

**STRIKETHROUGH VERSION**

**CITY OF WOODBURY  
WASHINGTON COUNTY, MINNESOTA**

**ORDINANCE 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 4-1 DEFINITIONS; SECTION 4-15 – CLASSES; ELIGIBILITY REQUIREMENTS; SECTION 4-30 DAYS AND HOURS OF SALE; ARTICLE III, 3.2 PERCENT MALT LIQUOR – SECTION 4.35 HOURS AND DAYS OF SALE**

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 4-1 Definitions; Section 4-15. - Classes; eligibility requirements; Section 4-30 Days and Hours of Sale; Article III, 3.2 Percent Malt Liquor – Section 4.35 Hours and Days of Sale be amended to delete the same in its entirety and substitute the following therefore:**

Chapter 4 - ALCOHOLIC BEVERAGES

ARTICLE I. - IN GENERAL

Sec. 4-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Affiliate or subsidiary company* is a company in which a manufacturer or its stockholders own a majority of the stock.

*Alcoholic beverage* means any beverage containing more than one-half of one percent alcohol by volume.

*Brew Pub* means a restaurant that holds an on-sale intoxicating liquor license in which malt liquor is brewed or manufactured for sale and consumption on tap on the premises where the malt liquor is brewed or for sale and personal consumption off the brewer's premises.

*Brewer* is a person who manufactures malt liquor for sale.

*Club* means an incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which:

- (1) Has more than 30 members;
- (2) Has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members;
- (3) Is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.

Sec. 4-15. - Classes; eligibility requirements.

(a) 3.2 percent malt liquor licenses shall be of the following classes:

- (1) Retail, on-sale.
- (2) Retail, off-sale.

(b) Intoxicating liquor licenses shall be of the following classes:

- (1) Retail, on-sale.
- (2) Retail, off-sale.
- (3) Retail, on-sale, wine.
- (4) Retail, on-sale, Sunday sales.

(c) On-sale culinary class license which may be issued to a business establishment that is not otherwise eligible for an on-sale intoxicating liquor license that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation is required. This license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six ounces of wine or 12 ounces of intoxicating malt liquor during and as part of the class, for consumption on the licensed premises only. Any such licenses shall be issued pursuant to M.S. § 340A.4041 as may be amended from time to time.

(d) On-Sale Brewer Taproom License. Brewer taproom licenses shall be issued in accordance with Minnesota Statutes 340A.26. The license shall be exempt from any accompanying sale of food requirements contained in other on-sale license categories.

(e) Small Brewer Off-Sale License. Per Minnesota Statutes 340A.28, a license shall be issued for off-sale of malt liquor at a brewer's licensed premises that has been produced and packaged by the brewer.

(f) Sunday Growler Off-Sale License. Per Minnesota Statutes 340A.28, a Sunday growler off-sale license shall be issued for off-sale of malt liquor at a brewer's licensed premises that has been produced and packaged by the brewer on Sundays. Malt liquor in growlers may also be

sold at off-sale on Sunday after 8:00 a.m. to 10:00 p.m. as provided by Minnesota Statute 340A.504, Subd. 3.

(g) Brew Pub Off-Sale Liquor License. Brew pub off-sale liquor licenses shall be issued in accordance with Minnesota Statutes 340A.24.

(h) Microdistilleries Off-Sale License. Per Minnesota Statutes 340A.22, Subd. 4, a license shall be issued for off-sale distilled spirits that is produced and packaged by the distiller.

(i) Cocktail Room On-Sale License. Cocktail room licenses shall be issued in accordance with Minnesota Statutes 340A.22, Subd. 2.

On-sale licenses permit the sale of alcoholic beverages for consumption on the licensed premises only.

Off-sale licenses permit the sale of alcoholic beverages for consumption off the licensed premises only.

~~(d)~~ (j) The city council, in its discretion, shall have the right to refuse to issue or renew a license for the sale of alcoholic beverages on any premises on which taxes, assessments or other financial claims of the city are delinquent and unpaid. Delinquent and unpaid taxes, assessments, or other financial claims of the city on the premises for which the license has been issued shall be grounds for the revocation of an alcoholic beverage license.

~~(e)~~ (k) No retail license may be issued to:

- (1) A person under 21 years of age.
- (2) A person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;
- (3) A person not of good moral character and repute; or
- (4) A person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.

In addition, no new retail license may be issued to, and the city council may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.

Any person who shall commit or do any other act that violates the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$700.00 or imprisonment for a period not to exceed 90 days, or both.

Sec. 4-30. - Days and hours of sale.

- (a) No sale of intoxicating liquor for consumption on the premises holding an on-sale license issued under this article may be made:
  - (1) Between 1:00 a.m. and 8:00 a.m. on the days of Tuesday through Thursday;
  - (2) Between 2:00 a.m. and 8:00 a.m. on the days of Friday through Saturday, provided the licensee has obtained a 2:00 a.m. license from the MN Alcohol and Gambling Division;
  - (3) Between 12:00 midnight and 8:00 a.m. on Mondays;
  - (4) After 2:00 a.m. on Sundays except as provided by section titled Sunday sales.
  - (5) On-Sale Brewer taprooms shall be limited to the hours of 8:00 a.m.-1:00 a.m.,

Sunday through Saturday

- (b) Sale of intoxicating liquor for consumption on the premises holding an on-sale license issued under this article may be made from midnight until 2:00 a.m. on New Year's Day, notwithstanding any other law.
- (c) Licensees who have not obtained a special 2:00 a.m. license from MN Alcohol and Gambling Enforcement Division are prohibited from selling alcohol between 1:00 a.m. and 2:00 a.m. on any day of the week.
- (d) No sale of intoxicating liquor may be made by an off-sale licensee under this article:
  - (1) On Sundays, except between the hours of 11:00 a.m. and 6:00 p.m.;
  - (2) Before 8:00 a.m. on Monday through Saturday;
  - (3) After 10:00 p.m. on Monday through Saturday;
  - (4) On Thanksgiving Day;
  - (5) On Christmas Day, December 25; or
  - (6) After 8:00 p.m. on Christmas Eve, December 24.
- (e) No delivery of alcohol to an off-sale licensee may be made by a wholesaler or accepted by an off-sale licensee on Sunday. No order solicitation or merchandising may be made by a wholesaler on a Sunday.
- (f) No licensee shall permit any person to consume intoxicating liquor on his premises within the time when the sale thereof is prohibited as specified in this section except for a period of 15 minutes after the closing hours set forth above. During the time such consumption is prohibited the licensee shall not permit any unconsumed intoxicating liquor or any glasses, bottles or other containers thereof to stand or be in evidence on counters, tables, or booths where customers are ordinarily served in his place of business. It shall be unlawful for any persons or customers other than the licensee or his employees to remain on the premises after 15 minutes after the closing hours.
- (g) No holder of an on-sale license shall display wine to the public during hours when the sale of wine is prohibited.

**III. - 3.2 PERCENT MALT LIQUOR**

**Sec. 4-35. - Hours and days of sale.**

(a) No sale of 3.2 percent malt liquor for consumption on the premises may be made between 12:00 a.m. and 8:00 a.m. on Monday, between 1:00 a.m. and 8:00 a.m. Tuesday through Thursday, between 2:00 a.m. and 8:00 a.m. Friday through Saturday, nor between 2:00 a.m. and 12:00 noon on Sunday.

(b) Sale of 3.2 percent malt liquor for consumption on the premises may be made from midnight until 2:00 a.m. on New Year's Day.

(c) Licensees who have not obtained a special 2:00 a.m. license from MN Alcohol and Gambling Enforcement Division are prohibited from selling alcohol between 1:00 a.m. and 2:00 a.m. on any day of the week.

(d) No sale of 3.2 percent malt liquor for consumption off the premises may be made between 2:00 a.m. and ~~8:00 a.m.~~ 10:00 a.m. on any day of the week.

(f) No person licensed under this article for the retail sale of 3.2 percent malt liquor shall permit any person to consume 3.2 percent malt liquor on his premises within the time when the sale thereof is prohibited as specified in this section except for a period of 15 minutes after the closing hours set forth above. During the time consumption is prohibited the licensee shall not permit any unconsumed 3.2 percent malt liquor, or any glasses, bottles or other containers thereof to stand or be in evidence on counters, tables or booths where customers are ordinarily served in his place of business.

**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 TWO. 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 28<sup>th</sup> day of February, 2018.

ATTEST:

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Mary Giuliani Stephens, Mayor

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Clinton P. Gridley, City Administrator

(SEAL)