

Draft

CITY OF WOODBURY

WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. TO BE DETERMINED

**An Ordinance of the City of Woodbury, Washington County, Minnesota Providing that the City Code be Amended by Amending Chapter 4, Alcoholic Beverages, Article I, In General, Section 4-12 License Required; Article II Intoxicating Liquor, Section 4-28 Food Sales**

THE CITY COUNCIL OF THE CITY OF WOODBURY, WASHINGTON COUNTY, MINNESOTA DOES ORDAIN:

**SECTION ONE. Amendment That Chapter 4, Alcoholic Beverages, Article I, In General, Section 4-12 License Required be amended to delete the same in its entirety and substitute the following therefore:**

**Section 4-12 – License Required**

- (a) No person may directly or indirectly, on any pretence or by any device, sell, barter, keep for sale, or otherwise dispose of alcoholic beverages as part of a commercial transaction without having obtained a license issued by the city council.
- (b) No alcoholic beverages shall be sold or consumed or possessed in an open container on a street or public highway, in an automobile, or in a parking lot of an establishment currently holding a liquor license. The licensee shall post and maintain in a conspicuous place within the licensed premises at the exits clearly visible to customers: one sign 14<sup>1</sup>/<sub>2</sub> inches wide by eight inches high, which states no alcoholic beverages are allowed beyond this point.
- (c) Any person licensed to sell intoxicating liquor at on-sale may sell 3.2 percent malt beverages at on-sale without further license.
- (d) **The holder of a retail on-sale wine license who is also licensed to sell 3.2 percent malt liquors at on-sale, and whose gross receipts are at least 60 percent attributable to the sale of food and who carries liquor liability insurance in the limits set forth in M.S. § 34A.409, shall have the right to sell intoxicating malt liquors at on-sale without an additional license is authorized to sell intoxicating malt liquors at on-sale without an additional license.**
- (e) Subject to the approval of the state liquor control commissioner, an on-sale wine license may be issued to a licensed bed and breakfast facility, which license would authorize a bed and breakfast facility to furnish wine only to the registered guests of the facility.

**SECTION TWO. Amendment That Chapter 4, Alcoholic Beverages, Article II, Intoxicating Liquor; Section 4-28 Food Sales be amended to delete the same in its entirety and substitute the following therefore:**

No ~~retail~~, on-sale intoxicating liquor license ~~or retail on-sale wine liquor license~~ shall be issued to an establishment unless at least ~~50~~ 30 percent of the gross food and beverage receipts of the establishment are annually attributable to the sale of food. This requirement shall be regulated as follows:

- (a) Each ~~retail~~, on-sale intoxicating ~~or retail, on-sale wine~~ licensee shall have the continuing obligation to have at least ~~50~~ 30 percent of gross food and beverage receipts from the establishment during the preceding business year attributable to the sale of food.
- (b) In the case of a new establishment, the applicant must make a bonafide estimation that at least ~~50~~ 30 percent of the gross receipts from the sale of food and beverages of the establishment during its first year of business will be attributable to the sale of food.
- (c) For the purpose of this section, "establishment" shall include the food and beverage portion of a multi-service establishment. Financial records for the food and beverage portion must be maintained separately from the records of the remainder of the establishment.
- (d) For the purpose of this section, "sale of food" shall include gross receipts attributable to the sale of food items, soft-drinks and nonalcoholic beverages. It shall not include any portion of gross receipts attributable to the nonalcoholic components of plain or mixed alcoholic beverages, such as ice, soft-drink mixes or other mixes.
- (e) The city may require the production of such documents or information, including but not limited to books, records, audited financial statements or pro forma financial statements, sales reports and analysis as it deems necessary or convenient to enforce these provisions. The city may also obtain its own audit or review of such documents or information, and all licensees shall cooperate with such a review, including prompt production of requested records.
- (f) Establishments found to fall below the ~~50~~ 30 percent standard of annual food sales from the preceding business year shall be required to meet with the city ~~clerk and the~~ director of public safety or designee, prior to license renewal, and reassess their business operations and prepare and implement a plan of operations reasonably directed to achieve the ~~50~~ 30 percent food sales requirement in the subsequent year. The plan will be subject to the approval of the city administrator. Public safety compliance confirmation will be reviewed by the city clerk and the director of public safety or designee.
- (g) Establishments found to have less than ~~40~~ 20 percent of annual gross food receipts may be placed on probation status. The probationary status review will be conducted by the city council and the council may require the establishment be placed on probationary status for one year and require the licensee to prepare any plans and reports, participate in any required meetings and take other action that the city may require to increase the sale of food. The licensee shall submit the plans and periodic reports to the city clerk.

- (h) If, after the initial probationary period, food sales are still less than ~~40~~ 20 percent and the establishment is not in compliance with applicable statute, regulation or ordinance relating to alcoholic beverage, the city council may:
- (1) Extend the probation period up to 12 additional months;
  - (2) Limit alcohol service hours by revoking an establishment's 2:00 a.m. liquor license (if applicable);
  - (3) Reduce the hours of service by one hour for the period of one year; or
  - (4) Deem the establishment ineligible to sell intoxicating beverages.
- (i) Denial of an intoxicating liquor license shall not prohibit the license holder from applying to obtain a license to sell 3.2 percent malt beverages.
- (j) Food must be available to guests up until two hours before discontinuing alcohol service.

**Severability**

In the event that a court of competent jurisdiction adjudges any part of this chapter to be invalid, such judgment shall not effect any other provision of this Chapter not specifically included within the judgment.

**SECTION THREE. Effective date.**

This ordinance shall be in full force and effect following its passage and publication according to law.

Passed and adopted by the City Council of the City of Woodbury, Washington County, Minnesota this 27th day of April, 2022.

---

Anne W. Burt, Mayor

ATTEST:

---

Clinton P. Gridley, City Administrator

(SEAL)