure to renew a license.

(f) Subsection (b) of this section does not apply to licensees who by affidavit establish that they are holders of on-sale wine licenses with sales of less than $25,000.00 for wine for the preceding year, or they are holders of a temporary wine license issued under law.
(Code 1984, § 805:18; Ord. No. 03-12, § 1, 4-21-2003; Ord. No. 05-04, § 1, 2-22-2005; Ord. No. 05-07, § 1, 3-7-2005; Ord. No. 06-10, § 1, 4-17-2006; Ord. No. 10-02, § 1, 2-1-2010; Ord. No. 10-08, § 1, 5-3-2010)
Cross References: Alcoholic beverages, ch. 4.

Sec. 16-432. 3.2 percent malt liquor licenses.

(a) Every applicant and licensee under chapter 4, article III, pertaining to 3.2 percent malt liquor, shall file with the clerk proof of financial responsibility, which filing shall be a condition of the issuance or renewal of any license pursuant to chapter 4, article III.

(b) Proof of financial responsibility with regard to liability imposed by Minn. Stats. 340A.801 may be given by filing any of the following:

(1) A certified copy of a bond of a surety company with minimum coverage as provided in subsection (b)(3) of this section, and the surety company shall have a minimum Best's Key Rating Guide of A-VII, or as approved by the city's insurance agent;

(2) A certificate of the state treasurer that the applicant or licensee has deposited with him $500,000.00 in cash or securities having a market value of $500,000.00 which may be legally purchased by savings banks or for trust funds; or

(3) An insurance policy or certificate of insurance acceptable to the city and issued by an insurer authorized to do business in the state for the following minimum coverage for the period of the license:

Bodily injury--Each person limit	$500,000.00
Bodily injury--Each occurrence limit	500,000.00
Property damage--Each occurrence limit	500,000.00
Loss of means of support--Each person limit	500,000.00
Loss of means of support--Each occurrence limit	500,000.00
Annual aggregate limit	500,000.00

(c) The insurance required in subsection (b)(3) of this section shall also provide the following:

(1) The policy may not be canceled or not renewed for any cause either by the insured or the insurance company without the canceling party first giving 30 days' notice addressed to the city

clerk of its intent to cancel or not renew the policy, except such notice shall be ten days for nonpayment of premium.

(2) Proof of financial responsibility required in subsection (b) of this section will be submitted to the commissioner.

(3) The insurance policy shall be written by an insurer having a minimum Best's Key Rating Guide of A-VII, or as approved by the city's insurance agent.

(4) The liquor liability (dram shop) limits shall apply separately from the general liability limits. In the event the licensee's insurance policy has combined liquor and general liability limits in a package policy and the liquor limits are not part of a separate coverage part in the package policy, the minimum liquor limits required in (b)(3) shall be increased to $500,000.00 each cause and $500,000.00 annual aggregate.

(5) The liquor (dram shop) limits shall not be subject to a self insured retention (SIR) or deductible.

(6) The liquor liability (dram shop) limits shall apply per location.

(d) In addition to the requirements of subsection (b) of this section, the applicant or licensee shall file with the city clerk a comprehensive general liability policy or certificate of insurance on an occurrence basis for the period of the license, acceptable to the city, and issued by an insurance company authorized to do business in the state for the following minimum coverage:

General aggregate	$500,000.00
Products--Comp/ops aggregate	500,000.00
Personal and advertising injury	500,000.00
Each occurrence	500,000.00

(1) Should the policy be canceled or not renewed for any cause prior to expiration date thereof, the issuing company shall mail 30 days' written notice to the city clerk, except such notice shall be ten days for nonpayment of premium.

(2) The policy shall be written by an insurance company having a Best's Key Rating Guide of A-VII, or as approved by the city's insurance agent.

(3) If such policy of insurance is scheduled to expire prior to the end of the period covered by the license (because of multiple locations), a new policy or certificate referencing the same minimum coverage set forth in this subsection (d) must be submitted to the city clerk at least 30 days before the expiration of the policy.

(e) Cancellation or expiration of an insurance policy or certificate or bond required in this section and failure to provide another insurance policy or certificate or bond as required in this section shall be grounds for automatic denial, revocation, suspension, or failure to renew a license.

(f) Subsection (b) of this section does not apply to licensees who by affidavit establish that they are

on-sale 3.2 percent malt liquor licensees with sales less than $25,000.00 of 3.2 percent malt liquor for the preceding year, or they are off-sale 3.2 percent malt liquor licensees with sales of less than $50,000.00 of 3.2 percent malt liquor for the preceding year.

(Code 1984, § 800:18; Ord. No. 03-12, § 2, 4-21-2003; Ord. No. 05-04, § 2, 2-22-2005; Ord. No. 05-07, § 2, 3-7-2005; Ord. No. 06-10, § 2, 4-17-2006; Ord. No. 10-02, § 2, 2-1-2010; Ord. No. 10-08, § 2, 5-3-2010)

Cross References: .2 percent malt liquor, § 4-71 et seq.

ARTICLE I.

INTOXICATING LIQUOR AND 3.2 PERCENT MALT LIQUOR

Sec. 4-1. Adoption of state law by reference.

The provisions of Minn. Stats. 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 sale, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor are hereby adopted by reference and are made a part of this article as if set out in full. It is the intention of the city council that all future amendments to Minn. Stats. ch. 340A are hereby adopted by reference or referenced as if they had been in existence at the time this chapter is adopted.
(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-2. City may be more restrictive than state law.

The council is authorized by the provisions of Minn. Stats. § 340A.509, as it may be amended from time to time, to impose, and has imposed in this article, additional restrictions on the possession, sale and consumption of alcoholic beverages within its limits beyond those contained in Minn. Stats. ch. 340A, as it may be amended from time to time.
(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-3. Definitions.

Unless the context clearly indicates otherwise, the words, combinations of words, terms, and phrases used in this article shall have the meanings set forth in Minn. Stats. ch. 340A and in this section.

In addition to the definition in Minn. Stats. § 340A.101, as it may be amended from time to time, the following terms are defined for purposed of this article:

Liquor, as used in this article, without modification by the words "intoxicating" or "3.2 percent malt" includes both intoxicating liquor and 3.2 percent malt liquor.

Restaurant means an eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, and must have a restaurant license from the department of health in order to be deemed a restaurant for liquor licensing purposes. 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 article.

Interest includes any pecuniary interest in the ownership (of ten percent or greater), operation, management, or profits of a retail liquor establishment, and a person who receives money from time to time directly or indirectly from a licensee, in the absence of consideration and excluding gifts or donations, has a pecuniary interest in the retail license.
(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-4. Nudity on the premises of licensed establishments prohibited.

(a) The city council finds that it is in the best interest of the public health, safety and general welfare

of the people of the city that nudity is prohibited on the premises of any establishment licensed under this article as provided in 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 article, as set forth in this section, reflects the prevailing community standards of the city.

(b) It is unlawful for any licensee, responsible party or other person 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 nontransparent material. It is unlawful for any person to be on the licensed premises when the person does not have his or her buttocks, anus, breast and genitals covered with a nontransparent material.

(c) A violation of this section is a misdemeanor punishable as provided by law, and is justification for revocation, suspension or non-renewal of any liquor, wine or 3.2 percent malt liquor license or the imposition of a civil penalty.
(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-5. Consumption in public places.

No person shall consume intoxicating liquor or 3.2 percent malt 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 article.
(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-6. License required.

It is unlawful for any person directly or indirectly, on any pretense or by any device, to manufacture, import, sell, exchange, barter, dispose or keep for sale any intoxicating liquor or 3.2 percent malt liquor as part of a commercial transaction, whether directly or indirectly, without first obtaining a license therefor.
(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-7. Types of intoxicating liquor licenses.

Licenses for intoxicating liquor shall be of the following categories, which licenses shall be granted only for the purposes permitted by state statutes and limited by this article:

(1) On-sale intoxicating liquor, which may be issued only to restaurants as defined in section 4-3 of this article, and to clubs and hotels as defined in Minn. Stats § 340A.101, as it may be amended from time to time and shall permit the sale and consumption of alcoholic beverages on the licensed premises only. Club licenses may be issued only with the approval of the commissioner of public safety.

(2) On-sale wine licenses, with the approval of the commissioner of public safety to restaurants that have facilities for seating at least 25 guests at one time and meet the criteria of Minn. Stats. § 340A.404, subd. 5, as it may be amended from time to time. The holder of an on-sale wine license who also holds an on-sale 3.2 percent malt liquor license is authorized to sell malt liquor

with a content over 3.2 percent (strong beer) without an additional license if their gross receipts are at least 60 percent attributable to the sale of food.

(3) Off-sale intoxicating liquor, which may be issued only to exclusive liquor stores.

(4) Brewpub off-sale malt liquor license as provided in Minn. Stats. § 340A.301, subd. 7, which may be issued to a brewer who holds a brewer license issued by the Minnesota Commissioner of Public Safety for the operation of a brewpub and shall be operated in and as a part of a restaurant establishment for which an on-sale intoxicating liquor license has been issued by the city.

a. An off-sale license may be issued solely for the malt liquor produced and packaged on the licensed premises and only upon approval of the license by the Minnesota Commissioner of Public Safety.

b. Off-sale of malt liquor shall be limited to the legal hours for off-sale pursuant to section 4-19 and must be removed from the licensed premises before the applicable off-sale closing time requirements.

c. Only malt liquor may be brewed or manufactured at the licensed premises and not more than 3,500 barrels of malt liquor in a calendar year may be brewed or manufactured at the licensed premises.

d. The malt liquor sold off-sale shall be packaged in 64-ounce containers commonly known as "growlers" and shall have the following requirements for packaging:

i. The containers shall bear a twist type closure, cork, stopper or plug.

ii. At the time of sale, a paper or plastic adhesive band, strip or sleeve shall be applied to the container and extend over the top of the twist type closure, cork, stopper or plug forming a seal that must be broken upon opening of the container.

iii. The adhesive band, strip or sleeve shall bear the name and address of the brewer/licensee selling the malt liquor.

iv. The containers shall be identified as malt liquor, contain the name of the malt liquor, bear the name and address of the brewer/licensee selling the malt liquor, and the contents in the container packaged as required herein shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise in accordance with the provisions of Minnesota Rules, part 7515.1100.

(5) Sunday on-sale intoxicating liquor licenses may be issued only to a restaurant, club or hotel, which holds an on-sale intoxicating liquor license and serves liquor only in conjunction with the service of food.

(6) Temporary on-sale licenses may be issued to a club, charitable, religious, or nonprofit organization that has been in existence for at least three years and be in connection with a social event within the city sponsored by the licensee.

a. The license may authorize sales for up to four consecutive days, and may also authorize sales on-premises other than premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full-year on-sale intoxicating liquor license issued by the city.

b. Temporary on-sale intoxicating liquor licenses are subject to the terms imposed by the city, including fees and are not valid until approved by the commissioner of public safety.

c. The city may issue a limited number of temporary licenses in a single year.

(7) On-sale community center authorization, which may be granted only to the holder of a retail on-sale intoxicating liquor license issued by the city or by an adjacent municipality (referred to in this subsection as the "licensee"). Upon such authorization, the licensee may dispense, if approved by the park board, intoxicating liquor at any convention, banquet, conference, meeting, or social affair conducted on the premises of the Maple Grove Community Center. Authorized licensees may be engaged to dispense intoxicating liquor at an event held by a person or organization permitted to use the premises, may dispense intoxicating liquor only to persons attending the event, and may not dispense intoxicating liquor to any person attending or participating in an amateur athletic event held on the premises.

a. Licensees authorized to dispense intoxicating liquor in the Maple Grove Community Center shall comply with the requirements imposed upon on-sale intoxicating liquor licensees within the city, including but not limited to insurance requirements, as well as any policies established by the city for the Maple Grove Community Center. Any insurance certificate provided to the city by a licensee shall name the city as an additional insured.

b. Authorization to dispense intoxicating liquor within the community center shall be granted for a period of one year, at the time on-sale intoxicating liquor licenses are issued by the city. Licensees seeking authorization to dispense intoxicating liquor in the Maple Grove Community Center shall make application therefor to the deputy city clerk. To defray the costs of processing the application, licensees shall submit with their application the application fee as set from time to time by the city as set forth in section 16-81.

c. For the purposes of this subsection (7) the term Maple Grove Community Center shall include the Maple Grove Community Center and the Maple Grove Town Green.

(Ord. No. 08-06, § 1, 4-21-2008; Ord. No. 09-15, § 1, 12-21-2009)

Sec. 4-8. Types of 3.2 percent malt liquor licenses.

(a) *Types of licenses.*

(1) Off-sale license;

(2) On-sale license; and

(3) Temporary 3.2 percent malt liquor license.

(b) *Limitation on issuance.*

(1) The on-sale 3.2 percent malt liquor licenses may only be issued to restaurants, hotels, clubs, bowling centers, golf courses, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco, food and soft drinks. The off-sale license may not be issued to an establishment that as a part of its business sells or otherwise provides fuel for use by motor vehicles.

(2) Temporary 3.2 percent malt liquor licenses are subject to the terms set by the city and may be issued to any of the following: a club, charitable, religious or nonprofit organization. Notwithstanding any other provision of this article, the fees for a special permit on-sale license may be waived by the council.

(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-9. License fees.

(a) *Time of payment.* All license fees, as established by the council from time to time and set forth in section 16-81, shall be paid at the time of filing the application for a license under this article.

(b) *Application and investigation fees.*

(1) The application for a license pursuant to this article shall be accompanied by an application fee and investigation fee.

(2) The investigation fee shall not be refundable if the license is denied.

(c) *Refunds.* A refund of a pro rata share of an annual license fee may occur only if authorized by Minn. Stats. § 340A.408, subd. 5, as it may be amended from time to time.

(d) *Failure to pay.* Failure to pay any license fee required automatically terminates the license and it may only be reinstated after a hearing before the council.

(e) *Changes in fees.* Any change of a license fee shall take effect immediately for new licenses, but for renewal licenses shall take effect at the expiration of the current license year in which the increase or decrease was approved, after a public hearing, by the council.

(f) *Waivers.* Notwithstanding any other provision of this article or chapter 16, the council may for good cause shown waive all or a portion of any fee otherwise required to be paid in connection with any application for a license or transfer of license.

(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-10. Application for license.

(a) Every application for a license issued under this article, new or renewal, shall be on a form provided by the city. Such application form shall be completed to the satisfaction of the city. If the application form is not completed to the satisfaction of the city, the form and the application shall be returned by the city to

the applicant. Every application shall state the name of the applicant, the applicant's date of birth, driver's license number or other government approved identification (subject to the review and approval of the city), with references as the city 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, who will manage the business, how long the applicant has been in that business at that place, and other information as the city 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 section. The form shall be verified and filed with the city. No person shall make a false statement in an application.

(b) A partnership must file with its application a true copy of the articles of partnership. Any change thereof must be reported to the city clerk within 14 days prior to the making of the change.

(c) A corporation must file with its application a true copy of the articles of incorporation and bylaws of the corporation. Any change in either the articles or the bylaws must be reported to the city clerk within 14 days before such change has been adopted by the corporation or filed.

(d) Each applicant for the issuance or renewal of a license must submit with the application a copy of each summons or notice received by the applicant pursuant to Minn. Stats. § 340A.802 during the preceding year.

(e) 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 city clerk at least 60 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 article 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.
(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-11. Qualifications of applicant for license.

In addition to complying with state statutes, the following shall apply:

(1) A false material statement made in an application for the license required by this article is grounds for revocation, suspension or denial of a license or refusal to renew an existing license.

(2) The time periods set forth in this section shall be computed from the date of application for a license.

(3) For purposes of this section, the term "applicant" shall include, in addition to the person signing or submitting the application, any corporation, partnership, association, enterprise, business, or firm in which such person may have an interest, including, but not limited to, the premises to be licensed or the business conducted thereon.

(4) No retail license may be issued to a person who has a direct or indirect interest in a

manufacturer, brewer, or wholesaler, except as permitted in Minn. Stats. § 340A.301, subd. 7.

(5) All applicants, new or renewals, shall attend a mandatory alcohol compliance training session prior to approval. The training session shall be presented by the Maple Grove Police Department and at time prescribed by the department. The city shall not accept any substitute training. A certificate indicating proof of such training is required and such certificate shall be maintained on the premises of the licensed establishment and a copy provided to the city at the time of application or renewal. Any application not containing the certificate of training shall be incomplete. Attendance at the training session does not alleviate applicants from civil and/or criminal penalties for a violation of this chapter.

(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-12. Financial responsibility and insurance requirements.

Financial responsibility and insurance requirements under this article shall be as provided in chapter 16, article XII.

(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-13. Investigation of applicant for license.

(a) The council shall cause an investigation to be made of all the representations set forth in a license application under this article.

(b) Every new or renewal application or application for transfer of a license required in this article, except for on-sale temporary license, shall be referred to the Maple Grove Police Department for investigation of each individual. Every individual or person having any interest in the license shall be so investigated.

(c) The Maple Grove Police Department shall make necessary inquiry and list all violations of federal and state law or municipal ordinance, including verified complaints that occurred at the establishment being investigated while under the same ownership. He shall report his or her findings and comments to the city administrator, who shall order or conduct such additional investigations as he deems necessary or as the council directs.

(d) Each application for a new license or a renewal of a previously issued license shall be investigated as is deemed necessary by the fire chief and building official to establish that the business operation and structure to be licensed is in full compliance with all building and fire codes, laws and regulations of the state and the city. No license shall be issued until the building official and fire chief have found the proposed licensed operation and premises to be in full compliance with such building and fire codes, laws and regulations.

(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-14. Burden of proof of licensees.

(a) The applicant for or holder of a license pursuant to this article has the burden of proving to the city, upon request, the following:

(1) That the person applying for the license or holding the license is in fact the true proprietor thereof and that each individual having any interest in the license has in fact been listed correctly

on the application, and the council has been accurately apprised promptly of any and all changes in the person holding the license or an interest therein, regardless of whether an individual, partnership, corporation or group by whatever arrangement organized.

(2) That the applicant, licensee shall be responsible for his or her agents and employees and for the conduct of his or her place of business and for conditions of sobriety and order therein.

(3) That there is full compliance with the provisions of this article and any other city ordinances as well as state and federal laws.

(b) If the applicant for a license, or a holder of an existing license, shall fail to make full disclosure to the city or any of its personnel, or shall fail to promptly produce books, records, leases, or subleases, or to promptly correct any deficiency in the operation or management of the premises as requested, then such refusal or noncompliance may be sufficient grounds of itself for denial of the new license or transfer of the existing license, revocation or suspension of an existing license, or refusal to renew an existing license.
(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-15. Granting of license.

(a) No license for the sale of intoxicating liquor on-sale, off-sale, wine or Sunday sale shall be granted by the council until a public hearing shall have been conducted by the council at least ten days after published notice in the official newspaper, unless such license shall be a renewal of a license previously granted at the same location to the same licensee.

(b) An opportunity shall be given at a regular or special meeting of the council to any person to be heard for or against the granting of any license.

(c) After investigation and approval of the required application and insurance, the council shall grant or refuse such license or in its discretion; provided no license may be issued, transferred, or renewed if the results of the investigation show, to the satisfaction of the city council, that issuance, transfer, or renewal would not be in the public interest.

(d) The city shall, within ten days of the issuance of a license granted under subsection (a) of this section, inform the commissioner 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 a license transfer, cancellation, suspension, or revocation during the license period.

(e) Pro rata licenses may be issued to new licensees as provided in this article for a partial year. Any period of less than one month that the license is in effect shall be considered and computed as one month for the payment of a pro rata fee.

(f) The city council shall not grant a license until the premises at issue has received a certificate of occupancy.
(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-16. Restrictions on issuance of license.

In addition with limitations in state statutes, the following shall apply:

(1) No license shall be granted under this article to any manufacturer, brewer, or distiller of intoxicating liquor, or to anyone interested in the ownership or operation of any such place, or to a person operating a licensed place owned by a manufacturer, brewer, distiller, or exclusive wholesale distributing agent, except as provided in Minn. Stats. § 340A.301.

(2) No manufacturer, brewer, or wholesaler shall either directly or indirectly own or control or have any financial interest in any retail business selling intoxicating liquor, except as provided in Minn. Stats. § 340A.301.

(3) No license shall be granted for operation of any premises upon which taxes or assessments or other financial claims of the city are delinquent and unpaid.

(4) No on-sale intoxicating liquor license or on-sale wine license under this article shall be granted or renewed to a restaurant that has failed to submit a statement signed by the licensee attesting that not less than 51 percent of the restaurant's combined sales of food, non-alcoholic beverages, and alcoholic beverages is from the sale of food, including non-alcoholic beverages (hereinafter "compliance statement"). In the case of renewals, the compliance statement shall be based on the last 12 months of sales, or the duration of the license, whichever is longer. In the case of a new application, the compliance statement shall be provided within 12 months of the issuance of the initial license. The city may review the financial records of a licensee, upon reasonable notice, to determine that the percentage of sales is in compliance with this section. In the event noncompliance is found in the city review, the licensee shall be responsible for the costs of city review and the noncompliance shall be grounds for license revocation.

(5) In addition to the prohibition of intoxicating liquor licenses in Minn. Stats. § 340A.412, the following shall be a prohibition of intoxicating liquor licenses in certain areas and no license to sell intoxicating liquor may be issued within the following areas:

a. Within 750 feet of any licensed daycare facility, private residence, house of worship, or school. Measurements shall be made in a straight line, without regards to intervening structures or objects, from the nearest point of the lot containing or to contain the business selling intoxicating liquor to the nearest point of the lot contain the uses mentioned.

(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-17. Transfer of intoxicating liquor licenses.

(a) No intoxicating liquor license issued under this article shall be transferable either as to the licensee or location of licensed premises without the approval of the council and, in the case of off-sale licenses, the approval of the commissioner. Except as otherwise provided in subsection (c) of this section, in all cases where the approval of the council is required, a new application, new investigation, new license fee, and a new processing pursuant to this article is necessary.

(b) Each corporate licensee having a change in ownership of ten percent or more of the stock of the corporation shall report to the clerk within ten days prior to each and any proposed change of legal ownership or beneficial interest in any of its shares of stock.

(1) The report shall be in writing and shall list all stockholders, their age, occupation, their residence address, and the number of shares held by each, whether individually or for the benefit of others.

(2) The report shall include all powers of attorney for proxies granted that relate to the voting of the corporate shares of stock.

(3) Each such proposed transfer shall require the city's approval.

(c) In cases where a new application is required herein the following shall apply:

(1) A new application, new investigation, new license fee and a new processing pursuant to this article is necessary.

(2) The failure to obtain such prior approval of the council or to produce books or other records in compliance with this section shall be grounds for automatic revocation of the license pursuant to section 4-24.

(d) The council or any officer of the city so designated by it may, at any reasonable hour, examine the stock transfer records, minute books and all other business records of the corporate licensee as may appear necessary. This right is especially provided to disclose the extent of the interest of any and all persons in the licensed corporation, and the ownership and voting of shares of stock of the corporation, and to determine whether or not any change of the legal ownership of, or interest in, certain shares of stock by itself or together with other transfers of shares of stock has directly or indirectly resulted in a multiple ownership or in a change of control of the licensed business. Particular scrutiny shall be given to proxy voting and powers of attorney to vote stock shares.
(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-18. Transfer of 3.2 percent malt liquor license.

A 3.2 percent malt liquor license is nontransferable with regard to the licensee or location of premises licensed.
(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-19. Hours and days of sale.

(a) The hours of operation and days of sale shall be those set by Minn. Stats. § 340A.504, as it may be amended from time to time.

(b) No person shall consume nor shall any on-sale licensee permit any consumption of intoxicating liquor or 3.2 percent malt liquor in an on-sale licensed premises more than 30 minutes after the time when a sale can legally occur.

(c) No on-sale licensee shall permit any glass, bottle or other container containing intoxicating liquor or 3.2 percent 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.

(d) 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.

(e) Any violation of any condition of this section shall be grounds for revocation, suspension or non-renewal of the license.

(f) A licensed premises may only sell intoxicating liquor between the hours of 1:00 a.m. and 2:00 a.m. if the licensed premises has obtained a special license from the Minnesota Commissioner of Public Safety. (Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-20. Prohibited acts.

(a) The licensee shall not permit any person who has not attained the age established by the state as the minimum age at which the person may consume alcoholic beverages to loiter or remain in the room where alcoholic beverages are being sold or served. However, any such underage person who is less than the age of 18 years may remain in such room if such person is accompanied by his or her parent or legal guardian of that person.

(b) No licensee shall knowingly permit on the licensed premises or any room in the licensed premises, or in any adjoining building directly or indirectly under his or her control any violation of city ordinances or state or federal law.

(c) No alcoholic beverages shall be consumed on a public highway.

(d) Nothing in this article shall be deemed to prohibit a non-age person from entering an establishment licensed under this article to do any of the following:

(1) Perform work for the establishment, including the serving of alcoholic beverages, unless otherwise prohibited by Minn. Stats. § 340A.412, subd. 10;

(2) Consume meals;

(3) Attend social functions that are held in a portion of the establishment where liquor is not sold; or

(4) No person shall be employed in a room constituting a place in which alcoholic beverages are sold unless the person has attained the age established by the state as the minimum age for consuming alcoholic beverages. Notwithstanding this restriction, a non-age person may be employed as a musician or to perform the duties of a bus boy or dishwashing services in places defined as a restaurant or, hotel when an intoxicating liquor or 3.2 percent malt liquor license has been issued to the premises.

(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-21. Conditions of license.

Any license granted under this article shall be granted, subject to the following conditions, any and all conditions imposed by the council at the time of issuance or renewal, all other conditions of this article and all other ordinances of the city applicable thereto, and all regulations promulgated by the commissioner and all statutes of the state applicable thereto:

(1) Every licensee shall be responsible for the conduct of his or her place of business and the

conditions of sobriety and order therein.

(2) All premises for which any license is granted under this article shall be open to inspection by any police or health officer or other properly designated officer or employee of the city at any time during which the place so licensed shall be open to the public for business.

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

(4) Wherein a combination on-sale and off-sale intoxicating liquor license has been issued to a person for a single premises, the licensee shall separate the area in which off-sales take place in such a manner that all off-sales are in a separate part of the building not accessible by patrons or employees of the on-sale portion of the premises without the patrons or employees first going outside of the building premises before gaining access to the off-sale portion of the premises.

(5) As a condition to the granting of an on-sale or Sunday sale license where sale of food and such other articles is permitted by the council, the council may by resolution restrict the sale and consumption of alcoholic beverages at any place so licensed to tables where food is served to patrons purchasing and consuming such alcoholic beverages, and may prohibit or limit the sale or consumption of alcoholic beverages at a bar, and may prohibit the maintenance of a bar on the premises where alcoholic beverages are displayed or dispensed.

(6) No on-sale, Sunday sale, or off-sale license shall be effective beyond the compact and contiguous space named in the license granted, except that the council may permit the following:

a. Sales of alcoholic beverages with meals in additional dining rooms open to the public and specified in the license where meals are regularly served to guests therein.

b. Sales of alcoholic beverages in hotels pursuant to such conditions as the council may specify in any such license issued thereto.

c. Sales of alcoholic beverages shall be in the licensed premises only and shall not be allowed in any unlicensed areas adjacent to the licensed premises, including, but not limited to, parking lots and sidewalks.

(7) In any place licensed for on-sale, alcoholic beverages shall be served and consumed at tables, counters or bars equipped with chairs at which customers shall be encouraged to sit and be served.

(8) All licenses issued pursuant to this article expire on June 30 of each year, except the on-sale temporary license, which expires as indicated thereon.

(9) Every licensee is responsible for the conduct of the place of business. The licensee is responsible for the licensee's agents and employees.

(10) There shall be full compliance with the provisions of this article and any other city ordinances as well as state and federal laws.

(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-22. Renewal of license.

An application for renewal of a license must be made at least 90 days prior to the renewal date. The application shall state any change in the information supplied with the original application and shall include the information required by this article. The city may deny the renewal of a 3.2 percent malt liquor license for the same reasons the initial issuance of a license may be denied.
(Ord. No. 08-06, § 1, 4-21-2008)

Sec. 4-23. Suspension and revocation of license.

(a) The council shall either suspend for a period not to exceed 60 days or revoke any liquor license upon finding that the licensee has failed to comply with any provision of this article or other applicable statute or regulation relating to liquor, as provided in subsection (b) below. Neither the charging of a criminal violation nor a criminal conviction is required in order for the council to suspend or revoke a license. 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, Minn. Stats. §§ 14.57 to 14.70, as it may be amended from time to time. The council may act as the hearing body under the act, or it may contract with the office of hearing examiners for a hearing officer.

(b) The following are the suspension and revocation penalties that shall be imposed by the council for violations of the provisions of this article or Minn. Stats. 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:

(1) 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 percent malt liquor, the license shall be revoked.

(2) The licensee shall be penalized as set forth below after a finding by the city council that the licensee has failed to comply with any provision of this article or other applicable statute or regulation as set forth below:

a. On-sale licenses set forth in City Code §4-7 and §4-8 shall be suspended for at least two consecutive days for a first violation within any three-year period. Off-sale licenses set forth in City Code §4-7 and §4-8 may be suspended, in the discretion of the city council, for up to two consecutive days for a first violation within any three-year period.

b. On-sale licenses set forth in City Code section 4-7 and section 4-8 shall be suspended for at least five consecutive days for a second violation within any three-year period. Off-sale licenses set forth in City Code section 4-7 and section 4-8 may be suspended, in the discretion of the city council, for up to five consecutive days for a second violation within any three-year period.

c. On-sale licenses set forth in City Code section 4-7 and section 4-8 shall be suspended for at least ten consecutive days for a third violation within any three-year period. Off-sale licenses set forth in City Code section 4-7 and section 4-8 may be suspended, in the discretion of the city council, for up to ten consecutive days for a third violation within any three-year period.

d. Both on-sale and off-sale licenses set forth in City Code section 4-7 and section 4-8 shall be revoked for a fourth violation within any three-year period.

The city council shall select the day or days during which the license will be suspended.

(c) Notice of cancellation or lapse of a current liquor liability policy shall 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 city clerk, a hearing before the council shall be granted within ten days. Any suspension under this paragraph shall continue until the council determines that the financial responsibility requirements of state law and this article have again been met.

(d) The provisions of section 4-24 pertaining to penalties may be imposed in addition to any suspension or revocation under this article.
(Ord. No. 08-06, § 1, 4-21-2008; Ord. No. 11-02, § 1, 1-18-2011)

Sec. 4-24. Penalties for violation of article or state law.

(a) Any licensee, responsible party or other person violating any provision of this article or Minn. Stats. ch. 340A, as it may be amended from time to time, or any rules promulgated under that chapter, is guilty of a misdemeanor and upon conviction shall be punished criminally as provided by law.

(b) The council shall impose a civil penalty of up to $2,000.00 for each violation of this article and of Minn. Stats. ch. 340A. These civil penalties shall be in addition to any criminal penalties imposed under subsection (a) or any suspension or revocation imposed under section 4-23. Neither the charging of a criminal violation nor a criminal conviction is required in order for the council to impose the civil penalty. A hearing under the Administrative Procedures Act, Minn. Stats. §§ 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 revocation, suspension or non-renewal of the license.

(c) The term "violation" as used in this section and in section 4-23 includes any and all violations of any provision of this article, or of Minn. Stats. 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. Neither the charging of a crime nor a criminal conviction is required for the council to take the actions set forth in this section and in section 4-23.
(Ord. No. 08-06, § 1, 4-21-2008)