

CITY COUNCIL

ORDINANCE NO. 2020- 21

AN ORDINANCE AMENDING CHAPTER 13 OF THE CITY CODE
REGULATING ALCOHOLIC BEVERAGES

The City Council of the City of Bloomington, Minnesota does hereby ordain:

Section 1. That Section 13.02 of Chapter 13 of the City Code of Ordinances is amended by amending the following definition contained within Section 13.02 with adding those words that are underlined and deleting those words struck through and contained in brackets [], to read as follows:

§ 13.02 DEFINITIONS.

INTEREST. Any pecuniary interest in the ownership, operation, management, or profits of an establishment, including a person who receives money from time to time directly or indirectly from a license holder, in the absence of consideration, excluding gifts or donations. *INTEREST* does not include: (1) bona fide loans, rental agreements, open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures, or supplies to the establishment; and (2) an interest of 5% or less in any corporation or partnership holding a license [; ~~or (3) an interest in a corporation owning or operating a hotel but having at least 150 or more rental units holding a liquor license in conjunction therewith~~]. In determining whether an INTEREST exists, the transaction must have been bona fide and the reasonable value of the goods and things received as consideration for a payment by the license holder and all other facts reasonably tending to prove or disprove the existence of a purposeful scheme or arrangement to evade the restrictions of this chapter must be considered.

Section 2. That Section 13.13 of Chapter 13 of the City Code of Ordinances is amended by deleting those words struck through and contained in brackets [], to read as follows:

§ 13.13 APPLICATION FEES.

Each license application fee shall be set forth in § 14.03. All investigation fees shall be to cover the costs of verifying the license application and the expense of any investigation needed to ensure compliance with this code. All fees shall be paid to the issuing authority for deposit into the General Fund of the city.

(a) For an intoxicating liquor license issued under § 13.03(a):

(3) Investigation Fee.

A. An applicant for any intoxicating liquor license shall deposit with the issuing authority \$500.

B. If the investigation and verification process is conducted solely within the state, the fee shall be \$500 [~~and the remainder of the deposit shall be returned to the applicant~~]. If the investigation and verification process is conducted outside the state, the issuing authority may recover the actual investigation costs not to exceed \$10,000. Any fees due in excess of the \$500 deposit must be paid to the issuing authority prior to the public hearing.

C. At any time that an additional investigation is necessary because of a change in the control of a corporation, the license holder shall pay an additional nonrefundable investigation fee of \$100.

D. An on-sale club license, an on-sale special event license, and a Sunday liquor license applicant does not need to deposit \$500 with the issuing authority.

Section 3. That Section 13.21 of Chapter 13 of the City Code of Ordinances is amended by adding those words that are underlined to read as follows:

§ 13.21 GENERAL LICENSE RESTRICTIONS.

All licenses issued pursuant to this Chapter are subject to the following restrictions:

(k) Coin-operated amusement devices may not be made available in establishments holding only an off-sale license under § 13.03. On-sale license holders are permitted to have coin-operated amusement devices.

Section 4. That Section 13.34 of Chapter 13 of the City Code of Ordinances is amended by adding those words that are underlined and deleting those words struck through and contained in brackets [], to read as follows:

§ 13.34 SALE, PURCHASE, AND CONSUMPTION RESTRICTIONS.

(j) The possession and consumption of alcoholic beverages is not compatible with the health and safety of persons using certain areas of the City and alcoholic beverages shall not be possessed or consumed by any person in the following areas:

(1) The City Cemetery as defined by § 5.09;

(2) Parks as defined by § 5.20, except that ~~[3.2%]~~ malt liquor may be possessed or consumed in designated picnic areas or when a valid, special event license is issued under § 13.03 or a caterer's permit issued under M.S. § 340A.404, subd. 12; and

(2) Alcoholic beverages shall not be consumed by any person in the following areas: public rights-of-way, sidewalks, pathways and bikeways pursuant to § 12.04.

Section 5. That the annual license fees for renewal of on-sale license fees required by Section 13.13 of Chapter 13 of the City Code of Ordinances and set forth in Section 14.03 of Chapter 14 of the City Code of Ordinances is temporarily amended for license fees submitted to the City from March 20, 2020 to December 31, 2020, for reasons associated with the COVID-19 global pandemic, as follows:

Alcoholic Beverages		Permanent Annual License Fee	<u>COVID-19 Temporary License Fee</u>
<i>Intoxicating Liquor</i>			
(A) On-sale	13.03	\$9,600	<u>\$7,680</u>
(B) On-sale club	13.03		
(1) 200 or less members		\$300	<u>\$240</u>
(2) 201 to 500 members		\$500	<u>\$400</u>
(3) 501 to 1,000 members		\$650	<u>\$520</u>
(4) 1,001 to 2,000 members		\$800	<u>\$640</u>
(5) 2,001 to 4,000 members		\$1,000	<u>\$800</u>
(6) 4,001 to 6,000 members		\$1,365	<u>\$1,092</u>
(7) 6,001 and over members		\$1,550	<u>\$1,240</u>
(C) Sunday on-sale	13.03	\$200	<u>\$160</u>

(D) On-sale special event	13.03	\$440	<u>\$352</u>
(E) Theater or dinner theater on-sale	13.03	\$8,000	<u>\$6,400</u>
(F) Brewer on-sale taproom	13.03	\$1,000	<u>\$800</u>
(G) Cocktail room on-sale	13.03	\$1,000	<u>\$800</u>
(L) Special License to sell from 1:00 a.m. to 2:00 a.m.	13.28	\$200	<u>\$160</u>
(M) Special event caterers	13.26	\$440 – first 4 days, plus \$50 per additional day	<u>\$352 – first 4 days, plus \$40 per additional day</u>
(N) Temporary licensed premises amendment processing fee	13.08	\$200 per amendment	<u>\$0</u>
<i>Wine</i>			
(A) On-sale	13.03	\$2,000	<u>\$1,600</u>
(B) Theater or Dinner Theater	13.03	\$2,000	<u>\$1,600</u>
(C) Non-profit theater	13.03	\$1,000	<u>\$800</u>
(D) Special license to sell from 1:00 a.m. to 2:00 a.m.	13.28	No fee	<u>No fee</u>
<i>3.2% Malt Liquor</i>			
(A) On-sale	13.03	\$1,000	<u>\$800</u>
(B) On-sale special event	13.03	\$75	<u>\$60</u>
(C) On-sale club	13.03	\$500	<u>\$400</u>
(D) Theater or dinner theater	13.03	\$975	<u>\$780</u>
(E) Non-profit theater	13.03	\$450	<u>\$360</u>
(G) Special license to sell from 1:00 a.m. to 2:00 a.m.	13.28	\$200	<u>\$160</u>

(H) Temporary licensed premises amendment processing fee	13.08	\$200 per amendment	<u>No fee</u>
<i>Bottle Club</i>	13.03	\$300	<u>\$240</u>

Section 6. Effective Date. This Ordinance is effective upon publication.

Section 7. Refunds. The City Clerk is authorized to issue refunds to licensees that submitted their annual fee to the City prior to the Effective Date of this Ordinance, to be consistent with the COVID-19 Temporary License Fee provided for in Section 5 of this Ordinance.

Passed and adopted this 1st day of June, 2020.

/s/ Tim Busse

Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson
Secretary to the Council

/s/ Melissa J. Manderschied
City Attorney