

## Chapter 3

### Alcoholic Beverages

#### Article I. In General

Secs. 3-1--3-30. Reserved.

#### Article II. Sale, Consumption and Display

##### Division 1. Generally

- Sec. 3-31. Adoption of state law by reference.
- Sec. 3-32. City may be more restrictive than state law.
- Sec. 3-33. Definitions.
- Sec. 3-34. Unlawful acts.
- Sec. 3-35. Violations.
- Sec. 3-36--3-55. Reserved.

##### Division 2. Licenses

- Sec. 3-56. Required.
- Sec. 3-57. Types of licenses.
- Sec. 3-58. Period of issuance.
- Sec. 3-59. Retail license fees.
- Sec. 3-60. Fee refunds.
- Sec. 3-61. Liability insurance.
- Sec. 3-62. Application.
- Sec. 3-63. Execution of application.
- Sec. 3-64. Renewal application.
- Sec. 3-65. Investigations.
- Sec. 3-66. Hearing required for new licenses.
- Sec. 3-67. Information considered for license approval.
- Sec. 3-68. Granting and transfer of license; building under construction; zoning requirements met, death of licensee.
- Sec. 3-69. Corporations, partnerships, or associations.
- Sec. 3-70. Ineligibility.
- Sec. 3-71. Conditions of approval.
- Sec. 3-72. Restriction of number of licenses issued.
- Sec. 3-73. Revocation, suspension and/or civil fine.
- Sec. 3-74. Notice of hearing.
- Sec. 3-75. Administrative penalty.
- Sec. 3-76. Inactive license.
- Sec. 3-77. Posting license.
- Secs. 3-78. Presumptive civil penalties
- Secs. 3-79--3-100. Reserved.

## Alcoholic Beverages

### **Division 3. Operation of Retail Establishment**

- Sec. 3-101. Nudity on licensed premises.
- Sec. 3-102. Compliance checks.
- Sec. 3-103. Right of inspection.
- Sec. 3-104. Responsibility of licensee.
- Sec. 3-105. Hours of operation.
- Sec. 3-106. Changes to building.
- Sec. 3-107. Restrictions involving underage persons.
- Sec. 3-108. Employment of persons under 18 years of age.
- Sec. 3-109. Sales to obviously intoxicated persons.
- Sec. 3-110. Prohibited conditions.
- Sec. 3-111. Ownership of equipment.
- Sec. 3-112. Samples.

**Article I. In General****Secs. 3-1--3-30. Reserved.****Article II. Sale, Consumption and Display****Division 1. Generally****Sec. 3-31. Adoption of state law by reference.**

The provisions of M.S. Ch. 340A, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2 percent malt liquor are hereby adopted by reference and made a part of this chapter as if set out in full. It is the intention of the city council that all future amendments to M.S. Ch. 340A are hereby adopted by reference or referenced as if they had been in existence at the time this chapter is adopted.

(Ord. No. 2184-00, § 1(13-301), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Sec. 3-32. City may be more restrictive than state law.**

The council is authorized by the provisions of M.S. § 340A.509, as it may be amended from time to time, to impose, and has imposed in this chapter, additional restrictions on the sale and possession of alcoholic beverages within its limits beyond those contained in M.S. Ch. 340A, as it may be amended from time to time.

(Ord. No. 2661-23, 3-6-23)

**Sec. 3-33. Definitions.**

In addition to the definitions contained in Minn. Stat. § 340A.101, as it may be amended from time to time, the following terms are defined for purposes of this chapter:

*Interest* means and includes any pecuniary interest in the ownership, operation, management or profits of a liquor establishment, but does not include bona fide loans; bona fide fixed sum rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business, or selling or leasing merchandise, fixtures or supplies to such establishment; or any interest of five percent or less in any corporation holding a liquor license under this article. A person who receives monies, from time to time, directly or indirectly from a licensee in the absence of a bona fide consideration therefor, excluding bona fide gifts or donations, shall be deemed to have a pecuniary interest in such retail license. In determining "bona fide" under this definition, the reasonable value of the goods or things received as consideration for the payment of the licensee and all other facts reasonably tending to prove or disprove the existence of any purposeful scheme or arrangement to evade any prohibitions under this chapter shall be considered.

*Liquor*, as used in this chapter, without modification by the words “intoxicating” or “3.2 percent malt” includes both intoxicating liquor and 3.2 percent malt liquor.

*Place of Worship* means church, synagogue, temple, mosque, or other facility used for religious services.

*Designated officer* means and includes a city police officer, city fire marshal, city building official, and health inspectors employed by the county or the state acting in the scope of their employment.

*Sale and sell* mean and include manners or means of furnishing alcoholic beverages.

*School* means a building used for the purpose of elementary or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota.

*Store manager* means a person designated by a license holder under this chapter, who works on the licensed premises and is in charge of day-to-day liquor sales.

*Restaurant* means an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, served at tables to the general public, and has a minimum seating capacity as prescribed by the license issuing authority and the principal part of the business is the preparation and serving of food.

*Underage person* means a person who is under the legal drinking age as provided by M.S. Ch. 340A.

(Ord. No. 2184-00, § 1(13-302), 12-16-2000; Ord. No. 2329-07, 6-1-2007; Ord. No. 2359-08, 8-29-2008; Ord. No. 2417-12, 9-14-2012; Ord. No. 2661-23, 3-6-23)

**Cross reference(s)**--Definitions generally, § 1-2

**Sec. 3-34. Unlawful acts.**

- a. No person shall consume alcoholic beverages on a licensed premises more than 15 minutes after the hour when a sale of such alcoholic beverages can legally be made.
- b. No person shall consume or possess open containers of liquor in a city park unless authorized by chapter 20 of this code, on any public streets, sidewalk, parking lot or alley or in any public place other than on the premises of an establishment licensed under this chapter, unless possession or consumption is during a specific event on such property which is approved by the city as provided in this chapter.

(Ord. No. 2184-00, § 1(3-338), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Sec. 3-35. Violations.**

The following actions by an applicant or a licensee under this chapter shall constitute a violation of this section:

- a. Providing false or misleading statements made on a license application or renewal application, or failure to abide by the commitments, promises or representations made to the city council on a license application.
- b. Violation of any special conditions under which a license was granted under this chapter, including, but not limited to, the timely payment of real estate taxes and all other charges.
- c. Violation of any federal, state, or local law regulating the sale of intoxicating liquor, 3.2 percent malt liquor or a controlled substance.
- d. Creation of a nuisance on a premises licensed under this article or in the surrounding area of such premises.
- e. The licensee permitted illegal acts upon the licensed premises or on property owned or controlled by the licensee adjacent to the licensed premises, unrelated to the sale of intoxicating liquor or 3.2 percent malt liquor.
- f. The licensee had knowledge of illegal acts upon or attributable to the licensed premises but failed to report such illegal acts to the police.
- g. Expiration or cancellation of any required insurance under this chapter, or failure to notify the city within a reasonable time of changes in the term of such insurance or the carriers of such insurance.

(Ord. No. 2184-00, § 1(13-325), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Secs. 3-36--3-55. Reserved.**

**Division 2. Licenses****Sec. 3-56. Required.**

Except as otherwise provided in this chapter or in M.S. Ch. 340A, no person shall directly or indirectly deal in, sell, keep for sale or deliver any intoxicating liquor, 3.2 percent malt liquor or wine as part of a commercial transaction without first having received a license to do so as provided in this division; nor shall any private club or public place, directly or indirectly, or upon any pretense or by any device, allow the consumption or display of intoxicating liquor or serve any liquid for the purpose of mixing such liquid with an intoxicating liquor without first obtaining a license from the city as provided in this division.

(Ord. No. 2184-00, § 1(13-303), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Sec. 3-57. Types of licenses.**

The following types of licenses shall be issued under this division:

- a. *On-sale intoxicating liquor license.* On-sale intoxicating liquor licenses may be issued to the following establishments as defined by Minn. Stat. § 340A.101, as it may be amended from time to time, and this chapter: hotels, restaurants, bowling centers, theaters, clubs, or congressionally chartered veterans' organizations.
- b. *Sunday on-sale intoxicating liquor license.* Sunday on-sale intoxicating liquor licenses may be issued only to a restaurant as defined in this chapter, clubs, bowling centers, or hotels with a seating capacity for at least 30 people and which holds an on-sale intoxicating liquor license. Such license shall permit the sale of liquor for consumption on the premises in conjunction with the sale of food between the hours of 8:00 a.m. on Sundays and 2:00 a.m. on Mondays.
- c. *Off-sale intoxicating liquor license.* Off-sale intoxicating liquor licenses may be issued to an exclusive liquor store and shall permit off-sale of intoxicating liquor and 3.2 percent malt liquor.
- d. *On-sale wine licenses.* On-sale wine licenses may be issued, with the approval of the Commissioner of Public Safety, to restaurants that have facilities for seating at least 25 people at one time. A wine license permits the sale of wine up to 24 percent alcohol by volume for consumption on the licensed premises. The holder of an on-sale wine license who also holds an on-sale 3.2 percent malt liquor license is authorized to sell malt liquor with a content over 3.2 percent (strong beer) at on-sale without an additional license.

A rabbi, priest, or minister of a church or other established religious organization may import wine exclusively for sacramental purposes without a license. No license shall be required for the resale of wine by a rabbi, priest, minister, or pastor of a duly organized religious organization to worshippers solely for the purpose of practicing religious rites in their homes.

- e. *On-sale 3.2 percent malt liquor license.* On-sale 3.2 percent malt liquor licenses may be issued to restaurants, hotels, clubs, bowling centers, golf courses, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks.
- f. *Off-sale 3.2 percent malt liquor license.* Off-sale 3.2 percent malt liquor licenses may be issued to general food stores and shall permit the sale of 3.2 percent malt liquor at retail, in the original package, for consumption off the premises only.
- g. *Temporary on-sale 3.2 malt liquor license.* Temporary on-sale 3.2 percent malt liquor licenses may be issued to clubs, charitable, religious, or nonprofit organizations.
- h. *Temporary on-sale intoxicating liquor license.* Temporary on-sale intoxicating liquor licenses, with the approval of the Commissioner of Public Safety, may be issued to clubs, charitable, religious, or other nonprofit organizations which have been in existence for at least three years, or to a state-registered political committee, in connection with a social event within the city sponsored by the licensee. No license shall be for longer than four consecutive days, and the city shall issue no more than 12 days' worth of temporary licenses to any one organization in one calendar year. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full year on-sale intoxicating liquor license issued by any municipality. Licenses issued under this subsection are subject to all laws and ordinances governing the sale of intoxicating liquor, except that mandatory liability provisions in M.S. § 340A.409 do not apply, and those other laws and ordinances which, by their nature, are not applicable.
- i. *Club license.* Club licenses may be issued to clubs as provided in M.S.A. § 340A.404, subd. 1. No license shall be issued or renewed to a club which discriminates against members or applicants for membership, or guests of members, based on race.
- j. *Consumption and display permit.* Consumption and display permits shall not be issued in the city.
- k. *One-day consumption and display permit.* A nonprofit organization in conjunction with a social activity held within the city and sponsored by that organization may apply for a one-day consumption and display permit. There shall be no sale of intoxicating liquor under such license, nor shall there be a fee charged at a permitted social activity where such fee includes the cost of intoxicating liquor. The applicant for such permit shall complete both state and city forms, and the city shall not issue more than ten one-day consumption and display permits per calendar year.

- l. *Brew pub on-sale intoxicating liquor or on-sale 3.2 percent malt liquor license.* Brew pub on-sale intoxicating liquor or on-sale 3.2 percent malt liquor licenses may be issued, with the approval of the Commissioner of Public Safety, to brewers who operate a restaurant in their place of manufacture and who meet the criteria established at Minn. Stat. § 340A.24, as it may be amended from time to time. Sales under this license at on-sale may not exceed 3,500 barrels per year. If a brew pub licensed under this section possesses a license for off-sale, the brew pub's total combined retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 750 barrels.
- m. *Brew pub off-sale malt liquor license.* A brew pub off-sale malt liquor license may be issued, with the approval of the Commissioner of Public Safety, to a brewer who holds an on-sale intoxicating liquor or 3.2 percent malt liquor license issued by the city for a restaurant operated in the place of manufacture and otherwise meets the criteria established at Minn. Stat. § 340A.24, as it may be amended from time to time. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the city. Malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. All malt liquor sold under this license shall be packaged in the manner required by Minn. Stat. § 340A.285 as it may be amended from time to time. Sales under this license may not exceed 750 barrels per year. If a brewer licensed under this section possesses a license under Section 3-57 (j) above, the brewer's total retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 750 barrels.
- n. *Brewer off sale malt liquor license.* Brewer off-sale malt liquor licenses may be issued, with approval of the Commissioner of Public Safety, to a holder of a brewer's license under Minn. Stat. § 340A.301, subd. 6(c), (i) or (j) and meeting the criteria established by Minn. Stat. § 340A.28 as may be amended from time to time. The amount of malt liquor sold at off-sale may not exceed 750 barrels annually. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores pursuant to Section 3-105, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores, except that malt liquor in growlers only may be sold at off-sale on Sundays. Packaging of malt liquor for off-sale under this license must comply with Minn. Stat. § 340A.285.

Notwithstanding any law to the contrary and in addition to the authority provided in Minn. Stat. § 340A.28, a brewer off-sale malt liquor license may be issued, with approval of the Commissioner of Public Safety, to a holder of a brewer's license under Minn. Stat. § 340A.301, subd. 6(c), (i) or (j) and meeting the criteria established by Minn. Stat. § 340A.29 as may be amended from time to time, for off-sale of up to 128 ounces per customer per day of malt liquor produced and packaged by the holder. Packaging of malt liquor for off-sale under this license must comply with Minnesota Rules, parts 7515.1080 to 7515.1120.



- o. *Brewer taproom license.* Brewer taproom licenses may be issued to the holder of a brewer's license under Minn. Stat. § 340A.301, subd. 6(c), (i) or (j) as it may amended from time to time and subject to the conditions of this chapter. A brewer's taproom license authorizes on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. A brewer may have only one taproom license and may not have an ownership interest in a brewer licensed under Minn. Stat. § 340A.301, subd. 6(d) as it may be amended from time to time. A brewer taproom license may not be issued to a brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually. Within ten days of issuing a brewer taproom license the city clerk will inform the Commissioner of Public Safety of the licensee's name, address, trade name and the effective date and expiration date of the license. The city clerk will inform the Commissioner of Public Safety of a license transfer, cancellation, suspension, or revocation during the license period.
  - (i) On-sale of liquor shall be limited to the legal hours for on sale pursuant to Section 3-105.
- p. *Culinary class limited on-sale intoxicating license.* Culinary class limited on-sale intoxicating licenses may be issued to a business establishment not otherwise eligible for an on-sale intoxicating liquor license and that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. The 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. All provisions of this Chapter that apply to on-sale intoxicating liquor licenses, other than provisions inconsistent with this section, apply to licenses issued under this section, except that Sec. 3-61 related to liability insurance shall not apply.
- q. *Micro distillery cocktail room license.* A micro distillery cocktail room license may be issued to the holder of a micro distillery license issued under Minn. Stat. § 340A.22. A micro distillery cocktail room license authorizes the on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller subject to the following requirements:
  - (i) The city shall, within ten days of the issuance of a micro distillery cocktail room license inform the Commissioner of Public Safety of the licensee's name and address and trade name, and the effective date and expiration date of the license. The city shall also inform the commissioner of a license transfer, cancellation, suspension, or revocation during the license period.
  - (ii) No single entity may hold both a micro distillery cocktail room and taproom license, and a cocktail room and taproom may not be co-located.
  - (iii) On-sale of liquor shall be limited to the legal hours for on-sale pursuant to Section 3-105.

- r. *Micro distillery off-sale license.* A micro distillery off-sale license may be issued with the approval of the Commissioner of Public Safety to the holder of a state micro distillery license subject to the following requirements:
- (i) The license permits the sale of up to 750 milliliters per customer per day of products manufactured on site.
  - (ii) Off-sale shall be limited to the legal hours for off-sale pursuant to Section 3-105.
  - (iii) No brand may be sold at the micro distillery unless it is available for distribution to by wholesalers.

(Ord. No. 2184-00, § 1(13-304), 12-16-2000; Ord. No. 2329-07, 6-1-2007; Ord. No. 2359-08, 8-29-2008; Ord. No. 2388-10, 8-13-2010; Ord. No. 2417-12, 9-14-2012; Ord. No. 2429-13, 2-15-2013; Ord. No. 2468-15, 6-1-15; Ord. No. 2474-15, 9-8-15; Ord. No. 2661-23, 3-6-23; Ord. No. 2675-24, 2-5-24)

#### **Sec. 3-58. Period of issuance.**

Each renewal liquor license shall be issued for a maximum period of one year. Temporary licenses shall expire according to the terms of such license as set forth in section 3-57. Except as otherwise provided in this chapter, liquor licenses expire at 11:59 p.m. on the last day of February each year.

(Ord. No. 2184-00, § 1(13-305), 12-16-2000; Ord. No. 2661-23, 3-6-23)

#### **Sec. 3-59. Retail license fees.**

- a. *Annual fees.* The annual fee for all licenses shall be set by the city council, by ordinance, in amounts no greater than those set forth in M.S.A. Ch. 340A.
- b. *Prorated fees.* If a license application under this division is made during the license year, the license shall be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month.
- c. *Investigation fees.* Investigation fees shall be determined by resolution of the city council. Investigation fees are nonrefundable. At any time that an additional investigation is required because of a change in the control of a corporate license, change in manager, change in location or enlargement of the premises, the licensee shall pay an additional investigation fee. Where a new application is filed as a result of incorporation or a change of name by an existing licensee and the ownership control and interest in the license are unchanged, no additional investigation fee will be required. (Ord. No. 2474-15, 9-8-15)
- d. *Payment.* All fees required to be paid in connection with a license under this section shall be paid at the time of the filing of the license application. License and permit fees shall be paid into the general fund.

(Ord. No. 2184-00, § 1(13-306), 12-16-2000; Ord. No. 2474-15, 9-8-15; Ord. No. 2636-21, 11-1-21)

**Sec. 3-60. Fee refunds.**

License fees under this division shall be refunded if an application for a liquor license is denied by the city council, except where rejection is for a willful misstatement in the license application. No part of the fee paid for any issued license shall be refunded except as authorized under M.S.A. § 340A.408, subd. 5, upon application to the city clerk within 20 days of the occurrence of any event provided under M.S.A. § 340A.408, subd. 5.

(Ord. No. 2184-00, § 1(13-307), 12-16-2000)

**Sec. 3-61. Liability insurance.**

Except as stated otherwise in this division, all applicants for a liquor license or consumption and display permit must, as a condition to the issuance of such license or permit, demonstrate to the city proof of financial responsibility regarding liability imposed by M.S.A. § 340A.801, by providing proof of liquor liability and workers' compensation insurance coverage.

- a. *Liability.* Proof of financial responsibility shall be given by filing one of the following:
  - (i) A certificate stating that there is in effect for the license period an insurance policy issued by an insurer required to be licensed under M.S.A. 60A.07, subd. 4, or by an insurer recognized as an eligible surplus lines carrier pursuant to M.S.A. § 60A.206, or pool providing at least the insurance coverage amounts as required by M.S.A. § 340A.409.
  - (ii) A certificate of the commissioner of finance stating that the licensee has deposited with the commissioner of finance cash or securities which may legally be purchased by savings banks or for trust funds having a market value in an amount required by M.S.A. § 340A.409.
- b. *Dram shop.* An annual aggregate policy limit for dram shop insurance of not less than the amounts as required by M.S.A § 340A.409 may be included in the policy provisions. (Ord. No. 2359-08, 8-29-08)
- c. *Workers' compensation insurance.* The policy limits for workers' compensation insurance shall be as provided for by state law.
- d. *Additional requirements.* For purposes of subsection (1) of this section, the city shall be named as an additional insured on the liability insurance policy. The liability insurance required by subsection (1) of this section must provide that such liability insurance may not be canceled for the following:
  - (i) Any cause, except for nonpayment of premium, by either the insured or the insurer unless the canceling party has first given 30 days' notice in writing to the city of their intent to cancel the policy; and
  - (ii) Nonpayment of the premium unless the canceling party has first given ten days' notice in writing to the city of their intent to cancel the policy.

The insurance limits outlined in this section shall be effective for license renewals and immediately on any new license applications.

(Ord. No. 2184-00, § 1(13-308), 12-16-2000; Ord. No. 2359-08, 8-29-2008)

**Sec. 3-62. Application.**

An applicant for a license under this division shall complete the application form provided by the city clerk. The city clerk may waive completion of any part of the application form that is inappropriate or unnecessary.

(Ord. No. 2184-00, § 1(13-309), 12-16-2000)

**Sec. 3-63. Execution of application.**

If the application for a license under this division is by an individual, it shall be signed and sworn to by such person; if by a corporation, by an officer of such corporation; if by a partnership, by one of the partners; and if by an incorporated association, by the operating officer or managing officer of the incorporated association. If the applicant is a partnership, the application, license, and insurance policy shall be made and issued in the name of all partners. It shall be unlawful to make any false statement in an application.

(Ord. No. 2184-00, § 1(13-310), 12-16-2000)

**Sec. 3-64. Renewal application.**

- a. Applications for the renewal of an existing liquor license shall be made at least 45 days prior to the date of the expiration of the license and shall state that everything in the prior application remains true and correct except as otherwise indicated on the renewal application.
- b. Renewal applications for an on-sale license intoxicating liquor license shall include a certified public accountant's statement showing total sales, food sales, liquor sales and percentage of total sales of the restaurant for the previous year.

(Ord. No. 2184-00, § 1(13-311), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Sec. 3-65. Investigations.**

- a. At the time of making an initial application, renewal application, or request for approval for a new manager, the applicant shall, in writing, authorize the police department to investigate all facts set out in the application and do a personal and criminal background check on the applicant and store manager. The applicant shall further authorize the police department to release information received from such investigation to the city council.
- b. If the city council denies the applicant's request for a license due to the applicant's prior conviction of a crime, the city council shall notify the applicant of the grounds and reasons for the denial; the applicable complaint and grievance procedure as set forth in M.S.A. § 364.06; the earliest date the applicant may reapply for a liquor license; and that all competent evidence of rehabilitation will be considered upon reapplication.

(Ord. No. 2184-00, § 1(13-312), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Sec. 3-66. Hearing required for new licenses.**

A public hearing for the issuance of a license under this division for a new premises, or for a different licensee at the same premises, shall be preceded by at least one week's published notice. A public hearing is not required for temporary license applications.

(Ord. No. 2184-00, § 1(13-313), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Sec. 3-67. Information considered for license approval.**

In determining whether a license under this division shall be granted, the city council shall consider the following in addition to conformity with state statutes and city ordinances:

- a. The investigative and staff report submitted by the police department and city clerk.
- b. Information received through any applicable public hearing process.
- c. Whether the applicant has or will take affirmative action to minimize public safety problems commonly associated with on-sale liquor establishments, including, but not limited to, driving while intoxicated (DWI), illegal sale to minors, overserving of patrons, or disturbing the peace.
- d. The license application and any other relevant information.

(Ord. No. 2184-00, § 1(13-314), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Sec. 3-68. Granting and transfer of license; building under construction; zoning requirements met; death of licensee.**

- a. *Applicant and premises.* A license under this division shall be issued to the applicant only. Each license shall be issued only for the exact rooms and square footage described in the application. A license is valid only in the compact and contiguous building or structure situated on the premises described in the license, and all transactions relating to a sale under such license must take place within such building or structure. Except as otherwise provided in this chapter, no license may be transferred to another person or another premises without the approval of the city council.
- b. *Building under construction.* When a license is granted for a premises where the building is under construction or otherwise not ready for occupancy, the city clerk shall not issue the license until notified by the building official that the building is ready for occupancy.
- c. *Zoning requirements met.* No license shall be granted until all applicable zoning requirements are met or until all conditions for approval of the use have been satisfied.
- d. *Death of licensee.* In the event of the death of a person holding a liquor license, the personal representative of such person shall be allowed to continue to operate the business within the terms of the license for a period not to exceed 90 days after the death of the licensee.

(Ord. No. 2184-00, § 1(13-315), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Sec. 3-69. Corporations, partnerships, or associations.**

- a. All corporations, partnerships and associations licensed under this division must designate a store manager. The store manager must be a person working full-time at the licensed premises who is in charge of day-to-day liquor sales.
- b. Licenses under this division issued to corporations shall be valid only as long as there is no change in the officers or ownership interest of the corporation unless such change is approved by the city council. Such requirement does not apply to corporations whose stock is traded on the New York or American Stock Exchange.
- c. Licenses under this division issued to associations or partnerships shall be valid only as long as there is no change in the partnership or association unless such change is approved by the city council.
- d. Corporations holding a license under this division shall submit written notice to the city clerk of any change in store managers prior to the effective date of such change. The written notice shall designate the new store manager. The new store manager shall be subject to the investigation as set forth in section 3-65.
- e. Corporations, partnerships, or associations holding a license under this division shall submit written notice to the city clerk of any changes as set forth in this division on or before 30 days prior to the effective date of any such change. Notwithstanding the definition of "interest," as defined in section 3-33, in the case of a corporation, the licensee shall notify the city clerk when a person not listed in the application acquires an interest that, when combined with that of a spouse, parent, brother, sister or child, exceeds five percent, and shall give all information about such person as is required of a person pursuant to the provisions of this division.
- f. The designation of a new store manager shall not cause a corporation's liquor license to become invalid before a decision is rendered by the city manager or designee, provided proper notice and application are made by the applicant of the change in the store manager. A proposed new store manager shall be referred to as the interim store manager. If an interim store manager is rejected by the city manager or designee, the corporation shall designate another interim store manager and make the required application within 15 days of the decision by the city manager or designee. In any event, a corporation shall be limited to two successive interim store managers.

(Ord. No. 2184-00, § 1(13-316), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Sec. 3-70. Ineligibility.**

- a. No license under this chapter shall be issued to or held by any person who:
  - (i) Is made ineligible by state law.
  - (ii) Is under 21 years of age.

- (iii) Has had a liquor license revoked within five years of the license application, or 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, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested.
  - (iv) Is not of good moral character and repute.
  - (v) Has a direct or indirect interest in a manufacturer, brewer, or wholesaler; or
  - (vi) 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, and who cannot show competent evidence under M.S.A. § 364.03 of sufficient rehabilitation and present fitness to perform the duties of a licensee.
- b. No liquor license shall be granted to a corporation that does not have a store manager.
  - c. No liquor license shall be granted to a person who is the spouse of a person ineligible for a license under this section or who, in the judgment of the city council, is not the real party in interest or beneficial owner of the business operated or to be operated under the license.
  - d. A liquor license will not be renewed if, in the case of an individual, the licensee is not a resident of this state at the time of the date for renewal; if, in the case of a partnership, the managing partner is not a resident of this state at the time of the renewal; or in the case of a corporation, if the store manager is not a resident of this state at the time of the date of renewal. The time for establishing residency within this state may, for good cause, be extended by the city council.
  - e. No liquor license shall be granted for operation on any premises on which state, city or county taxes, assessments or other financial claims of the state, city or county are delinquent and unpaid.
  - f. No liquor license shall be issued to an applicant unless the applicant is the actual owner or proprietor of the proposed licensed premises.
  - g. No on-sale intoxicating liquor license, except a club license for a congressionally chartered veterans' organization, shall be issued unless at least 40 percent of the gross receipts of the establishment will be attributable to the sale of food. This requirement shall be regulated as follows:
    - (i) Each on-sale intoxicating liquor license, except a club license for a congressionally chartered veterans' organization, shall have the continuing obligation to have at least 40 percent of gross receipts from the establishment during the preceding business year attributable to the sale of food.

- (ii) In the case of a new restaurant, the applicant must make a bona fide estimation that at least 40 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.
- (iii) For the purpose of this section, the term "establishment" shall include the food and beverage portion of a multiservice establishment. Financial records for the food and beverage portion must be maintained separately from the records of the remainder of the establishment.
- (iv) For the purpose of this section, the term "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.
- (v) 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 as it deems necessary or convenient to enforce the provisions of this section. 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.
- (vi) In addition to other remedies that it may have available, the city may place the license of any on-sale intoxicating liquor license holder on probationary status for up to one year, when the sale of food is reported, or found to be, less than 40 percent of gross receipts for any business year. During the probationary period, the licensee shall prepare any plans and reports, participate in any required meetings, and take other actions that the city may require to increase the sale of food.

(Ord. No. 2184-00, § 1(13-317), 12-16-2000, Ord. No. 2504-16, 9-6-16; Ord. No. 2661-23, 3-6-23; Ord. No. 2675-24, 2-5-24)

#### **Sec. 3-71. Conditions of approval.**

At the time a license under this division is issued, the city council may attach special conditions to the approval of such license or permit based upon the nature of the business, the location of the business and verified complaints, if any, to protect the health, safety, welfare, and peacefulness of the city, and ensure harmony with the location where the business is located. Violation of any of the conditions shall be grounds for revocation of the license. (Ord. No. 2184-00, § 1(13-318), 12-16-2000; Ord. No. 2661-23, 3-6-23)

#### **Sec. 3-72. Restriction of number of licenses issued.**

The city council may, by resolution, restrict the number of any type of license issued under this division within designated areas or zoning districts within the city.

(Ord. No. 2184-00, § 1(13-319), 12-16-2000)



**Sec. 3-73. Revocation, suspension and/or civil fine.**

The city council may suspend for up to 60 days or revoke any liquor license or permit or impose a civil fine of up to \$2,000.00 for each violation, or impose any combination of these sanctions, as provided in M.S.A. § 340A.415, for violation of any provision or condition of this article, or any other city ordinance or state law relating to alcoholic beverages.

(Ord. No. 2184-00, § 1(13-322), 12-16-2000)

**Sec. 3-74. Notice of hearing.**

Revocation or suspension of a license by the city council shall be preceded by a public hearing conducted in accordance with M.S.A. §§ 14.57--14.70. The city council may appoint a hearing examiner or may conduct a hearing itself. A notice of such hearing shall be given to the violator at least 20 days prior to the hearing, and shall include the following:

- a. Notice of the time and place of the hearing.
- b. The nature of the charges against the licensee; and
- c. The penalty that the city may impose for the violation.

(Ord. No. 2184-00, § 1(13-323), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Sec. 3-75. Administrative penalty.**

Prior to expiration of the 20-day notice period as set forth in section 3-74, the licensee may stipulate to both the violation identified in the notice and an administrative penalty agreed to by the city manager, in lieu of a hearing before the city council. The stipulation must be approved by the city council. If such stipulation is approved by the city council, the administrative penalty proposed by the stipulation must be completed within 30 days. If the city council does not approve the stipulation, the city council may impose penalties as provided in section 3-78, following a hearing as set forth in section 3-74.

(Ord. No. 2184-00, § 1(13-324), 12-16-2000; Ord. No. 2329-07, 6-1-2007)

**Sec. 3-76. Inactive license.**

The city council may revoke the liquor license of any establishment granted such license that is not under construction and exhibiting satisfactory progress toward completion of such construction within six months from the issuance of such license, or any establishment that ceases operation for a period of six months. A hearing shall be held to determine what progress has been made toward opening or reopening the establishment and, if satisfactory progress is not demonstrated, the city council may revoke the license.

(Ord. No. 2184-00, § 1(13-326), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Sec. 3-77. Posting license.**

All license holders shall post their liquor license(s) in a conspicuous place that is visible to the public in the licensed establishment.

(Ord. No. 2184-00, § 1(13-330), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Secs. 3-78. Presumptive civil penalties**

- a. *Purpose.* The purpose of this section is to establish a standard by which the city council imposes penalties for violations of state law or city code related to the sale or service of alcohol by establishments licensed under this chapter. These penalties are presumed to be appropriate and in accordance with the penalties set forth in state law. The council may deviate from the presumptive penalty if the council finds substantial reasons making it appropriate to deviate, such as, but not limited to, a licensee’s efforts in combination with the state or city to prevent future violations. When deviating from these standards, the council will provide written findings that support the penalty selected.
- b. *Presumed penalties for violations.* The presumed penalties for violations are as follows (unless specified, numbers below indicate consecutive business days’ suspension):

<i>Type of Violation</i>	<b>1<sup>st</sup> Violation</b>	<b>2<sup>nd</sup> Violation within 3 yrs</b>	<b>3<sup>rd</sup> Violation within 3 yrs</b>	<b>4<sup>th</sup> Violation within 3 yrs</b>
1. Commission of a felony related to the licensed activity.	Revocation	N/A	N/A	N/A
2. Sale of alcoholic beverages while license is under suspension.	Revocation	N/A	N/A	N/A
3. Sale of alcoholic beverages to underage person.	\$2,000	\$2,000 and 1 day	\$2,000 and 3 days	Revocation
4. Sale of alcoholic beverages to obviously intoxicated person.	3 days	6 days	18 days	Revocation
5. After hours sale of alcoholic beverages.	3 days	6 days	18 days	Revocation
6. After hours display or consumption of alcoholic beverages.	2 days	4 days	12 days	Revocation
7. Refusal to allow government inspectors or police admission to inspect premises.	5 days	15 days	Revocation	N/A
8. Illegal gambling on premises.	3 days	6 days	18 days	Revocation
9. Failure to take reasonable steps to stop person from leaving premises with alcoholic beverages.	2 days	4 days	12 days	Revocation
10. Sale of intoxicating liquor where only license for 3.2 percent malt liquor	3 days	6 days	18 days	Revocation

The penalty for violations without a presumptive penalty shall be determined by the city council.

- c. *Multiple violations.* At a licensee's first appearance before the council, the council must act upon all the violations that have been alleged in the notice sent to the licensee. The council must consider the presumptive penalty for each violation as stated in subsection (b) above. The occurrence of multiple violations is grounds for deviation from the presumed penalties in the council's discretion.
- d. *Subsequent violations:* Violations occurring after the notice of hearing has been mailed, but prior to the hearing, must be treated as a separate violation and dealt with as a second appearance before the council, unless the city manager and licensee agree in writing to add the violation to the first appearance. The same procedure applies to the second, third, or fourth appearance before the council.
- e. *Subsequent appearances:* Upon a second, third, or fourth appearance before the council by the same licensee, the council must impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, the council may consider the amount of time elapsed between appearances as a basis for deviating from the presumptive penalty imposed by this section.
- f. *Computation of violations:* Multiple violations are computed by checking the time period of the three (3) years immediately preceding the date of the most current violation.
- g. *Other penalties:* Nothing in this section shall restrict or limit the authority of the council to suspend up to sixty (60) days, revoke the license, impose a civil penalty not to exceed two thousand dollars (\$2,000.00), to impose conditions, or take any other action in accordance with law; provided, that the license holder has been afforded an opportunity for a hearing in the manner provided in this chapter.
- h. In addition to civil penalties, every licensee that has been found in violation of this chapter must complete a training program approved by the city's police department related to the responsible service and sale of alcohol.

(Ord. No. 2329-07, 6-1-07; Ordinance No. 2661-23, 3-6-23)

**Secs. 3-79--3-100. Reserved.**

**Division 3. Operation of Retail Establishment****Sec. 3-101. Nudity on licensed premises.**

No liquor licensee shall:

- a. Employ or use any person in the sale or service of alcoholic beverages or as employees for the purpose of staging any nature of lingerie show in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks or genitals.
- b. Employ or use the services of any hostess while such hostess is unclothed or in such attire, costume or clothing as is described in subsection (1) of this section.
- c. Encourage or permit any person on the licensed premises to touch, caress or fondle the breast, buttocks, anus, or genitals of any other person.
- d. Permit any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair, or any portion thereof.
- e. Permit any person to perform acts, or acts which simulate:
  - (1) With or upon another person, sexual intercourse, sodomy, oral copulation, flagellation, or any sexual acts which are prohibited by law.
  - (2) Masturbation or bestiality.
  - (3) With or upon another person the touching, caressing, or fondling of the buttocks, anus, genitals, or female breast.
  - (4) The displaying of the pubic hair, anus, genitals, or female breasts below the top of the areola.
- (f) Permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities set forth in subsection (5) of this section.
- (g) Permit any person to remain in or upon the licensed premises who exposes to public view any portion of their genitals or anus.
- (h) Permit the showing of any film, still pictures, electronic reproduction or other visual reproductions that are deemed obscene or pornographic pursuant to state or federal law. Nothing in this section prohibits a licensed premise from the screening of any film or digital projection of motion pictures rated by the Motion Picture Association of America. (Ord. No. 2373-09, 6-26-09)
- (i) Permit any type of lingerie show or similar exhibition in any portion of a licensed establishment other than on a raised stage a suitable distance apart from the area generally reserved for the seating of patrons.

(Ord. No. 2184-00, § 1(13-320), 12-16-2000; Ord. No. 2373-09, 06-26-2009)

**Sec. 3-102. Compliance checks.**

(a) From time to time, the city shall conduct compliance checks on established licensed premises under this chapter. Such compliance checks may involve, but are not limited to, engaging underage persons to enter the licensed premises to attempt to purchase alcohol and alcohol-related products.

(b) If underage persons are used for compliance checks as set forth in subsection (a) of this section, they shall not be guilty of unlawful possession of alcohol when such items are obtained as a part of a compliance check. No underage person used in compliance checks shall attempt to use a false identification misrepresenting such person's age, and all underage persons lawfully engaged in a compliance check shall answer all questions about the person's age asked by the licensee or their employees and shall produce any identification for which such underage person is asked.

(Ord. No. 2184-00, § 1(13-321), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Sec. 3-103. Right of inspection.**

(a) Any city-designated police officer, firefighter or health officer displaying proper identification shall have the unqualified right to enter, inspect and search the premises of any licensee under this chapter without a warrant, during business hours or when owners, managers or other employees are located on the licensed premises. The purpose of the inspection must be related to the operations of the licensed establishment under the terms of this chapter. (Ord. No. 2661-23, 3-6-23)

(b) The business records of the licensee, including federal and state tax returns, shall be available for inspection by the city, at all reasonable times, upon written request.

(Ord. No. 2184-00, § 1(13-327), 12-16-2000)

(c) *Proof of age.* No liquor licensee shall sell or allow consumption of alcoholic beverages without first obtaining proof of age. Proof of age for purchasing or consuming alcoholic beverages may be established only by one of the following:

- (1) A valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person.
- (2) A valid military identification card issued by the United States Department of Defense.
- (3) A valid passport issued by the United States; or
- (4) In the case of a foreign national, by a valid passport.

(Ord. No. 2329-07, 6-1-07)

**Sec. 3-104. Responsibility of licensee.**

(a) *Orderly conduct.* Every licensee under this chapter shall be responsible for the conduct on the licensee's place of business, including conduct and activity attributable to the business on property owned or controlled by the licensee. Every licensee shall also cooperate with the city in controlling activity attributable to the business in surrounding areas.

(b) *Acts of employees.* The act of any employee in violation of this chapter on the licensed premises is deemed the act of the licensee as well, and the licensee shall be equally liable with the employee for all penalties provided by this chapter and other laws.

(Ord. No. 2184-00, § 1(13-328), 12-16-2000; Ord. No. 2661-23, 3-6-23)

**Sec. 3-105. Hours of operation.**

(a) Hours and days of sale of alcoholic beverages shall be as allowed by state law. There shall be no consumption or display of intoxicating or 3.2 percent malt liquor during the hours that sale is prohibited by state law.

(b) An off-sale liquor licensee shall not allow nonemployees on the business premises from 15 minutes after the sale of intoxicating liquor is prohibited until such sale is again permitted except as otherwise provided in this subsection. On-sale intoxicating liquor licensees and on-sale 3.2 percent malt liquor licensees may permit nonemployees on the premises during its normal hours of operation when the sale of intoxicating and 3.2 percent malt liquor is prohibited, provided that there is no sale, consumption or display of intoxicating or 3.2 percent malt liquor during the hours in which the sale or consumption of liquor is prohibited by state law.

(Ord. No. 2184-00, § 1(13-329), 12-16-2000; Ord. No. 2329-07, 6-1-2007)

**Sec. 3-106. Changes to building.**

Proposed enlargement or substantial alteration which changes the character of the licensed establishment, or extension of a premises previously licensed shall be reported to the city clerk at or before the time application is made for a building permit for any such change. The enlargement, substantial alteration or extension of the licensed establishment shall not be allowed unless the city council approves an amendment to the liquor license.

(Ord. No. 2184-00, § 1(13-331), 12-16-2000)

**Sec. 3-107. Restrictions involving underage persons.**

(a) No licensee under this article or such licensee's agent or employee shall:

- (1) Serve or dispense upon the licensed premises any intoxicating liquor or 3.2 percent malt liquor to a person under the legal drinking age.
- (2) Permit any person under the legal drinking age to be furnished or allowed to consume any intoxicating liquor or 3.2 percent malt liquor on the licensed premises; or

- (3) Permit any person under the legal drinking age to be delivered any intoxicating liquor or 3.2 percent malt liquor.

(b) No person under the legal drinking age shall enter a licensed premises for the purpose of purchasing or consuming any alcoholic beverage. It is not unlawful for any person who has attained the age of 18 years to enter licensed premises to:

- (1) Perform work for the establishment, including the serving of alcoholic beverages, unless otherwise prohibited by statute.
- (2) Consume meals; and
- (3) Attend social functions that are held in a portion of the establishment where liquor is not sold.

(c) No person under the legal drinking age shall possess any intoxicating liquor or 3.2 percent malt liquor. Possession of an alcoholic beverage by a person under the legal drinking age at a place other than the household of such person's parent or guardian is prima facie evidence of intent to consume such alcoholic beverage at a place other than the household of the person's parent or guardian.

(d) No underage person shall misrepresent their age for the purpose of obtaining intoxicating liquor or 3.2 percent malt liquor; nor shall such person enter any premises licensed for the retail sale of intoxicating liquor or 3.2 percent malt liquor for the purpose of purchasing or being served or delivered any alcoholic beverage; nor shall any such person purchase, attempt to purchase, consume or have another person purchase for the underage person any intoxicating liquor or 3.2 percent malt liquor.

(e) Any person shall, upon demand of the licensee, the licensee's employee, or agent, produce and permit to be examined one form of identification as provided under M.S.A. § 340A.503, subd. 6. In every prosecution for a violation of the provisions of this section relating to the sale or furnishing of intoxicating liquor or 3.2 percent malt liquor to underage persons, and in every proceeding before the city council with respect thereto, the fact that the underage person involved has obtained and presented to the licensee, the licensee's employee or agent a driver's license, passport or identification card from which it appears that such person was not an underage person and was regularly issued such identification card shall be prima facie evidence that the licensee, the licensee's agent or employee is not guilty of a violation of such a provision and shall be conclusive evidence that a violation, if one has occurred, was not willful or intentional.

(Ord. No. 2184-00, § 1(13-332), 12-16-2000)

**Sec. 3-108. Employment of persons under 18 years of age.**

No person under 18 years of age may serve or sell intoxicating liquor in a licensed retail intoxicating liquor establishment.

(Ord. No. 2184-00, § 1(13-333), 12-16-2000)

**Sec. 3-109. Sales to obviously intoxicated persons.**

No licensee under this article or such licensee's agent or employee shall sell, give, or furnish alcoholic beverages to an obviously intoxicated person.

(Ord. No. 2184-00, § 1(13-334), 12-16-2000)

**Sec. 3-110. Prohibited conditions.**

(a) *Prostitution.* No licensee under this chapter shall knowingly permit the licensed premises or any room in the licensed premises or any adjoining building directly under the licensee's control to be used by prostitutes.

(b) *Controlled substances.* No licensee shall knowingly permit the sale, possession, or consumption of controlled substances on the licensed premises in violation of state law.

(c) *Gambling prohibited.* Except as otherwise provided in M.S. 340A.410, no retail establishment licensed to sell alcoholic beverages may keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice or any gambling device as defined in M.S. 349.30, or permit gambling therein. Gambling equipment may be kept or operated, and raffles conducted on licensed premises and adjoining rooms when the use of the gambling equipment is authorized by M.S. Chapter 349. Lottery tickets may be purchased and sold within the licensed premises as authorized by the director of the lottery under M.S. Ch. 349A. Dice may be kept and used on licensed premises and adjoining rooms as authorized by M.S. 609.761, subd. 4.

(d) *On-sale intoxicating liquor licenses.* No initial license to sell intoxicating liquor at on-sale may be issued where restricted against commercial use through zoning ordinances.

(e) *Off-sale intoxicating liquor licenses.* No initial license to sell intoxicating liquor at off-sale may be issued where restricted against commercial use through zoning ordinances or within 300 feet of a school or place of worship as measured from the property line of the site to receive the proposed license to the property line of the school or place of worship.

(Ord. No. 2184-00, 12-16-2000, Ord. No. 2329-07, 6-1-2007; Ord. No. 2661-23, 3-6-23)

**Sec. 3-111. Ownership of equipment.**

No equipment or fixture in any licensed premises under this chapter shall be owned in whole or in part by any manufacturer or distiller, except as expressly permitted by state law. (Ord. No. 2184-00, § 1(13-336), 12-16-2000; Ord. No. 2661-23, 3-6-23)



**Sec. 3-112. Samples.**

Off-sale licensees may provide samples of malt liquor, wine, liqueurs, cordials and distilled spirits which the licensee currently has in stock and is offering for sale to the general public without obtaining an additional license, provided the wine, liqueur, cordial and distilled spirits samples are dispensed at no charge and consumed on the licensed premises during the permitted hours of off-sale in a quantity of less than 100 milliliters of malt liquor per variety per customer, 50 milliliters of wine per variety per customer, 25 milliliters of liqueur or cordial, and 15 milliliters of distilled spirits per variety per customer.

(Ord. No. 2184-00, § 1(13-337), 12-16-2000)