

ORDINANCE NO. 2010-03

**AN ORDINANCE AMENDING CITY CODE SECTION 600.060
AND ADDING A NEW SECTION 600.071
REGARDING LIQUOR LICENSES**

The City of Minnetonka Ordains:

Section 1. City code section 600.060 is amended by the addition of a new subdivision 6 to read as follows:

600.060. Application Procedure.

1. No liquor license of any kind, except temporary licenses, may be issued until the police department has conducted an investigation of the representations set forth in the application, the applicant's moral character, and the applicant's financial status. All applicants must cooperate with this investigation. Any false statement or material omission made by the applicant during the course of the investigation will be grounds for denying or revoking the license.

2. No license may be issued until the council has held public hearings in accordance with the following.

a. For 3.2 percent malt liquor licenses, one public hearing must be held before the city council at least ten days after notice of the time and place has been published in the official newspaper.

b. For intoxicating liquor licenses and consumption and display permits, two public hearings will be held at least 27 days apart. Notice of the hearings will be done in the same manner as that specified in section 300.09, subd. 3 for a zoning ordinance amendment affecting district boundaries.

c. For temporary licenses, the public hearing will be held in accordance with section 600.030(3).

d. At the public hearings, all persons interested in the matter will be heard, and the hearings may be adjourned from time to time. No hearing is required for a renewal of a license, but the council may at its option, hold a hearing.

3. The city council may issue a license before an investigation, notice and public hearing for:

a. an applicant who:

The ~~stricken~~ language is deleted; the underlined language is inserted.

(1) had a liquor license within the previous five years for the establishment that is specified in the application and that is continuing to operate under a liquor license;

(2) wishes to resume operation of the business without sufficient time, through no fault of his/her own, to meet the normal procedural requirements;

(3) had no liquor license ordinance violation convictions, suspensions or revocations during the prior licensed period; and

(4) otherwise qualifies and meets the requirements for a license.

(b) an existing establishment that was covered by a liquor license issued for the current year and that accepts reservations for private parties in separate banquet rooms, as long as the interim liquor license allows sales only to guests at the private parties.

In these situations, the city council may immediately issue an interim license to the applicant for a period no longer than 90 days, but the applicant must proceed immediately through the specified requirements for an investigation, notice, and public hearing. At the public hearing the council will decide whether the license should continue in effect or be revoked. The applicant will be treated as an applicant for a new license and will receive no preference because of the interim license.

4. After investigation and hearing, the council may, at its discretion, grant or deny the application. Each application requires five affirmative votes by the city council for approval. No "on-sale wine" license, "off-sale intoxicating" license, club "on-sale intoxicating" license, or consumption and display permit may become effective until it, together with the security furnished by the applicant, has been approved by the commissioner of public safety. Within ten days of issuing an "on-sale intoxicating" license or an off-sale or on-sale 3.2 percent malt liquor license, the city must submit to the commissioner of public safety the full name and address of each person granted a license, the effective date of the license, and the name under which the licensee will conduct the business.

5. An application for a liquor license may be considered by the city council at the same time an applicant is requesting any land use approvals needed for the site, including site plan review, rezoning, or an amendment to the comprehensive guide plan. Final approval of a liquor license may not be granted until the city council has given at least preliminary approval to any necessary land use request.

6. A liquor license is a privilege, not a right. Even if a person meets the minimum

requirements for a license, the city council is not obligated to grant the license. The city council has broad discretion to decide if, where, and how liquor is sold. The city council may limit the number of licenses, when in its judgment, the welfare of the city suggests such action. The city council may develop criteria for evaluating a license application.

7. The city council may impose reasonable conditions on any license issued or renewed under this section in order to promote public health, safety, and welfare. The conditions may include regulations of such things as the type of product sold, type of establishment, hours of operation, and relationship or proximity to other uses.

Section 2. A new section 600.071 is added to the city code to read as follows:

600.071. Prohibitions.

1. No sale of liquor may occur in connection with any athletic or sporting event, musical concert, or similar event, unless specifically allowed by the city council. This prohibition applies equally to sales of liquor under licenses issued by the city and under permits issued by the state of Minnesota.

2. The holder of a permit issued by the state of Minnesota may not sell or serve liquor outside of an enclosed building without the specific advance approval of the city council.

Section 3. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 4. This ordinance is effective 30 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on April 5, 2010.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: March 22, 2010

Date of adoption: April 5, 2010

Motion for adoption: Allendorf

Seconded by: Greves

Voted in favor of: Allendorf, Ellingson, Greves, Hiller, Schneider, Wagner, Wiersum

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

CERTIFIED COPY:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on April 5, 2010.

David E. Maeda, City Clerk