

ORDINANCE NO. 22-15

CITY OF MAPLE GROVE

AN ORDINANCE AMENDING MAPLE GROVE CITY CODE SECTION 4-3 TO UPDATE DEFINITIONS INCLUDING EXPERIENCE-BASED ENTERTAINMENT, SECTION 4-7 TO UPDATE EXISTING PROVISIONS AND ADD PROVISIONS PERTAINING TO SELF-DISPENSING TAP WALLS, AND SECTION 4-16 TO CLARIFY APPLICABLE RESTRICTIONS

THE CITY COUNCIL OF THE CITY OF MAPLE GROVE DOES ORDAIN:

SECTION 1. AMENDMENTS

(a) Maple Grove City Code Section 4-3 is hereby amended as set forth below by adding the underlined language and deleting the language appearing in ~~strike through~~ as follows:

Definitions.

...

Experience-Based Entertainment means an establishment located in a Business zone or approved for the use under a PUD that offers team or group entertainment activities such as bocce, axe throwing, escape rooms, classes and workshops including cooking, painting, or arts and crafts, and other team or group entertainment activities involving a physical component by participants. Experience-Based Entertainment shall not include commercial recreation, bingo or other forms of charitable gambling, live music, karaoke, message therapy, arcade or video games, hookah lounges, oxygen bars, spas, event centers, art galleries, or adult-oriented businesses.

...

Restaurant means an eating facility establishment, 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.~~

(b) Maple Grove City Code Section 4-7 is hereby amended as set forth below by adding the underlined language and deleting the language appearing in ~~strike through~~ as follows:

Types of intoxicating liquor licenses.

...

(1) On-sale intoxicating liquor, which may be issued only to restaurants as defined in section 4-3 of this article, to bowling centers under Minn. Stats. § 340A.404, subd. 1(a)(3), and to clubs, ~~and~~ hotels, ~~and~~ theaters as defined in Minn. Stats § 340A.101,

as ~~if~~ those statutes may be amended from time to time, and shall permit the sale and consumption of alcoholic beverages on the licensed premises only.

(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 ~~its~~their gross receipts are at least ~~60~~51 percent attributable to the sale of food or its business is primarily Experience-Based Entertainment as defined in Sec 4-3 of this article.

(11) An establishment holding either an on-sale intoxicating liquor license or both an on-sale wine license and an on-sale 3.2 malt liquor license may provide and make available to patrons self-dispensing tap wall service, provided the following additional conditions are met:

- a. Only malt liquor may be dispensed from the self-dispensing tap wall. No other alcohol may be dispensed from the self-dispensing tap wall.
- b. All malt liquor dispensed from the self-dispensing tap wall must be consumed in the licensed premises.
- c. The self-dispensing tap wall shall require access controlled by the licensee as to the method and amount of the malt liquor accessible to the patron. Each authorized access to the self-dispensing tap wall by a patron shall limit the patron to no more than 32 fluid ounces of malt liquor. Controlled access may be by any technology, method, or device so long as malt liquor cannot be drawn or obtained by a patron without being first approved for access by the licensee (or its designated employee). Each access transaction provided by the licensee to the patron shall be deemed as and constitutes a sale or the service of liquor to the patron as is otherwise regulated in this chapter.
- d. Prior to any access by any patron, the patron's age shall be verified to ensure that the patron is at least 21 years of age. No person who is under the age of 21 years shall be granted access to the self-dispensing tap wall or shall be allowed to consume or possess any malt liquor.
- e. All authorizations of access to the self-dispensing tap wall shall be terminated or disabled at the time of or prior to the patron leaving the licensed premises. No patron shall transfer access credentials or provide access to any other person by any means.

Any violation of the foregoing requirements is unlawful and shall be deemed a violation of this chapter and any license issued under this chapter.

(c) Maple Grove City Code Section 4-16 is hereby amended as set forth below by deleting the language appearing as ~~strickthrough~~ as follows:

Restriction on issuance of license.

...

- (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.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publications as required by law.

Adopted by the City Council of the City of Maple Grove this day of 20th day of June, 2022.

Mark Steffenson, Mayor

ATTEST:

Amy Dietl, City Clerk

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