

ORDINANCE NO. 2017 - 33

AN ORDINANCE AUTHORIZING HOLDERS OF ON-SALE INTOXICATING LIQUOR LICENSES AND ON-SALE 3.2 PERCENT MALT LIQUOR LICENSES TO SERVE ALCOHOLIC BEVERAGES OR 3.2 PERCENT MALT LIQUOR UNTIL 4:00 A.M. DURING THE 2018 SUPER BOWL AND THEREBY AMENDING CHAPTERS 13 AND 14 OF THE CITY CODE.

The City Council of the City of Bloomington ordains:

Section 1. That Chapter 13 of the City Code is hereby amended by deleting those words that are in ~~[struckthrough]~~ and adding those words that are underlined, to read as follows:

CHAPTER 13: ALCOHOLIC BEVERAGE CONTROL

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ARTICLE I. 3.2 PERCENT MALT LIQUOR

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§ 13.13 RESTRICTIONS REGARDING HOURS OF OPERATION.

A licensee under this Article I shall make no sale of or serve any 3.2% malt liquor between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, or between 2:00 a.m. and 10:00 a.m. on Sunday. An on-sale licensee under this Article I may remain open for the sale of food and/or nonalcoholic beverages other than 3.2% malt liquor during the hours the service of 3.2% malt liquor is prohibited by this code and state law, provided that the licensee has proper food licenses under Chapter 14 of the city code and provided the licensee meets each of the following requirements.

(1) By 2:30 a.m., the licensee shall remove all 3.2% malt liquor from the restaurant , bar and banquet room areas of the licensed premises .

(2) The licensed establishment must be located in an area of the city that is zoned for food service between 1:00 a.m. and 6:00 a.m. pursuant to Chapters 19 and 21 of the city code.

No licensee may sell 3.2% malt liquor between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the State Commissioner of Public Safety and has been issued a special license by the city. The annual application fee for the special license shall be as set forth in § 14.03 of this code. An on-sale licensee may sell 3.2% malt liquor until 4:00 a.m. during the period from 12:00 p.m. on February 2, 2018 ~~[August 31, 2008]~~ through 4:00 a.m. on February 5, 2018 ~~[September 5, 2008]~~, upon issuance of a special permit by the city and payment of a permit fee as set forth in § 14.03 of this code.

(3) No licensed brewpub may sell or allow the removal from the licensed premises of any malt liquor on Sundays or before 8:00 a.m. or after 10:00 p.m. Mondays through Saturdays.

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ARTICLE II. WINE

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§ 13.31 RESTRICTIONS REGARDING HOURS OF OPERATION.

A licensee under this Article II shall make no sale of or furnish any alcoholic beverage during the following hours on the following days, unless the licensee is a theater , non-profit theater or dinner theater:

Monday through Saturday	No sales between 2:00 a.m. and 8:00 a.m. provided that the licensee is in conformance with the Minnesota Clean Air Act, M.S. §§ 144.411 et seq., as they may be amended from time to time
Sunday	No sales between 2:00 a.m. and 8:00 a.m. provided that the licensee is in conformance with the Minnesota Clean Air Act, M.S. §§ 144.411 et seq., as they may be amended from time to time

An on-sale licensee under this Article II may remain open for the sale of food and/or nonalcoholic beverages during the hours the service of alcoholic beverages is prohibited by this code and state law, provided that the licensee has proper food licenses under Chapter 14 of the city code and provided the licensee meets each of the following requirements.

(1) By 2:30 a.m., the licensee shall remove all alcoholic beverages from the restaurant , bar and banquet room areas of the licensed premises .

(2) No public display of alcoholic beverages shall be allowed during the hours the service of alcoholic beverages is prohibited by this code and state law, as required by Minnesota Rules part 7515.0560, subpart 3, and § 13.52(h) of the city code. All liquor stock in areas accessible by the general public shall be covered or otherwise made not available for public display.

(3) The licensed establishment must be located in an area of the city that is zoned for food service between 1:00 a.m. and 6:00 a.m. pursuant to Chapters 19 and 21 of the city code.

No licensee may sell wine between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the State Commissioner of Public Safety and has been issued a special license by the city. A licensee may sell wine until 4:00 a.m. during the period from 12:00 p.m. on February 2, 2018 [~~August 31, 2008~~] through 4:00 a.m. on February 5, 2018 [~~September 5, 2008~~], upon issuance by the city of a special permit and payment of a permit fee as set forth in § 14.03 of this code.

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ARTICLE III. INTOXICATING LIQUOR

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§ 13.50 RESTRICTIONS REGARDING HOURS OF OPERATION.

A licensee under this Article III shall make no sale of or furnish any alcoholic beverage during the following hours on the following days, unless the licensee is a theater or dinner theater.

	Off-Sale Licensees	On-Sale Licensees
Monday through Saturday	No sales before 8:00 a.m. or after 10:00 p.m.	No sales between 2:00 a.m. and 8:00 a.m.
Sunday	No sales before 11:00 a.m. or after 6:00 p.m.	No sales after 2:00 a.m. except a holder of a current Sunday liquor license under this Article III may sell intoxicating for consumption on the premises in conjunction with the sale of food between the hours 8:00 a.m. Sundays and 2:00 a.m. Mondays, provided that the licensee is in conformance with the Minnesota Clean Air Act, M.S. §§ 14.411 through 14.417, as they may be amended from time to time
Thanksgiving Day	No sales	No sales between 2:00 a.m. and 8:00 a.m.
December 24 (if not a Sunday)	No sales before 8:00 a.m. or after 8:00 p.m.	Refer to the day of week restrictions above
December 25	No sales	Refer to the day of week restrictions above

An on-sale licensee under this Article III may remain open for the sale of food or nonalcoholic beverages, or both, during the hours the service of alcoholic beverages is prohibited by this code and state law, provided that the licensee has proper food licenses under Chapter 14 of the city code and provided the licensee meets each of the following requirements:

(1) By 10:00 p.m., all malt liquor sold at a licensed brewpub must be removed from the licensed premises ;

(2) By 2:30 a.m., the licensee shall remove all alcoholic beverages from the restaurant, bar and banquet room areas of the licensed premises ;

(3) No public display of alcoholic beverages shall be allowed during the hours the service of alcoholic beverages is prohibited by this code and state law, as required by Minnesota Rules part 7515.0560, subpart 3, and § 13.52(h) of the city code. All liquor stock in areas accessible by the general public shall be covered or otherwise made not available for public display.

(4) No on-sale licensee may sell alcoholic between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the State Commissioner of Public Safety and has been issued a special license by the city. A licensee may sell alcoholic beverages until 4:00 a.m. during the period from 12:00 p.m. on February 2, 2018 [~~August 31, 2008~~] through 4:00 a.m. on February 5, 2018 [~~September 5, 2008~~] upon issuance by the city of a special permit and payment of a permit fee as set forth in § 14.03 of this code.

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Section 2. That Chapter 14 of the City Code is hereby amended by deleting those words that are in [~~strike through~~] and adding those words that are underlined, to read as follows:

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CHAPTER 14: LICENSES AND PERMITS

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ARTICLE I: GENERAL PROVISIONS

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§ 14.03 FEES.

Except as otherwise stated in this code, the fees for the various licenses and permits shall be as hereinafter stated.

License/Permit	Required by Section	Annual Fee
Air Pollution Control Device Operating Permit	10.02	\$52.25
Alcoholic Beverages		
<i>Intoxicating Liquor</i>	13.39	
(A) On-sale:	13.39	
(1) Restaurant		
(a) Restaurant		\$9,600
(b) Bowling center		\$9,600

(c) Nightclub		\$9,600
(d) Entertainment facility		\$20,000
(e) Theater		\$8,000
(f) Dinner theater		\$8,000
(2) Hotel		\$9,600
<u>Special License to sell from 1:00a.m. to 2:00am</u>	<u>13.50</u>	<u>\$200</u>
<u>Special permit to sell until 4:00 a.m. during the 2018 Super Bowl</u>	<u>13.50</u>	<u>\$200</u>
(B) On-sale club	13.39	
(1) 200 or less members		\$300
(2) 201 to 500 members		\$500
(3) 501 to 1,000 members		\$650
(4) 1,001 to 2,000 members		\$800
(5) 2,001 to 4,000 members		\$1,000
(6) 4,001 to 6,000 members		\$1,365
(7) 6,001 and over members		\$1,550
<u>Special License to sell from 1:00a.m. to 2:00am</u>	<u>13.50</u>	<u>\$200</u>
<u>Special permit to sell until 4:00 a.m. during the 2018 Super Bowl</u>	<u>13.50</u>	<u>\$200</u>
(C) Sunday on-sale	13.39	\$200
(D) Special event on-sale	13.57.01	\$440
(E) Off-sale	13.39	\$200
(F) Bottle club	13.59	\$300
(G) Temporary amendment processing fee	13.48(k)	\$200 per amendment
(H) Brewpub off-sale	13.39	\$200
(I) Special event caterers	13.57.02	\$440 - first 4 days, plus \$50 per additional day
<i>Wine</i>	13.20	

(A) On-sale		\$2,000
<u>Special License to sell from 1:00a.m. to 2:00am</u>	<u>13.31</u>	<u>No fee</u>
(B) Theater of dinner theater		\$2,000
(C) Non-profit theater		\$1,000
<i>3.2% Malt Liquor</i>	13.02	
(A) Off-sale		\$100
Special license to sell from 1:00 a.m. to 2:00 a.m.	13.13	No fee
(B) On-sale		\$1,000
<u>Special License to sell from 1:00a.m. to 2:00am</u>	<u>13.13</u>	<u>\$200</u>
<u>Special permit to sell until 4:00 a.m. during the 2018 Super Bowl</u>	<u>13.13</u>	<u>\$200</u>
(C) Club		\$500
(D) Special event		\$75
(E) Temporary amendment processing fee	13.11(j)	\$200 per amendment
(F) Brewpub off-sale	13.02	\$200
(G) Theater of dinner theater		\$975
(H) Non-profit theater		\$450

Passed and adopted this 11th day of September, 2017.

/s/ Gene Winstead

Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson

Secretary to the Council

/s/ Melissa J. Manderschied

City Attorney