ORDINANCE NO. 1669

BEING AN ORDINANCE AMENDING CHAPTER 5.5 OF THE COLUMBIA HEIGHTS CITY CODE TO UPDATE DEFINITIONS AND APPLICATION REQUIREMENTS, ELIMINATE LIMITED INTOXICATING LIQUOR LICENSES, AND ELIMINATE MINIMUM BUILDING AND CAPACITY REQUIREMENTS IN RESTAURANTS FOR LIQUOR AND BEER LICENSING

The City of Columbia Heights does ordain:

Section 1
5.501 of the Columbia Heights City Code is hereby amended to read as follows, to wit:

§ 5.501 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOLIC BEVERAGE. Any beverage containing more than 0.5% alcohol by volume.

BEER. BEER or 3.2% MALT LIQUOR means any malt beverage with an alcoholic content of more than 0.5% by volume and not more than 3.2% by weight.

BOWLING CENTER. An indoor recreational facility where long narrow tracks are used by the general public in bowling games for a fee.

BONA FIDE CLUB or CLUB.

(1) 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, a church physically located within the city, or a congressionally chartered veterans' organization, which:

(a) Has more than 30 members;

(b) 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;

(c) 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.

(2) The serving of beer/liquor must be incidental to and not the major purpose of the club.

(3) The serving of beer/liquor shall be only to club members and their bona fide guests.

BREW PUB. A restaurant that conducts the retail of on-sale malt liquor consumed and brewed on the premise and who manufactures less than 3,500 barrels of malt liquor a year.

BREWER TAPROOM. A facility on the premises of, or adjacent to, a malt liquor manufacturer intended for on-sale and consumption of malt liquor produced by the brewer.

DISTILLED SPIRITS. Ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

HOTEL. An establishment where food and lodging are regularly furnished to transients and which has:

(1) A dining room serving the general public at tables and having facilities for seating at least 75 guests at one time; and

(2) A minimum of ten guest rooms.
INTEREST. This term as used in this section includes any pecuniary interest in the ownership, operation, management or profits of a retail 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 of selling or leasing merchandise, fixtures or supplies to such establishments or an interest of 10% or less in any corporation holding a license. A person who receives moneys from time to time directly or indirectly from a licensee, in the absence of a bona fide consideration therefore and excluding bona fide gifts or donations, shall be deemed to have a pecuniary interest in such retail license. In determining BONA FIDE the reasonable value of the goods or things received as consideration for any payment by the licensee and all other facts reasonably tending to prove or disprove the existence of any purposeful scheme or arrangement to evade the prohibitions of this article shall be considered.

INTOXICATING LIQUOR. Ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2% of alcohol by weight.

LICENSED PREMISES. The premises described in the approved license application. In the case of a restaurant, club, or exclusive liquor store licensed for on-sales of alcoholic beverages and located on a golf course, LICENSED PREMISES means the entire golf course except for areas where motor vehicles are regularly parked or operated.

MALT LIQUOR. Any beer, ale, or other beverage made from malt by fermentation and containing not less than 0.5% alcohol by volume.

MANUFACTURER. A person who, by a process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces intoxicating liquor for sale.

MINOR. A person less than 18 years of age.

OFF-SALE. The sale of alcoholic beverages in original packages for consumption off or away from the licensed premises only.

ON-SALE. The sale of alcoholic beverages by the glass or by the drink for consumption on the licensed premises only.

ORIGINAL PACKAGE. A sealed or corked container in which the liquor is placed by the manufacturer.

PERSON. The term PERSON includes a natural person of either sex, a partnership, a corporation or association of persons, and the agent or manager or employee of any of the aforesaid. The singular includes the plural, and the masculine pronoun includes the feminine and neuter.

PREMISES. The inside of the building itself or the leased space inside a building as submitted in the floor plan submitted in conjunction with the initial application for license. Outside areas, such as any patios, parking lots or other areas shall not be included unless specifically listed on the license.

RESTAURANT. An establishment, other than a hotel, of which the major business is preparing and serving of meals or where meals are regularly prepared on the premises and served at tables to the general public to be consumed on the premises.

RETAIL. Sale for consumption.

SALE or SELL. These terms shall mean and include all barters and all manners or means of furnishing intoxicating liquor as herein described.

WHOLESALE. Any sale for purposes of resale.

WHolesaler. A person who sells alcoholic beverages to persons to whom sale is permitted from a stock maintained in a warehouse in the state.

WINE. The product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider,
perry and sake, in each instance containing not less than 0.5% nor more than 14% alcohol by volume for nonindustrial use. WINE does not include distilled spirits.

(Ord. 1416, passed 7-24-00; Am. Ord. 1610, passed 11-26-12; Am. Ord. 1620, passed 3-23-15; Am. Ord. 1638, passed 2-27-17)

Section 2
5.502 of the Columbia Heights City Code is hereby amended to read as follows, to wit:

§ 5.502 3.2% MALT LIQUORS (BEER).

(A) No person, except the holder of intoxicating liquor licenses, wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale or otherwise, or keep or offer for sale, any beer within the city without first having received a license as hereinafter provided. Licenses shall be of three kinds: (1) Retail “On-Sale” 3.2% Beer; (2) Retail “Off-Sale” 3.2% Beer; and (3) Retail Temporary “On-Sale” 3.2% beer.

(B) “On-Sale” 3.2% beer licenses may be granted only to bona fide clubs, bowling establishments, restaurants and hotels where food is prepared and served for consumption on the premises or to the city for municipal facilities and events. “On-sale” 3.2 beer licenses shall permit the sale of beer for consumption on the premises only.

(C) “Off-sale” 3.2% beer licenses shall permit the sale of 3.2% beer at retail in the original package for consumption off the premises only.

(D) “Temporary on-sale” 3.2% beer licenses may be granted to clubs, charitable, religious, or nonprofit organizations, or to the city for municipal facilities and events only. “Temporary on-sale 3.2% beer licenses shall be subject to any special terms and conditions as the City Council may prescribe. No more than 3 four-day, 4 three-day, 6 two-day, or 12 one-day temporary licenses, in any combination not to exceed 12 days per year to any one organization or for any one location, within a 12-month period. No more than one temporary license to any one organization or for any one location, within any 30-day period.

(E) Every application for a license to sell beer shall be made on a form supplied by the city. Applications shall be filed with the Clerk. It shall be unlawful to make any false statement in an application. By submitting an application, the applicant consents to any and all investigations the city deems appropriate and waives any claims the applicant may have. Copies of the application shall be submitted to such other city departments as the City Council shall deem necessary for verification and investigation of the facts set forth in the application.

(F) In addition to the information required on the State of Minnesota’s corresponding alcohol-related application and the City of Columbia Heights’ background application, all applications for beer licenses shall state contain the following information:

(1) Whether the applicant is a natural person, partnership, corporation or other form of organization. Name of business;

(2) Full legal name of applicant and applicant’s spouse, place and date of birth, street residence address and length of time at that address of the applicant and applicant’s spouse, and any other information deemed necessary by the City Council or issuing authority. Doing business as;

(3) Three character references. Whether the applicant is a natural person, partnership, corporation, or other form of organization;
(4) The nature of any other business to be operated in conjunction with the sale of beer and whether the applicant is the owner or operator of such other business, and if so, the length of time in such business. If the applicant is a corporation or other organization applying for an on-sale license, the following shall be required:

(a) If incorporated, the state of incorporation.
(b) A true copy of certificate of incorporation or other documentation of legal status.

(5) In the case of corporations, partnerships, and other organizations, such information relating to the identity of each officer, director and partner as required in division (F)(2). Applicant’s Information:

(a) Full legal name of applicant
(b) Whether the applicant has ever used or been known by a name other than their full legal name, and, if so, listing of such name(s) and information concerning dates and places where used
(c) Place of birth
(d) Date of birth
(e) Current address
(f) Length of time residing at current address
(g) Previous addresses within the past ten years
(h) Whether applicant has ever been engaged as an employee or in operating a bar, saloon, hotel, restaurant, café, tavern, or other business of a similar nature. If so, applicant shall furnish information as to the dates, locations, and lengths of time employed.
(i) Type, name, and location of every business or occupation applicant has been engaged in within the past ten years
(j) Names and addresses of applicant’s employers and partners, if any, within the past ten years
(k) Whether applicant has ever been convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor other than traffic violations. If so, the applicant shall furnish information regarding the time, place, and offense for which convictions were had.
(l) Three character references located within the State of Minnesota
(m) Whether applicant has ever been in military service. If so, applicant shall attach DD-214 form.
(n) Any other information deemed necessary by the City Council or issuing authority.

(6) Applicant’s Spouse’s Information:

(a) Full legal name of applicant’s spouse
(b) Whether the applicant’s spouse has ever used or been known by a name other than their full legal name, and, if so, listing of such name(s) and information concerning dates and places where used
(c) Place of birth
(d) Date of birth
(e) Current address
(f) Length of time residing at current address
(g) Previous addresses within the past ten years
(h) Whether applicant’s spouse has ever been engaged as an employee or in operating a bar, saloon, hotel, restaurant, café, tavern, or other business of a similar nature. If so, applicant’s spouse shall furnish information as to the dates, locations, and lengths of time employed.
(j) Type, name, and location of every business or occupation applicant’s spouse has been engaged in within the past ten years

(i) Names and addresses of applicant’s spouse’s employers and partners, if any, within the past ten years

(k) Whether applicant’s spouse has ever been convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor other than traffic violations. If so, the applicant shall furnish information regarding the time, place, and offense for which convictions were had.

(l) Three character references located within the State of Minnesota

(m) Whether applicant’s spouse has ever been in military service. If so, applicant shall attach DD-214 form.

(n) Any other information deemed necessary by the City Council or issuing authority.

(7) The nature of any other business to be operated in conjunction with the sale of alcoholic beverages and whether the applicant is the owner or operator of such other business, and, if so, the length of time in such business:

(8) In the case of corporations, partnerships, and other organizations, such information relating to the identity of each officer, director, and partner as required in Division (F) (5) & (6).

(G) In the case of temporary beer applications, the application shall include the requirements as stated in division (F) as well as the following information:

(1) Name and address of club/church.

(2) Full legal name of person in charge of event if not applicant, spouse’s full legal name if applicable, date of birth, residence street address and length of time at that address of person in charge and spouse, and any other information deemed necessary by the City Council or issuing authority. In the case that there are individuals in charge of the event, such information relating to the identity of each person in charge and their spouse, as required in division (F) (5) & (6).

(3) Site plan of the area where sales will occur indicating the size, location and nature of the premises planned to be used along with a depiction of its relationship to the adjacent premises.

(4) Certificate of incorporation.

(5) Statement from property owner granting permission to applicant for use of the premises on which the stated activity is proposed.

(6) Executed signature of an officer of the club/church.

(H) All applications shall be referred to the Chief of Police. The Chief of Police or his/her designee is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry obtained through the Criminal Justice System and/or a driver’s license history inquiry as recorded by the State Department of Public Safety on the applicant. An investigation fee as set by City Council resolution shall accompany each application. The application shall also be referred to the Chief of the Fire Department, the Building Official and the City Planning and Zoning Department for a report indicating whether said premises are in compliance with applicable ordinances and regulations. A public hearing shall then be held before the City Council, at which time the application for a license shall be considered. Opportunity shall be given to any person to be heard for or against the granting of the license at a public hearing. The Council may accept or reject the license application in its discretion upon completion of the public hearing.

(I) Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application.
(J) For temporary on-sale licenses, if the event is postponed because of weather, the City Manager or his designee has the authority to change the effective dates of the license, as long as the total amount of hours approved by the City Council does not change.

(K) No license shall be granted to any person:

1. Who is under 21 years of age.
2. Who has been convicted of a felony, or any law of this state or local ordinance relating to the manufacture, transportation or sale of 3.2% malt beer or of intoxicating liquors.
3. For the sale of 3.2% malt liquor on any premises also occupied by a previous licensee who was convicted of a violation of this section.
4. Who is a manufacturer of beer or who is interested in the control of any place where beer is manufactured.
5. Who is not a citizen of the United States or a resident alien, or upon whom it is impractical to conduct a background and financial investigation due to the unavailability of information.
6. Who is not of good moral character and repute.
7. Who is or, during the period of this license, becomes the holder of a federal retail liquor dealer’s special tax stamp for the sale of intoxicating liquor at such place.
8. Who is not the proprietor of the establishment for which the license is issued. In the case of a temporary beer license, no license shall be issued to any applicant who is unable to demonstrate that the applicant has permission to use the premises proposed to be licensed on the dates for which the license is sought.

9. No license shall be issued to any applicant for a location within 300 feet of any school or church, unless such license has been previously approved when no school or church was so situated.

(L) Licenses granted pursuant to the provisions of this chapter shall be subject to the following conditions:

1. No gambling, nor any gambling device allowed that is prohibited by law.
2. All licensees under this section shall allow the business premises to be inspected by police or health officials at any time.
3. No sale of 3.2% malt liquor (beer) may be made between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 2:00 a.m. and 10:00 a.m. on Sunday.
4. No licensee who is not also licensed to sell intoxicating liquor shall sell or permit the consumption or display of intoxicating liquors on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquor. The presence of intoxicating liquors on the premises of such a licensee shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale; and the serving of any liquid for the purpose of mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this section.
5. No person under 18 years of age shall be employed on the premises, except that persons under 18 years of age may be employed as musicians, bus boys and kitchen help.
6. No person or customer, other than the licensee and his employees, may remain on any licensed premises after 2:30 a.m.
7. No licensee or his agent shall serve beer or permit the sale of beer to any person under 21 years of age.
8. Every licensee shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order. The act of any employee on the licensed premises authorized to sell beer there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by ordinance, statute, or regulation equally with the employee.
(9) No licensee shall permit 18, 19 and 20 year olds to remain on the premises unless to perform work for the establishment including the sale or serving of alcoholic beverages, consume meals, and attend social functions that are held in a portion of the establishment where liquor is not sold.

(10) No licensee shall permit in any licensed establishment, or any adjoining property owned or leased by the licensee, any boxing, wrestling, or any other form of entertainment whose primary purpose is physical contact by striking or touching an opponent with hands, head, feet, or body. Team sports, in which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, football, baseball, hockey, and softball, are not included among activities prohibited by this section.

(M) No license shall be granted for sale on any premises where a licensee has been convicted of any violation of this section, or of the state beer or liquor law, or where any license hereunder has been revoked for cause until one year has elapsed after such conviction or revocation.

(N) No “on-sale” license shall be granted for a bona fide club which has not been in operation and eligible to receive a license for at least one year immediately preceding the application for a license.

(O) (1) Each application for a license must be accompanied by the applicable license and investigation fees payment in full. As stated in § 5.103(E)(1): “Fees shall not be prorated unless specifically authorized herein, or by City Council resolution, and are not refundable for any reason, including license revocation, suspension, denial or termination of the licensed activity.” The annual fee for an “on-sale” and “off-sale” license shall be as set by City Council resolution.

(2) No license shall be issued for a temporary beer license unless the applicant has first paid an application fee and a license fee in an amount set by resolution of the Council. In the absence of a resolution, the application fee shall be $500 and the license fee shall be $100 per day or portion thereof.

(P) “On-sale” and “off-sale” licenses shall expire on the last day of December in each year. Each such license shall be issued for a period of one year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year. “Temporary on-sale” licenses are only good for the dates, times and locations specifically stated on the license.

(Q) (1) At the time of filing an application for any on-sale or off-sale 3.2% malt liquor license, the applicant shall file with the Clerk proof of financial responsibility for liability. The issuer or surety on any liability insurance policy or bond shall be duly licensed to do business in the State of Minnesota, and all documents shall be approved as to content, form and execution. The licensee and the city shall be named as joint insured on the liability insurance policy. The policy shall be effective for the entire license year.

(2) Proof of financial responsibility may be provided by supplying to the Clerk any of the following items:

(a) A certificate that there is in effect for the license period an insurance policy providing at least $50,000 of coverage because of bodily injury to any one person in any one occurrence, $100,000 because of bodily injury to two or more persons in any one occurrence, $10,000 because of injury to or destruction of property of others in any one occurrence, $50,000 for loss of means of support of any one person in any one occurrence, and $100,000 for loss of means of support of two or more persons in any one occurrence; or

(b) A bond of a surety company with minimum coverages as provided in subdivision (a); or

(c) A certificate of the State Treasurer that the licensee has deposited with that office $100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of $100,000.

(R) These licensees must provide the same insurance provided in division (Q). The location of the event and date of the event must be indicated on the certificate of insurance.
(S) Any liability insurance required by this section must provide that it may not be canceled for:

1. 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 issuing authority of intent to cancel the policy; and

2. Nonpayment of premium unless the canceling party has first given ten days’ notice in writing to the issuing authority of intent to cancel the policy.

(T) The operation of an on-sale, off-sale, or temporary on-sale beer license without having on file at all times with the city the liability insurance policy or other evidence of financial responsibility required herein shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy serves as notice to the licensee of the impending revocation and unless evidence of compliance with the financial responsibility requirements of this section are presented to the Clerk before the termination is effective, the license will be revoked instantly upon the lapse in coverage.

(U) Every license shall be granted subject to the conditions and provisions of this section and of other applicable ordinances of the city or state law.

(V) All licensed premises shall have the license posted in a conspicuous place at all times.

(W) No manufacturer or wholesaler of beer shall have any ownership of or interest in an establishment licensed to sell at retail contrary to the provisions of M.S. § 340A.308, as it may be amended from time to time. No retail licensee and manufacturer or wholesaler of beer shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of beer and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.

(X) Any peace officer shall have the unqualified right to enter, inspect and search the premises of a licensee during business hours without a search and seizure warrant and may, in the absence of a license to sell intoxicating liquor, seize all intoxicating liquors found on the licensed premises. Business hours shall be deemed any time when licensee or employees are present on the premises. Refusal to permit such inspection is a violation of this section and grounds for revocation of license.

(Y) Any person violating any provision of this section shall be guilty of a misdemeanor.

(2) Any “on or off sale” license holder is subject to provisions of 5.510 5.511 regarding penalties for license violations.

(’77 Code, § 5.501) (Am. Ord. 1119, passed 2-24-86; Am. Ord. 1135, passed 9-22-86; Am. Ord. 1154, passed 8-24-87; Am. Ord. 1416, passed 7-24-00; Am. Ord. 1482, passed 3-28-05; Am. Ord. 1610, passed 11-26-12; Am. Ord. 1640, passed 6-12-17) Penalty, see § 5.701

Section 3
5.503 of the Columbia Heights City Code is hereby amended to read as follows, to wit:

§ 5.503 MALT LIQUORS.

(A) No person, except the holder of intoxicating liquor licenses, wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale or otherwise, or keep or offer for sale, any malt liquor within the city without first having received a license as hereinafter provided. Licenses shall be of three kinds:

1. On-sale brewer taproom;

2. On-sale brew pub; and
(3) Off-sale malt liquor.

(B) On-sale brewer taproom licenses may be granted to a brewer licensed under M.S. § 340A.301, subd. 6(c), (i) or (j), subject to the provisions of M.S. § 340A.26, as it may be amended from time to time and as follows:

   (1) A brewer may only hold one on-sale brewer taproom license; and

   (2) The license permits the sale of malt liquor produced by the brewer for consumption of the malt liquor on the premises of, or adjacent to, a brewer taproom owned by the brewer.

(C) On-sale brew pub licenses may be granted to hotels, clubs, municipal liquor stores, restaurants, and non-profit organizations for sale and consumption of malt liquor produced on the licensed premise.

(D) Off-sale malt liquor licenses may be granted to a licensee with either an on-sale brewer taproom license or on-sale brew pub license, which shall permit the off-sale of malt liquor on the licensee’s premise, subject to the provisions of M.S. §§ 340A.24 or 340A.28, as it may be amended from time to time and as follows:

   (1) A brewer may only hold one off-sale malt liquor license;

   (2) The off-sale of malt liquor shall only be permitted during the same days and hours of municipal liquor stores, and between the hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays;

   (3) The only off-sale of malt liquor shall be the malt liquor produced by the licensee at the licensee’s premise; and

   (4) The packaging of the off-sale malt liquor containers and bottles are subject to M.S. § 340A.285, as it may be amended from time to time.

(E) Every application for a license to sell malt liquor shall be made on a form supplied by the city. Applications shall be filed with the Clerk. It shall be unlawful to make any false statement in an application. By submitting an application, the applicant consents to any and all investigations the city deems appropriate and waives any claims the applicant may have. Copies of the application shall be submitted to such other city departments as the Council shall deem necessary for verification and investigation of the facts set forth in the application.

(F) In addition to the information required on the State of Minnesota’s corresponding alcohol-related application and the City of Columbia Heights’ background application, applications for malt liquor licenses shall state contain the following information:

   1) Name of business;

   2) Doing business as;

   3) Whether the applicant is a natural person, partnership, corporation or other form of organization;

   4) Full legal name of applicant and applicant’s spouse, place and date of birth, street residence address and length of time at that address of the applicant and applicant’s spouse, and any other information deemed necessary by the Council or issuing authority;

   5) Three character references;

   4) If the applicant is a corporation or other organization and is applying for an on-sale license, the following will be required:

      (a) If incorporated, the state of incorporation.

      (b) A true copy of certificate of incorporation or other documentation of legal status.

   5) Applicant’s Information;

      (a) Full legal name of applicant
(b) Whether the applicant has ever used or been known by a name other than their full legal name, and, if so, listing of such name(s) and information concerning dates and places where used

c) Place of birth

d) Date of birth

e) Current address

(f) Length of time residing at current address

(g) Previous addresses within the past ten years

(h) Whether applicant has ever been engaged as an employee or in operating a bar, saloon, hotel, restaurant, café, tavern, or other business of a similar nature. If so, applicant shall furnish information as to the dates, locations, and lengths of time employed.

(i) Type, name, and location of every business or occupation applicant has been engaged in within the past ten years

(j) Names and addresses of applicant’s employers and partners, if any, within the past ten years

(k) Whether applicant has ever been convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor other than traffic violations. If so, the applicant shall furnish information regarding the time, place, and offense for which convictions were had.

(l) Three character references located within the State of Minnesota

(m) Whether applicant has ever been in military service. If so, applicant shall attach DD-214 form.

(n) Any other information deemed necessary by the City Council or issuing authority.

(6) Applicant’s Spouse’s Information:

(a) Full legal name of applicant’s spouse

(b) Whether the applicant’s spouse has ever used or been known by a name other than their full legal name, and, if so, listing of such name(s) and information concerning dates and places where used

c) Place of birth

d) Date of birth

e) Current address

(f) Length of time residing at current address

(g) Previous addresses within the past ten years

(h) Whether applicant’s spouse has ever been engaged as an employee or in operating a bar, saloon, hotel, restaurant, café, tavern, or other business of a similar nature. If so, applicant’s spouse shall furnish information as to the dates, locations, and lengths of time employed.

(i) Type, name, and location of every business or occupation applicant’s spouse has been engaged in within the past ten years

(j) Names and addresses of applicant’s spouse’s employers and partners, if any, within the past ten years

(k) Whether applicant’s spouse has ever been convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor other than traffic violations. If so, the applicant shall furnish information regarding the time, place, and offense for which convictions were had.

(l) Three character references located within the State of Minnesota
(m) Whether applicant’s spouse has ever been in military service. If so, applicant shall attach DD-214 form.

(n) Any other information deemed necessary by the City Council or issuing authority

(4)(7) The nature of any other business to be operated in conjunction with the sale of malt liquor and whether the applicant is the owner or operator of such other business, and if so, the length of time in such business; and

(5)(8) In the case of corporations, partnerships, and other organizations, such information relating to the identity of each officer, director and partner as required in division (F)(2)(5) & (6).

(G) All applications shall be referred to the Chief of Police. The Chief of Police or designee is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry obtained through the Criminal Justice System and/or a driver’s license history inquiry as recorded by the State Department of Public Safety on the applicant. An investigation fee as set by Council resolution shall accompany each application. The application shall also be referred to the Chief of the Fire Department, the Building Official and the City Planning and Zoning Department for a report indicating whether said premises are in compliance with applicable ordinances and regulations. A public hearing shall then be held before the Council, at which time the application for a license shall be considered. Opportunity shall be given to any person to be heard for or against the granting of the license at a public hearing. The Council may accept or reject the license application in its discretion upon completion of the public hearing.

(H) Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application.

(I) No license shall be granted to any person:

(1) Who is under 21 years of age;

(2) Who has been convicted of a felony, or any law of this state or local ordinance relating to the manufacture, transportation or sale of 3.2% malt, malt liquor or of intoxicating liquors;

(3) For the sale of malt liquor on any premises also occupied by a previous licensee who was convicted of a violation of this section;

(4) Who is not a citizen of the United States or a resident alien, or upon whom it is impractical to conduct a background and financial investigation due to the unavailability of information;

(5) Who is not of good moral character and repute;

(6) Who is or, during the period of this license, becomes the holder of a federal retail liquor dealer’s special tax stamp for the sale of intoxicating liquor at such place; or

(7) Who is not the proprietor of the establishment for which the license is issued.

(J) Licenses granted pursuant to the provisions of this chapter shall be subject to the following conditions:

(1) No gambling, nor any gambling device allowed that is prohibited by law.

(2) All licensees under this section shall allow the business premises to be inspected by police or health officials at any time.

(3) No sale of malt liquor may be made between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 1:00 a.m. and 10:00 a.m. on Sunday.

(4) No licensee who is not also licensed to sell intoxicating liquor shall sell or permit the consumption or display of intoxicating liquors on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquor. The presence of intoxicating liquors on the premises of such a licensee shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale; and
the serving of any liquid for the purpose of mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this section.

(5) No person under 18 years of age shall be employed on the premises, except that persons under 18 years of age may be employed as musicians, bus boys and kitchen help.

(6) No person or customer, other than the licensee and his or her employees, may remain on any licensed premises after 1:30 a.m.

(7) No licensee or his or her agent shall serve malt liquor or permit the sale of malt liquor to any person under 21 years of age.

(8) Every licensee shall be responsible for the conduct of his or her place of business and shall maintain conditions of sobriety and order. The act of any employee on the licensed premises authorized to sell malt liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by ordinance, statute, or regulation equally with the employee.

(9) No licensee shall permit 18, 19 and 20 year olds to remain on the premises unless to perform work for the establishment including the sale or serving of alcoholic beverages, consume meals, and attend social functions that are held in a portion of the establishment where liquor is not sold.

(10) No licensee shall permit in any licensed establishment, or any adjoining property owned or leased by the licensee, any boxing, wrestling, or any other form of entertainment whose primary purpose is physical contact by striking or touching an opponent with hands, head, feet, or body. Team sports, in which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, football, baseball, hockey, and softball, are not included among activities prohibited by this section.

(K) No license shall be granted for sale on any premises where a licensee has been convicted of any violation of this section, or of the state beer or liquor law, or where any license hereunder has been revoked for cause until one year has elapsed after such conviction or revocation.

(L) No on-sale license shall be granted for a bona fide club which has not been in operation and eligible to receive a license for at least one year immediately preceding the application for a license.

(M) Each application for a license must be accompanied by the applicable license and investigation fees payment in full. As stated in § 5.103(E)(1): “Fees shall not be prorated unless specifically authorized herein, or by Council resolution, and are not refundable for any reason, including license revocation, suspension, denial or termination of the licensed activity.” The annual fee for an on-sale and off-sale license shall be as set by Council resolution.

(N) On-sale and off-sale licenses shall expire on the last day of December in each year. Each such license shall be issued for a period of one year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year.

(O) (1) At the time of filing an application for any on-sale or off-sale malt liquor license, the applicant shall file with the Clerk proof of financial responsibility for liability. The issuer or surety on any liability insurance policy or bond shall be duly licensed to do business in the State of Minnesota, and all documents shall be approved as to content, form and execution. The licensee and the city shall be named as joint insured on the liability insurance policy. The policy shall be effective for the entire license year.

(2) Proof of financial responsibility may be provided by supplying to the Clerk any of the following items:

   (a) A certificate that there is in effect for the license period an insurance policy providing at least $50,000 of coverage because of bodily injury to any one person in any one occurrence, $100,000 because of bodily injury to two or more persons in any one occurrence, $10,000 because of injury to or destruction of property of others in any one occurrence, $50,000 for loss of means of support of any one
person in any one occurrence, and $100,000 for loss of means of support of two or more persons in any one occurrence;

(b) A bond of surety company with minimum coverages as provided in division (2)(a) above; or
(c) A certificate of the State Treasurer that the licensee has deposited with that office $100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of $100,000.

(P) Any liability insurance required by this section must provide that it may not be canceled for:

(1) 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 issuing authority of intent to cancel the policy; and

(2) Nonpayment of premium unless the canceling party has first given ten days’ notice in writing to the issuing authority of intent to cancel the policy.

(Q) The operation of an on-sale, off-sale malt liquor license without having on file at all times with the city the liability insurance policy or other evidence of financial responsibility required herein shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy serves as notice to the licensee of the impending revocation and unless evidence of compliance with the financial responsibility requirements of this section are presented to the Clerk before the termination is effective, the license will be revoked instantly upon the lapse in coverage.

(R) Every license shall be granted subject to the conditions and provisions of this section and of other applicable ordinances of the city or state law.

(S) All licensed premises shall have the license posted in a conspicuous place at all times.

(T) No manufacturer or wholesaler of malt liquor shall have any ownership of or interest in an establishment licensed to sell at retail contrary to the provisions of M.S. § 340A.308, as it may be amended from time to time. No retail licensee and manufacturer or wholesaler of malt liquor shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of malt liquor and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.

(U) Any peace officer shall have the unqualified right to enter, inspect and search the premises of a licensee during business hours without a search and seizure warrant and may, in the absence of a license to sell intoxicating liquor, seize all intoxicating liquors found on the licensed premises. Business hours shall be deemed any time when licensee or employees are present on the premises. Refusal to permit such inspection is a violation of this section and grounds for revocation of license.

(V) Any person violating any provision of this section shall be guilty of a misdemeanor.

(W) Any on-sale or off-sale license holder is subject to the provisions of § 5.511 regarding penalties for license violations.

(Ord. 1638, passed 2-27-17; Am. Ord. 1640, passed 6-12-17)

Section 4
5.504 of the Columbia Heights City Code is hereby amended to read as follows, to wit:

§ 5.504 ON-SALE CLUB LIQUOR.
(A) On-sale licenses for the sale of intoxicating liquor may be issued to bona fide clubs, as defined herein, which have been in existence for three years or more, or to an incorporated congressionally chartered veterans organization which has been in existence for three years or more.

(1) The licenses issued shall be for sale of intoxicating liquors to club members and guests only.

(2) The license fee shall be set by Minnesota State Statute. No license will be issued unless at the time of application the applicant has paid the license fee in full and a non-refundable investigation fee as set by City Council resolution. Where all applicants are in-state, the investigation fee will be $500; where any applicants are out of state, the investigation fee shall be $2,000. If the investigation fee for in-state or out of state applicants exceeds the minimum fee, the additional costs of the investigation will be billed to the applicant(s). Upon rejection of any application for a license, or upon withdrawal of an application before approval of the issuance by the City Council, the license fee shall be refunded to the applicant. In any case, the investigation fee will be non-refundable. All licenses shall expire on the last day of December of each year.

(B) Any club as defined herein, may make application for such license. The application shall be made with the Clerk and shall contain the following information in addition to a forge from the information required on the state of Minnesota’s corresponding alcohol-related application Liquor Control Commissioner:

(1) Name and address of club.

(2) Date of and copy of certificate of incorporation of club or other documentation of legal status.

(3) Certified copy of the by-laws of the club, including therein a definition of the word “member.”

(4) A list of the membership.

(5) A copy of the Charter, if any.

(6) List of corporate officers, board of directors and manager.

(7) Copy of lease agreement or statement of ownership of premises occupied by the applicant.

(8) A statement as to whether or not real estate taxes and local assessments for the premises to be licensed are fully paid, and if not paid, the years and amounts which are unpaid.

(9) Executed signature of an officer of the corporation.

(10) Full legal name of applicant and applicant’s spouse, place and date of birth, street address of residence and length of time at that address of the applicant and applicant’s spouse, and any other information deemed necessary by the City Council or issuing authority.

(C) At the time of filing an application for any on-sale intoxicating liquor license, the applicant shall file with the Clerk proof of financial responsibility for liability. The issuer or surety on any liability insurance policy or bond shall be duly licensed to do business in the State of Minnesota, and all documents shall be approved as to content, form and execution. The licensee and the city shall be named as joint insured on the liability insurance policy. The policy shall be effective for the entire license year or term of license. Proof of financial responsibility may be provided by supplying to the Clerk any of the following items:

(1) A certificate that there is in effect for the license period an insurance policy providing at least $50,000 of coverage because of bodily injury to any one person in any one occurrence, $100,000 because of bodily injury to two or more persons in any one occurrence, $10,000 because of bodily injury to or destruction of property of others in any one occurrence, $50,000 for loss of means of support of any one person in any one occurrence, and $100,000 for loss of means of support of two or more persons in any one occurrence; or

(2) A bond of a surety company with minimum coverages as provided in division (D)(1); or
(3) A certificate of the State Treasurer that the licensee has deposited with the State Treasurer $100,000 in cash or securities that may be legally purchased by savings banks or trust funds having a market value of $100,000.

(D) The operation of an intoxicating liquor license without having on file at all times with the city the liability insurance policy or other evidence of financial responsibility required herein shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy serves as notice to the licensee of the impending revocation and unless evidence of compliance with the financial responsibility requirements of this section are presented to the Clerk before the termination is effective, the license will be revoked instantly upon the lapse in coverage. Any liability insurance required by this section must provide that it may not be canceled for:

(1) 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 issuing authority of intent to cancel the policy; and

(2) Nonpayment of premium unless the canceling party has first given ten days’ notice in writing to the issuing authority of intent to cancel the policy.

(E) All applications shall be referred to the Chief of Police. The Chief of Police or his designee is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry obtained through the Criminal Justice System and/or a driver’s license history inquiry as recorded by the State Department of Public Safety on the applicant. The application shall also be referred to the Chief of the Fire Department, the Building Official and the City Planning and Zoning Department for a report indicating whether said premises are in compliance with applicable ordinances and regulations. A public hearing shall then be held before the City Council, at which time the application for a license shall be considered. Opportunity shall be given to any person to be heard for or against the granting of the license at a public hearing. The City Council may accept or reject the license application in its discretion upon completion of the public hearing. Each license shall be issued to the applicant(s) only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application.

(F) No license shall be issued to any applicant for a location within 300 feet of any school or church, unless such license has been previously approved when no school or church was so situated.

(G) Clubs which are licensed pursuant to the provisions of this section shall be subject to the following regulations:

(1) No sale of intoxicating liquor may be made between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 2:00 a.m. and 10:00 a.m. on Sunday.

(2) Sales shall be made only to club members and their guests.

(3) Liquor may only be sold at the premises designated in the license.

(4) The Clerk shall be notified of any change in the person managing the liquor operations for the club.

(5) No licensee shall permit in any licensed establishment, or any adjoining property owned or leased by the licensee, any boxing, wrestling, or any other form of entertainment whose primary purpose is physical contact by striking or touching an opponent with hands, head, feet, or body. Team sports, in which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, football, baseball, hockey, and softball, are not included among activities prohibited by this section.

(H) Any on-sale license issued pursuant to the provisions of this section shall be subject to § 5.504(L).

(I) Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as per state statute.
Any club license is subject to provisions of 5.510-5.511 regarding penalties for license violations.

('77 Code, § 5.502) (Am. Ord. 1135, passed 9-22-86; Am. Ord. 1154, passed 8-24-87; Am. Ord. 1190, passed 10-23-89; Am. Ord. 1419, passed 9-25-00; Am. Ord. 1482, passed 3-28-05; Am. Ord. 1610, passed 11-26-12; Am. Ord. 1638, passed 2-27-17; Am. Ord. 1640, passed 6-12-17)

Section 5
5.505 of the Columbia Heights City Code is hereby amended to read as follows, to wit:

§ 5.505 INTOXICATING LIQUOR.

(A) No person, except wholesalers or manufacturers to the extent authorized by state statute, shall directly or indirectly deal in, sell, or keep for sale any intoxicating liquor without first having received a license to do so as provided in this chapter. On-sale intoxicating liquor licenses may be issued to the following establishments:

   (1) Hotels, provided the establishment has a dining area providing seating for at least 30 guests at one time and a minimum of ten guest rooms, and that part of the total business receipts attributable to or derived from the serving of foods and intoxicating liquors, no less that 55% of the business receipts from a license year must be attributable to the sale of food;

   (2) Restaurants, provided the establishment derives at least 55% of the annual gross receipts from the sale of food with minimum seating for 150 guests at one time and a dining area with a minimum floor area of 3,000 square feet;

   (3) Bowling centers, provided that the establishment is conducted in such a manner that no less than 55% of the business receipts for the license year shall be derived from the serving of food and bowling, with not less than 15 lanes and with appropriate facilities for the serving of food to not less than 30 persons and;

   (4) Clubs or congressionally chartered veterans’ organizations, with the approval of the commissioner, provided that the organization has been in existence for at least three years; liquor sales only to members and bona fide guests.

(B) On-sale intoxicating liquor licenses shall be granted to establishments that derive at least 60% of the annual gross receipts from the sale of food. A hotel shall have a dining area providing seating for at least 75 guests at one time and a minimum of ten guest rooms, and that part of the total business receipts attributable to or derived from the serving of foods and intoxicating liquors, no less than 60% of the business receipts from a license year must be attributable to the sale of food.

(C) A bowling center billiard hall shall be conducted in such a manner that no less than 60% of the business receipts for the license year shall be derived from the serving of food and bowling billiards.

(D) A restaurant which contains a minimum of 3,300 square feet of building area located on the same floor with minimum seating for 150 guests at one time and a combined waiting and dining area space with a minimum floor area of 2,000 square feet may make application for an limited intoxicating liquor license provided the establishment derives at least 60% of the annual gross receipts from the sale of food the premises does not contain an elevated counter, commonly known as a bar and meets the 60% requirements of division (B).

(B) The annual license fee shall be set by resolution of the City Council. In the absence of a resolution, the license fee shall be $5,500.

(D)(C) No license shall be granted for any premises which does not have a sprinkler system.
(E) Every application for a license to sell intoxicating liquor on-sale shall be made on a form supplied by the city. Applications shall be filed with the Clerk. It shall be unlawful to make any false statement in an application. By submitting an application, the applicant consents to any and all investigations the city deems appropriate and waives any claims the applicant may have. Copies of the application shall be submitted to such other city departments as the City Council shall deem necessary for verification and investigation of the facts set forth in the application.

(F) In addition to the information required on the State Liquor Control Commissioner’s form of Minnesota’s application and issuing authority’s background application, the on-sale intoxicating liquor license application shall contain the following information:

1. Type of license applicant seeks: Name of business;
2. Doing business as;
3. Whether the applicant is a natural person, corporation, partnership, or other form of organization;
4. Full legal name of applicant and applicant’s spouse, place and date of birth, street address of residence and length of time at that address of the applicant and applicant’s spouse, and any other information deemed necessary by the City or Issuing Authority.
   (a) Whether the applicant has ever used or been known by a name other than his true name, and, if so, what was such name or names and information concerning dates and places where used.
   (b) Name of business.
   (c) The nature of any other business to be operated in conjunction with the on-sale of intoxicating liquor and whether the applicant is the owner or operator of such other business, and if so, the length of time in such business.
   (d) Street addresses at which applicant and current spouse have lived during the preceding ten years;
   (e) Kind, name and location of every business or occupation applicant or present spouse have been engaged in during the preceding ten years;
   (f) Names and addresses of applicant’s and spouse’s employers and partners, if any, for the preceding ten years;
   (g) Whether applicant or spouse has ever been convicted of any felony, crime, or violation of any ordinance other than traffic. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.
   (h) Whether applicant or spouse has ever been engaged as an employee or in operating a bar, saloon, hotel, restaurant, café, tavern or other business of a similar nature. If so, applicant shall furnish information as to the time, place, and length of time.
   (i) Whether applicant has ever been in military service. If so, applicant shall attach DD/214 form.
4. In the case of corporations, partnerships, or other form of organization, such information relating to the identity of each officer, director and partner as required in division (F)(3).
5. If the applicant is a corporation or other organization and is applying for an on-sale license, the following will be required:
   (a) Name and, if incorporated, the state of incorporation.
   (b) A true copy of certificate of incorporation or other documentation of legal status.
6. An applicant for an on-sale license shall submit a floor plan of the dining room or dining rooms which shall be open to the public, shall show dimensions, and shall indicate the number of persons intended to be served in each of said rooms.
7. Three character references located within the State of Minnesota.
(8) Whether or not all real estate taxes and local assessments for the premises to be licensed which are due and payable have been paid and if not paid, the years and amounts which are unpaid.
(9) Such other information as the City Council shall require.

4) If the applicant is a corporation or other organization, the following will be required:
   (a) If incorporated, the state of incorporation
   (b) A true copy of certificate of incorporation or other documentation of legal status

5) Applicant’s Information:
   (a) Full legal name of applicant
   (b) Whether the applicant has ever used or been known by a name other than their full legal name, and, if so, listing of such name(s) and information concerning dates and places where used
   (c) Place of birth
   (d) Date of birth
   (e) Current address
   (f) Length of time at current address
   (g) Previous addresses within the past ten years
   (h) Whether applicant has ever been engaged as an employee or in operating a bar, saloon, hotel, restaurant, café, tavern, or other business of a similar nature. If so, applicant shall furnish information as to the dates, locations, and lengths of time employed.
   (i) Type, name, and location of every business or occupation applicant has been engaged in within the past ten years
   (j) Names and addresses of applicant’s employers and partners, if any, within the past ten years
   (k) Whether applicant has ever been convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor other than traffic violations. If so, the applicant shall furnish information regarding the time, place, and offense for which convictions were had.
   (l) Three character references located within the State of Minnesota
   (m) Whether applicant has even been in military service. If so, applicant shall attach DD-214 form.
   (n) Any other information deemed necessary by the City Council or issuing authority.

6) Applicant’s Spouse’s Information:
   (a) Full legal name Full legal name of applicant’s spouse
   (b) Whether the applicant’s spouse has ever used or been known by a name other than their full legal name, and, if so, listing of such name(s) and information concerning dates and places where used
   (c) Place of birth
   (d) Date of birth
   (e) Current address
   (f) Length of time residing at current address
   (g) Previous addresses within the past ten years
   (h) Whether applicant’s spouse has ever been engaged as an employee or in operating a bar, saloon, hotel, restaurant, café, tavern, or other business of a similar nature. If so,
applicant’s spouse shall furnish information as to the dates, locations, and lengths of
time employed.
(i) Type, name, and location of every business or occupation applicant’s spouse has been
engaged in within the past ten years
(ii) Names and addresses of applicant’s spouse’s employers and partners, if any, within the
past ten years
(k) Whether applicant’s spouse has ever been convicted of any felony, gross misdemeanor,
misdemeanor, or petty misdemeanor other than traffic violations. If so, the applicant
shall furnish information regarding the time, place, and offense for which convictions
were had.
(l) Three character references located within the State of Minnesota
(m) Whether applicant’s spouse has ever been in military service. If so, applicant shall attach
DD-214 form.
(n) Any other information deemed necessary by the City Council or issuing authority.

7) The nature of any other business to be operated in conjunction with the sale of alcoholic
beverages and whether the applicant is the owner or operator of such other business, and, if so,
the length of time in such business; and,

8) In the case of corporations, partnerships, and other organizations, such information relating to
the identity of each officer, director, and partner as required in division (E) (5) & (6).

(G)(F) (1) Applications for the renewal of an existing license shall be made a minimum of 60 days prior
to the date of the expiration of the license.

(2) At the time application is made for a renewal of an on sale license, the applicant shall file with
the Clerk a statement prepared by a certified public accountant that shows the total gross sales and the
total food sales of the restaurant for the 12-month period immediately preceding the date for filing
renewal applications.

(H)(G) If the application is by a natural person, it shall be signed and sworn to by such person; if by a
corporation, or other organization, by an authorized representative of the same.

(H)(H) No license will be issued unless at the time of application the applicant has paid the license fee in
full and a non-refundable investigation fee as set by City Council resolution. In the absence of a
resolution, the license fee shall be $6,500; where all applicants are in-state, the investigation fee will be
$500; where any applicants are out-of-state, the investigation fee shall be $2,000. If the investigation
fee for in-state or out of state applicants exceeds the minimum fee, the additional costs of the
investigation will be billed to the applicant(s). A new application shall be submitted and a license fee and
investigation fee paid when there is a change in ownership or control of a licensed corporation. Upon
rejection of any application for a license, or upon withdrawal of an application before approval of the
issuance by the City Council, the license fee shall be refunded to the applicant. In any case, the
investigation fee will be non-refundable. The license fee for an on-sale license granted after the
commencement of the license year shall be pro-rated on a monthly basis. All licenses shall expire on the
last day of December of each year.

(1) When the license is for premises where the building is not ready for occupancy, the time fixed
for computation of the license fee for the initial license period shall be 90 days after approval of the
license by City Council or upon the date the building is ready for occupancy, whichever is sooner.

(2) No transfer of a license shall be permitted from place to place or person to person without
complying with the requirements of an original application.

(H)(I) (1) All applications shall be referred to the Chief of Police. The Chief of Police or his their
designee is empowered to conduct any and all investigations to verify the information on the
application, including ordering a computerized criminal history inquiry obtained through the Criminal Justice System and/or a driver’s license history inquiry as recorded by the State Department of Public Safety on the applicant. The application shall also be referred to the Chief of the Fire Department, the Building Official and the City Planning and Zoning Department for a report indicating whether said premises are in compliance with applicable ordinances and regulations. A public hearing shall then be held before the City Council, at which time the application for a license shall be considered. Opportunity shall be given to any person to be heard for or against the granting of the license at a public hearing. The City Council may accept or reject the license application in its discretion upon completion of the public hearing.

(2) Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application.

(K)(J) No license shall be granted to or held by any person:

(1) Who is less than 21 years of age.
(2) Who is not of good moral character and repute.
(3) Who is not a citizen of the United States or a resident alien, or upon whom it is impractical to conduct a background and financial investigation due to the unavailability of information.
(4) Who has been convicted of a felony or any violation of law of this state or local ordinance relating to the manufacture, transportation or sale of beer, wine, or of intoxicating liquors.
(5) For the sale of intoxicating liquor on any premises also occupied by a previous licensee who was convicted of a violation of this section or where a license has been revoked by the City Council.
(6) Who is a manufacturer of intoxicating liquor.
(7) Who is not the proprietor of the establishment for which the license is issued.
(8) Who is or during the period of this license becomes the holder of a federal retail liquor dealer’s special tax stamp for the sale of intoxicating liquor at such place.
(9) No license shall be issued to any applicant for a location within 300 feet of any school or church, unless such license has been previously approved when no school or church was so situated.

(L)(K) On sale intoxicating liquor licenses granted pursuant to the provisions of this section shall be subject to the following conditions:

(1) Every license shall be granted subject to the conditions and provisions of this section and of any other applicable ordinances of the city or state law.
(2) The license shall be posted in a conspicuous place in the licensed establishment at all times.
(3) Any peace officer shall have the unqualified right to enter, inspect, and search the premises of the licensee during business hours without a warrant upon information or belief of a violation of federal, state or local laws. Business hours shall be deemed any time when licensee or employees are present on the premises. Refusal to permit such inspection is a violation of this section and grounds for revocation of license.
(4) Every licensee shall be responsible for the conduct of his their place of business and the conditions of sobriety and order in the place of business and on the premises. The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by ordinance, statute, or regulation equally with the employee.
(5) No on-sale licensee shall sell intoxicating liquor off-sale.
(6) No license shall be effective beyond the space named in the license for which it was granted.
(7) No intoxicating liquor shall be sold or furnished or delivered to any obviously intoxicated person, or to any person to whom sale is prohibited by state law.
(8) No licensee shall permit 18, 19, or 20 year old persons to remain on the premises unless to perform work for the establishment including the sale or serving of alcoholic beverages, consume meals, and attend social functions that are held in a portion of the establishment where liquor is not sold.

(9) No licensee shall sell, offer for sale, or keep for sale, intoxicating liquors from any original package which has been refilled or partly refilled. No licensee shall directly or through any other person delete or in any manner tamper with the contents of any original package so as to change its composition or alcoholic content while in the original package. Possession on the premises by the licensee of any intoxicating liquor in the original package differing in composition or alcoholic content in the liquor when received from the manufacturer or wholesaler from whom it was purchased, shall be prima facie evidence that the contents or the original package have been diluted, tampered with or changed.

(10) In the case of corporations, partnerships, or other forms of organizations, when there is a change in officers, directors, or partners, a new application must be submitted.

(11) No gambling allowed, nor any gambling device prohibited by law.

(12) No licensee shall permit in any licensed establishment, or any adjoining property owned or leased by the licensee, any boxing, wrestling, or any other form of entertainment whose primary purpose is physical contact by striking or touching an opponent with hands, head, feet, or body. Team sports, in which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, football, baseball, hockey, and softball, are not included among activities prohibited by this section.

(M) No sale of intoxicating liquor for consumption on a licensed premises may be made between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 2:00 a.m. and 10:00 a.m. on Sunday.

(N) At the time of filing an application for any on-sale intoxicating liquor license, the applicant shall file with the Clerk proof of financial responsibility for liability. The issuer or surety on any liability insurance policy or bond shall be duly licensed to do business in the State of Minnesota, and all documents shall be approved as to content, form and execution. The licensee and the city shall be named as joint insured on the liability insurance policy. The policy shall be effective for the entire license year or term of license.

(2) Proof of financial responsibility may be provided by supplying to the Clerk any of the following items:

   (a) A certificate that there is in effect for the license period an insurance policy or pool providing at least $50,000 of coverage because of bodily injury to any one person in any one occurrence, $100,000 because of bodily injury to two or more persons in any one occurrence, $10,000 because of bodily injury to or destruction of property of others in any one occurrence, $50,000 for loss of means of support of any one person in any one occurrence, and $100,000 for loss of means of support of two or more persons in any one occurrence; or

   (b) A bond of a surety company with minimum coverages as provided in division (N)(2)(a); or

   (c) A certificate of the State Treasurer that the licensee has deposited with the State Treasurer $100,000 in cash or securities that may be legally purchased by savings banks or trust funds having a market value of $100,000.

(O) The operation of an intoxicating liquor license without having on file at all times with the city the liability insurance policy or other evidence of financial responsibility required herein shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy serves as notice to the licensee of the impending revocation and unless evidence of compliance with the
financial responsibility requirements of this section are presented to the Clerk before the termination is effective, the license will be revoked instantly upon the lapse in coverage.

(2) Any liability insurance required by this section must provide that it may not be canceled for:

(a) 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 issuing authority of intent to cancel the policy; and

(b) Nonpayment of premium unless the canceling party has first given ten days’ notice in writing to the issuing authority of intent to cancel the policy.

P (O) (1) The City Council may suspend or revoke any intoxicating liquor license for the violation of any provision or condition of this section or of any state law or federal law regulating the sale of intoxicating liquor, and shall revoke such license for any willful violation which, under the laws of the state, is grounds for mandatory revocation, and shall revoke for failure to keep the insurance required by division (N) in full force and effect.

(2) License holder is also subject to provisions of 5.510 and 5.511 regarding penalties for license violations.

Q (P) Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as per state statute.

(‘77 Code, § 5.503) (Am. Ord. 1119, passed 2-24-86; Am. Ord. 1135, passed 9-22-86; Am. Ord. 1154, passed 8-24-87; Am. Ord. 1419, passed 9-25-00; Am. Ord. 1482, passed 3-28-05; Am. Ord. 1610, passed 11-26-12; Am. Ord. 1638, passed 2-27-17; Am. Ord. 1640, passed 6-12-17)

Section 6

5.506 of the Columbia Heights City Code is hereby amended to read as follows, to wit:

§ 5.506 ON-SALE WINE LICENSES.

(A) No person, except wholesalers or manufacturers to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale any wine without first having received an on-sale wine license as provided in this section or an intoxicating liquor license. The term “on-sale wine license” means a license authorizing the sale of wine and 3.2% malt liquor for consumption on the licensed premises only in conjunction with the sale of food.

(B) “On-sale wine” licenses shall be granted only to restaurants which are conducted in such a manner that at least 60% of the annual gross receipts of the establishment must be derived from or attributable to the sale of food. Such establishment shall have facilities for seating not less than 25 guests at one time. A hotel shall be eligible for an on-sale wine license provided that, of that part of the total annual gross receipts attributable to or derived from the serving of food and wine, 60% or more of the annual gross receipts for a license year is the serving of food, the dining area must seat a minimum of 25 people at tables, and the hotel must have a minimum of ten rooms.

(C) A holder of an on-sale wine license who is in compliance with all requirements of this section may sell intoxicating malt liquor (strong beer) on-sale without an additional license.

(D) Only the sale of wine not exceeding 14% alcohol by volume for consumption on the licensed premises in conjunction with the sale of food shall be permitted.

(E) The number of wine licenses issued are unlimited and are not counted in the number of intoxicating liquor licenses allowed under state statute.
(F) Every application for a license to sell wine on-sale shall be made on a form supplied by the city. Applications shall be filed with the Clerk. It shall be unlawful to make any false statement in an application. By submitting an application, the applicant consents to any and all investigations the city deems appropriate and waives any claims the applicant may have. Copies of the application shall be submitted to such other city departments as the City Council shall deem necessary for verification and investigation of the facts set forth in the application.

(G) No license will be issued unless at the time of application the applicant has paid the license fee in full and a non-refundable investigation fee as set by City Council resolution. In the absence of a resolution, the license fee shall be $2,000; where all applicants are in-state, the investigation fee will be $500; where any applicants are out of state, the investigation fee shall be $2,000. If the investigation fee for in-state or out-of-state applicants exceeds the minimum fee, the additional costs of the investigation will be billed to the applicant. A new application shall be submitted and a license fee and investigation fee paid when there is a change in ownership or control of a licensed corporation. Upon rejection of any application for a license, or, upon withdrawal of an application before approval of the issuance by the City Council, the license fee shall be refunded to the applicant. In any case, the investigation fee will be non-refundable. The license fee for an on-sale license granted after the commencement of the license year shall be pro-rated on a monthly basis. All licenses shall expire on the last day of December of each year.

(H) In addition to the information required on the State Liquor Control Commissioner’s form of Minnesota’s corresponding alcohol-related application and the City of Columbia Heights’ Background application, the applications for on-sale wine licenses application shall contain the following information:

1. Type of license applicant seeks—Name of business;
2. Doing business as;
3. Whether the applicant is a natural person, corporation, partnership, or other form of organization;
4. Full legal name of applicant and applicant’s spouse, place and date of birth, street address of residence and length of time at that address of the applicant and applicant’s spouse; and any other information deemed necessary by the City Council or issuing authority.
5. Whether the applicant has ever used or been known by a name other than his their true name, and, if so, what was such name or names and information concerning dates and places where used.
7. The nature of any other business to be operated in conjunction with the on-sale of wine and whether the applicant is the owner or operator of such other business, and if so, the length of time in such business.
8. Street addresses at which applicant and current spouse have lived during the preceding ten years.
9. Kind, name and location of every business or occupation applicant or present spouse have been engaged in during the preceding ten years.
10. Names and addresses of applicant’s and spouse’s employers and partners, if any, for the preceding ten years.
11. Whether applicant or spouse has ever been convicted of any felony, crime, or violation of any ordinance other than traffic. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.
(11) Whether applicant or spouse has ever been engaged as an employee or in operating a saloon, hotel, restaurant, café, tavern or other business of a similar nature. If so, applicant shall furnish information as to the time, place, and length of time.

(12) Whether applicant has ever been in military service. If so, applicant shall attach DD/214 form.

(13) In the case of corporations, partnerships, or other form of organization, such information relating to the identity of each officer, director and partner as required in subdivisions (3) through (12) above.

(14) If the applicant is a corporation or other organization and is applying for an on-sale license, the following will be required:

(a) Name and, if incorporated, the state of incorporation.
(b) A true copy of certificate of incorporation or other documentation of legal status.

(15) Three character references located within the State of Minnesota.

(4) If the applicant is a corporation or other organization, the following will be required:

(a) If incorporated, the state of incorporation
(b) A true copy of certificate of incorporation or other documentation of legal status

(5) Applicant’s Information:

(a) Full legal name of applicant
(b) Whether the applicant has ever used or been known by a name other than their full legal name, and, if so, listing of such name(s) and information concerning dates and places where used
(c) Place of birth
(d) Date of birth
(e) Current address
(f) Length of time at current address
(g) Previous addresses within the past ten years
(h) Whether applicant has ever been engaged as an employee or in operating a bar, saloon, hotel, restaurant, café, tavern, or other business of a similar nature. If so, applicant shall furnish information as to the dates, locations, and lengths of time employed.
(i) Type, name, and location of every business or occupation applicant has been engaged in within the past ten years
(k) Whether applicant has ever been convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor other than traffic violations. If so, the applicant shall furnish information regarding the time, place, and offense for which convictions were had.
(l) Three character references located within the State of Minnesota
(m) Whether applicant has ever been in military service. If so, applicant shall attach DD-214 form
(n) Any other information deemed necessary by the City Council or issuing authority.

(6) Applicant’s Spouse’s Information:

(a) Full legal name of applicant’s spouse
(b) Whether the applicant’s spouse has ever used or been known by a name other than their full legal name, and, if so, listing of such name(s) and information concerning dates and places where used
(c) Place of birth
(d) Date of birth
(e) Current address
(f) Length of time residing at current address
(g) Previous addresses within the past ten years
(h) Whether applicant’s spouse has ever been engaged as an employee or in operating a bar, saloon, hotel, restaurant, café, tavern, or other business of a similar nature. If so, applicant’s spouse shall furnish information as to the dates, locations, and length of time employed.
(i) Type, name, and location of every business or occupation applicant’s spouse has been engaged in within the past ten years
(j) Names and addresses of applicant’s spouse’s employers and partners, if any, within the past ten years
(k) Whether applicant’s spouse has ever been convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor other than traffic violations. If so, the applicant shall furnish information regarding the time, place, and offense for which convictions were had.
(l) Three character references located within the State of Minnesota
(m) Whether applicant’s spouse has ever been in military service. If so, applicant shall attach DD-214 form.
(n) Any other information deemed necessary by the City Council or issuing authority.

(7) The nature of any other business to be operated in conjunction with the sale of alcoholic beverages and whether the applicant is the owner or operator of such other business, and, if so, the length of time in such business; and,

(8) In the case of corporations, partnerships, and other organizations, such information relating to the identity of each officer, director, and partner as required in division (H) (5) & (6).

(i) 1) All applications shall be referred to the Chief of Police. The Chief of Police or his her designee is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry obtained through the Criminal Justice System and/or a driver’s license history inquiry as recorded by the State Department of Public Safety on the applicant. The application shall also be referred to the Chief of the Fire Department, the Building Official and the City Planning and Zoning Department for a report indicating whether said premises are in compliance with applicable ordinances and regulations. A public hearing shall then be held before the City Council, at which time the application for a license shall be considered. Opportunity shall be given to any person to be heard for or against the granting of the license at a public hearing.

(2) The Council may accept or reject the license application in its discretion upon completion of the public hearing.

(j) Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application.

(k) No license shall be granted to any person:

(1) Who is less than 21 years of age.

(2) Who is not the proprietor of the establishment for which the license is issued.

(3) Who has been convicted of a felony or any violation of law of this state or local ordinance relating to the manufacture, transportation or sale of beer, wine, or of intoxicating liquors.

(4) For the sale of wine on any premises also occupied by a previous licensee who was convicted of a violation of this section or where a license has been revoked by the City Council.

(5) Who is a manufacturer of wine or beer.

(6) Who is not a citizen of the United States or a resident alien, or upon whom it is impractical to conduct a background and financial investigation due to the unavailability of information.
(7) Is not of good moral character and repute.
(8) Who is or during the period of this license becomes the holder of a federal retail liquor dealer’s special tax stamp for the sale of intoxicating liquor at such place.
(9) No wine license shall be issued for premises other than a hotel or restaurant.

(L) At the time application is made for a renewal of an on-sale license, the applicant shall file with the Clerk a statement prepared by a certified public accountant that shows the total gross sales and the total food sales of the restaurant for the 12-month period immediately preceding the date for filing renewal applications.

(M) If the application is made by a natural person, it shall be signed and sworn to by such person; if by a corporation or other organization, by an authorized representative of the same.

(N) On-sale wine licenses granted pursuant to the provisions of this section shall be subject to the following conditions:

(1) The license shall be posted in a conspicuous place in the licensed establishment at all times.
(2) All licensees under this section shall allow the business premises to be inspected by police or health officials at any time.
(3) Every licensee shall be responsible for the conduct of his their place of business and shall maintain conditions of sobriety and order. The act of any employee on the licensed premises authorized to sell wine is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by ordinance, statute, or regulation equally with the employee.
(4) No on-sale licensee shall sell wine off-sale.
(5) No license shall be effective beyond the space named in the license for which it was granted.
(6) No wine shall be sold or furnished or delivered to any obviously intoxicated person, or to any person to whom sale is prohibited by state law.
(7) No licensee shall permit 18, 19 or 20 year old persons to remain on the premises unless to perform work for the establishment including the sale or serving of alcoholic beverages, consume meals, and attend social functions that are held in a portion of the establishment where liquor is not sold.
(8) No licensee shall sell, offer for sale, or keep for sale, wine from any original package which has been refilled or partly refilled. No licensee shall directly or through any other person delete or in any manner tamper with the contents of any original package so as to change its composition or alcoholic content while in the original package. Possession on the premises by the licensee of any wine in the original package differing in composition or alcoholic content in the liquor when received from the manufacturer or wholesaler from whom it was purchased, shall be prima facie evidence that the contents of the original package have been diluted, tampered with, or changed.
(9) No gambling allowed, nor any gambling device prohibited by law.
(10) No licensee shall permit in any licensed establishment, or any adjoining property owned or leased by the licensee, any boxing, wrestling, or any other form of entertainment whose primary purpose is physical contact by striking or touching an opponent with hands, head, feet, or body. Team sports, in which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, football, baseball, hockey, and softball, are not included among activities prohibited by this section.

(O) No sale of wine may be made between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 2:00 a.m. and 10:00 a.m. on Sunday.

(P) (1) At the time of filing an application for any on-sale wine license, the applicant shall file with the Clerk proof of financial responsibility for liability. The issuer or surety on any liability insurance policy or bond shall be duly licensed to do business in the State of Minnesota, and all documents shall be
approved as to content, form and execution. The licensee and the city shall be named as joint insured on the liability insurance policy. The policy shall be effective for the entire license year.

(2) Proof of financial responsibility may be provided by supplying to the Clerk any of the following items:

(a) A certificate that there is in effect for the license period an insurance policy providing at least $50,000 of coverage because of bodily injury to any one person in any one occurrence, $100,000 because of bodily injury to two or more persons in any one occurrence, $10,000 because of injury to or destruction of property of others in any one occurrence, $50,000 for loss of means of support of any one person in any one occurrence, and $100,000 for loss of means of support of two or more persons in any one occurrence; or

(b) A bond of a surety company with minimum coverages as provided in subdivision (a); or

(c) A certificate of the State Treasurer that the licensee has deposited with that office $100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of $100,000.

(3) The operation of a wine license without having on file at all times with the city the liability insurance policy or other evidence of financial responsibility required herein shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy serves as notice to the licensee of the impending revocation and unless evidence of compliance with the financial responsibility requirements of this section are presented to the Clerk before the termination is effective, the license will be revoked instantly upon the lapse in coverage.

(Q) Any liability insurance required by this section must provide that it may not be canceled for:

(1) 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 issuing authority of intent to cancel the policy; and

(2) Nonpayment of premium unless the canceling party has first given ten days’ notice in writing to the issuing authority of intent to cancel the policy.

(R) The City Council may suspend or revoke any on-sale wine license for the violation of any provision or condition of this section or of any state law or federal law regulating the sale of wine, and shall revoke such license for any willful violation which, under the laws of the state, is grounds for mandatory revocation, and, shall revoke for failure to keep the insurance required by divisions (P) and (Q) in full force and effect.

(S) License holder is also subject to provisions of 5.510 5.511 regarding penalties for license violations.

(T) Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as per state statute.

(’77 Code, § 5.504) (Am. Ord. 965, passed 11-23-81; Am. Ord. 1119, passed 2-24-86; Am. Ord. 1135, passed 9-22-86; Am. Ord. 1416, passed 7-24-00; Am. Ord. 1482, passed 3-28-05; Am. Ord. 1605, passed 1-9-12; Am. Ord. 1610, passed 11-26-12; Am. Ord. 1638, passed 2-27-17; Am. Ord. 1640, passed 6-12-17)

Section 7

5.507 of the Columbia Heights City Code is hereby amended to read as follows, to wit:

§5.507 LIMITED INTOXICATING LIQUOR LICENSE SUNDAY ON-SALE LIQUOR LICENSES.
(A) The provisions of § 5.503, with the exceptions of §§ 5.503(C) and (M), are applicable in all respects to all persons licensed or otherwise affected by limited intoxicating liquor licenses except as is otherwise herein specifically provided.

(B) The annual license fee for limited intoxicating liquor licenses shall be set by resolution of the Council. In the absence of a resolution, the annual license fee shall be $5,400.

(C) No sale of intoxicating liquor for consumption on the premises licensed under this section may be made before 8:00 a.m. on any day; after 11:00 p.m. on any day; on Sundays; or between 8:00 p.m. on December 24 and 8:00 a.m. on December 25.

(D) No license shall be granted under this section for a restaurant that:

1. Contains less than 3,300 square feet of building area located on the same floor;
2. Contains a combined dining and waiting area of less than 2,000 square feet;
3. Contains a seating capacity open to the general public of less than 150 seats; or
4. Contains an elevated counter, commonly known as a bar, the primary purpose of which is use as a place where persons may purchase and consume intoxicating liquor.

(E) No license shall be granted under this section for the sale of any intoxicating liquor except in conjunction with a food purchase. No person shall sell or purchase intoxicating liquor on premises licensed under this section except in conjunction with a food purchase.

(F) Any person violating any provision of this section shall be punished as provided in § 1.999.

(G) License holder is also subject to provisions of 5.510 regarding penalties for license violations.

(A) Establishments to which on-sale licenses have been issued or hereafter may be issued, pursuant to §§ 5.502 and 5.503 may serve intoxicating liquors between the hours of 10:00 a.m. on Sunday and 2:00 a.m. on Mondays in conjunction with the serving of food, provided that such establishment is in conformance with the Minnesota Clean Air Act.

(B) No person, firm or corporation shall sell or serve, directly or indirectly, intoxicating liquors pursuant to division (A) without having first obtained a special license pursuant to this section.

(C) A Sunday liquor license may be issued only for a one-year period coinciding with the dates of applicant’s intoxicating liquor license, for a fee of $200. If Minnesota Statutes are amended to allow charging a fee in excess of $200, the Council may, by resolution, charge a fee in excess thereof.

(D) Any license granted hereunder may be revoked or suspended for any violation of §§ 5.503 or 5.502.

(E) Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as per state statute.

(F) License holder is also subject to provisions of 5.511 regarding penalties for license violations.

(’77 Code, § 5.505) (Am. Ord. 1035, passed 3-14-83; Am. Ord. 1135, passed 9-22-86; Am. Ord. 1610, passed 11-26-12; Am. Ord. 1638, passed 2-27-17)

Section 8
5.508 of the Columbia Heights City Code is hereby amended to read as follows, to wit:

§5.508 SUNDAY ON-SALE LIQUOR LICENSES; SUNDAY CLUB LICENSES.

(A) Establishments to which on-sale licenses have been issued or hereafter may be issued, pursuant to §§ 5.502 and 5.503 may serve intoxicating liquors between the hours of 10:00 a.m. on Sunday and 2:00 a.m. on Mondays in conjunction with the serving of food, provided that such establishment is in conformance with the Minnesota Clean Air Act.
(B) No person, firm or corporation shall sell or serve, directly or indirectly, intoxicating liquors pursuant to division (A) without having first obtained a special license pursuant to this section.

(C) A Sunday liquor license may be issued only for a one-year period coinciding with the dates of applicant’s intoxicating liquor license, for a fee of $200. If Minnesota Statutes are amended to allow charging a fee in excess of $200, the Council may, by resolution, charge a fee in excess thereof.

(D) Any license granted hereunder may be revoked or suspended for any violation of §§ 5.503 or 5.502.

(E) Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as per state statute.

(F) License holder is also subject to provisions of 5.510 regarding penalties for license violations.

(A) Establishments to which on-sale licenses have been issued or hereafter may be issued, pursuant to § 5.502 may serve intoxicating liquors between the hours of 10:00 a.m. and 12:00 midnight on Sundays in conjunction with the serving of food, provided that such establishment is in conformance with the following, to-wit:

1) The Minnesota Clean Indoor Air Act (M.S. §§ 144.411 to 144.417, as they may be amended from time to time);

2) The licensing provisions of § 5.502;

3) The applicant is not in violation of any provision of this code.

(B) No person, firm or corporation shall sell or serve, directly or indirectly, intoxicating liquors pursuant to division (A) of this section without having first obtained a special license pursuant to this section.

(C) A Sunday club liquor license may be issued for a one-year period coinciding with the dates of the applicant’s other license or for such lesser period as is set by resolution of the Council. The license fee shall be set by resolution of the Council.

(D) Any license granted hereunder may be revoked for cause or for any violation of § 5.502 of this code.

(E) The provisions of M.S. § 340A.408, subd. 5, as it may be amended from time to time, shall apply to Sunday liquor licenses.

(F) No license to serve intoxicating liquor on Sunday shall be granted under this chapter unless the applicant makes application pursuant to § 5.502 of this code.

(G) The provisions of § 5.502(R) shall apply to any person, firm or corporation selling or serving beverages in violation of this section.

(’77 Code, § 5.506) (Am. Ord. 1069, passed 1-12-84; Am. Ord. 1419, passed 9-25-00; Am. Ord. 1610, passed 11-26-12; Am. Ord. 1638, passed 2-27-17; Am. Ord. 1640, passed 6-12-17)

Section 9
5.509 of the Columbia Heights City Code is hereby amended to read as follows, to wit:

§5.509 SUNDAY-CLUB LICENSES. ON-SALE TEMPORARY LIQUOR LICENSES.

(A) Establishments to which on-sale licenses have been issued or hereafter may be issued, pursuant to § 5.502 may serve intoxicating liquors between the hours of 10:00 a.m. and 12:00 midnight on Sundays in conjunction with the serving of food, provided that such establishment is in conformance with the following, to-wit:

1) The Minnesota Clean Indoor Air Act (M.S. §§ 144.411 to 144.417, as they may be amended from time to time);

2) The licensing provisions of § 5.502;
(3) The applicant is not in violation of any provision of this code.
(B) No person, firm or corporation shall sell or serve, directly or indirectly, intoxicating liquors pursuant to division (A) of this section without having first obtained a special license pursuant to this section.
(C) A Sunday club liquor license may be issued for a one-year period coinciding with the dates of the applicant’s other license or for such lesser period as is set by resolution of the Council. The license fee shall be set by resolution of the Council.
(D) Any license granted hereunder may be revoked for cause or for any violation of § 5.502 of this code.
(E) The provisions of M.S. § 340A.408, subd. 5, as it may be amended from time to time, shall apply to Sunday liquor licenses.
(F) No license to serve intoxicating liquor on Sunday shall be granted under this chapter unless the applicant makes application pursuant to § 5.502 of this code.
(G) The provisions of § 5.502(R) shall apply to any person, firm or corporation selling or serving beverages in violation of this section.

(A) A temporary license for the on-sale of intoxicating liquor in connection with a social event within the city sponsored by the licensee may be issued to a club or charitable, religious, or other nonprofit organization in existence for at least three years as set forth in this section.

(B) The license may authorize the on-sale of intoxicating liquor for not more than four consecutive days, and may authorize on-sales on premises other than the premises the licensee owns or permanently occupies. No more than 3 four-day, 4 three-day, 6 two-day, or 12 one-day temporary licenses, in any combination not to exceed 12 days per year to any one organization or for any one location, within a twelve month period. No more than one temporary license to any one organization or for any one location within any 30-day period. Temporary on-sale licenses are only valid for the dates, times and locations specifically stated on the license.

(C) The license may provide that the licensee may contract for intoxicating liquor catering services with the holder for a full-year on-sale intoxicating liquor license issued by the municipality.

(D) License applicants shall furnish the information required by § 5.503(E) & (F). In addition, the Council may, at its option, require a license applicant to provide the information as follows:

   1. Name and address of club/church.
   2. Full legal name of person in charge of event if not applicant, spouse’s full legal name if applicable; date of birth, residence street address and length of time at that address of person in charge and spouse; and any other information deemed necessary by the City Council or issuing authority.
   3. Site plan of the area where sales will occur indicating the size, location and nature of the premises planned to be used along with a depiction of its relationship to the adjacent premises.
   5. Statement from property owner granting permission to applicant for use of the premises on which the stated activity is proposed.
   6. Executed signature of an officer of the club/church.

(E) All applications shall be referred to the Chief of Police. The Chief of Police or their designee is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry obtained through the Criminal Justice System and/or a driver’s license history inquiry as recorded by the State Department of Public Safety on the applicant. The application shall also be referred to the Chief of the Fire Department, the Building Official and the
City Planning and Zoning Department for a report indicating whether said premises are in compliance with applicable ordinances and regulations. A public hearing shall then be held before the City Council, at which time the application for a license shall be considered. Opportunity shall be given to any person to be heard for or against the granting of the license at a public hearing.

(F) The Council may accept or reject the license application in its discretion upon completion of the public hearing, subject to the following criteria:

1. No license shall be issued to any organization whose applicant has been convicted of a felony or any violation of any law of this state or local ordinance related to the sale, manufacture or transportation of beer, wine or intoxicating liquor.

2. No license shall be issued unless the applicant has first paid a license fee in an amount set by resolution of the Council. In the absence of a resolution, the license fee shall be $100 per day or portion thereof. No license will be issued unless at the time of application the applicant has paid a non-refundable investigation fee as set by City Council resolution. Where all applicants are in-state, the investigation fee will be $500; where any applicants are out of state, the investigation fee shall be $2,000. If the investigation fee for in-state or out-of-state applicants exceeds the minimum fee, the additional costs of the investigation will be billed to the applicant(s). If the organization holds an existing annual liquor license, an investigation fee need not be collected. Upon rejection of any application for a license, or upon withdrawal of an application before approval of the issuance by the City Council, the license fee shall be refunded to the applicant. In any case, the investigation fee will be non-refundable.

(G) Licenses granted pursuant to the provisions of this chapter shall be subject to the following conditions:

1. No licensee or their agent may sell or permit the sale of intoxicating liquor licensed to be sold under this section between the hours of 2:00 a.m. and 8:00 a.m. on days Monday through Saturday, nor between the hours of 2:00 a.m. and 10:00 a.m. on Sunday. No licensee or their agent or any other person shall consume or allow to be consumed on the licensed premises any intoxicating liquor between the hours of 2:00 a.m. and 8:00 a.m. Should the Council decide to additionally restrict the hours of sale in granting the license, no licensee or their agent may sell or permit the sale of intoxicating liquor at any time not specifically allowed in such license.

2. All licensees under this section shall allow the business premises to be inspected by police or health officials at any time during which the premises are open to the public. Business hours shall be deemed any time when licensee or employees are present on the premises. Refusal to permit such inspection is a violation of this section and grounds for revocation of license.

3. All sales and consumption of intoxicating liquor must be in a separated and confined area.

4. No licensee shall permit 18, 19, or 20 year old persons to remain on the premises unless to perform work for the establishment including the sale or serving of alcoholic beverages.

5. No intoxicating liquor shall be sold or furnished or delivered to any obviously intoxicated person or to any person to whom sale is prohibited by state law.

6. No licensee shall permit in any licensed establishment, or any adjoining property owned or leased by the licensee, any boxing, wrestling, or any other form of entertainment whose primary purpose is physical contact by striking or touching an opponent with hands, head, feet, or body. Team sports, in which physical contact is incidental to the primary purpose of the game such as basketball,
volleyball, soccer, football, baseball, hockey, and softball, are not included among activities prohibited by this section.

(H) (1) At the time of filing an application for any temporary on-sale intoxicating liquor license, the applicant shall file with the Clerk proof of financial responsibility for liability. The issuer or surety on any liability insurance policy or bond shall be duly licensed to do business in the State of Minnesota, and all documents shall be approved as to content, form and execution. The licensee and the city shall be named as joint insured on the liability insurance policy. The policy shall be effective for the entire license term. The location of the event and date of the event must be indicated on the certificate of insurance.

(2) Proof of financial responsibility may be provided by supplying to the Clerk any of the following items:

(a) A certificate that there is in effect for the license period an insurance policy providing at least $50,000 of coverage because of bodily injury to any one person in any one occurrence, $100,000 because of bodily injury to two or more persons in any one occurrence, $10,000 because of injury to or destruction of property of others in any one occurrence, $50,000 for loss of means of support of any one person in any one occurrence, and $100,000 for loss of means of support of two or more persons in any one occurrence; or

(b) A bond of a surety company with minimum coverages as provided in subdivision (a) above; or

(c) A certificate of the State Treasurer that the licensee has deposited with that office $100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of $100,000.

(I) Any liability insurance required by this section must provide that it may not be canceled for:

(1) 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 issuing authority of intent to cancel the policy; and

(2) Nonpayment of premium unless the canceling party has first given ten days’ notice in writing to the issuing authority of intent to cancel the policy.

(J) The operation of a temporary on-sale intoxicating liquor license without having on file at all times with the city the liability insurance policy or other evidence of financial responsibility required herein shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy serves as notice to the licensee of the impending revocation and unless evidence of compliance with the financial responsibility requirements of this section are presented to the Clerk before the termination is effective, the license will be revoked instantly upon the lapse in coverage.

(K) Licenses under this section are not valid unless first approved by the State of Minnesota Commissioner of Public Safety.

(L) Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as per state statute.

(‘77 Code, § 5.508) (Am. Ord. 1069, passed 1-12-84; Am. Ord. 1116, passed 2-13-86; Am. Ord. 1610, passed 11-26-12; Am. Ord. 1638, passed 2-27-17) Penalty, see § 5.701

Section 10

5.510 of the Columbia Heights City Code is hereby amended to read as follows, to wit:
§5.510 ON-SALE TEMPORARY LIQUOR LICENSES. POLICY FOR ALCOHOL LICENSE VIOLATIONS.

(A) A temporary license for the on-sale of intoxicating liquor in connection with a social event within the city sponsored by the licensee may be issued to a club or charitable, religious, or other nonprofit organization in existence for at least three years as set forth in this section.

(B) The license may authorize the on-sale of intoxicating liquor for not more than four consecutive days, and may authorize on-sales on premises other than the premises the licensee owns or permanently occupies. No more than 3 four-day, 4 three-day, 6 two-day, or 12 one-day temporary licenses, in any combination not to exceed 12 days per year to any one organization or for any one location, within a twelve month period. No more than one temporary license to any one organization or for any one location within any 30-day period. Temporary on-sale licenses are only valid for the dates, times and locations specifically stated on the license.

(C) The license may provide that the licensee may contract for intoxicating liquor catering services with the holder for a full-year on-sale intoxicating liquor license issued by the municipality.

(D) License applicants shall furnish the information required by § 5.503(E). In addition, the Council may, at its option, require a license applicant to provide the information as follows:

   (1) Name and address of club/church.

   (2) Full legal name of person in charge of event if not applicant, spouse’s full legal name if applicable; date of birth, residence street address and length of time at that address of person in charge and spouse; and any other information deemed necessary by the City Council or issuing authority.

   (3) Site plan of the area where sales will occur indicating the size, location and nature of the premises planned to be used along with a depiction of its relationship to the adjacent premises.

   (4) Certificate of incorporation.

   (5) Statement from property owner granting permission to applicant for use of the premises on which the stated activity is proposed.

   (6) Executed signature of an officer of the club/church.

(E) All applications shall be referred to the Chief of Police. The Chief of Police or their designee is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry obtained through the Criminal Justice System and/or a driver’s license history inquiry as recorded by the State Department of Public Safety on the applicant. The application shall also be referred to the Chief of the Fire Department, the Building Official and the City Planning and Zoning Department for a report indicating whether said premises are in compliance with applicable ordinances and regulations. A public hearing shall then be held before the City Council, at which time the application for a license shall be considered. Opportunity shall be given to any person to be heard for or against the granting of the license at a public hearing.

(F) The Council may accept or reject the license application in its discretion upon completion of the public hearing, subject to the following criteria:

   (1) No license shall be issued to any organization whose applicant has been convicted of a felony or any violation of any law of this state or local ordinance related to the sale, manufacture or transportation of beer, wine or intoxicating liquor.

   (2) No license shall be issued unless the applicant has first paid a license fee in an amount set by resolution of the Council. In the absence of a resolution, the license fee shall be $100 per day or portion thereof. No license will be issued unless at the time of application the applicant has paid a non-refundable investigation fee as set by City Council resolution. Where all applicants are in-state, the investigation fee will be $500; where any applicants are out-of-state, the investigation fee shall be $2,000. If the investigation fee for in-state or out-of-state applicants exceeds the minimum fee, the
additional costs of the investigation will be billed to the applicant(s). If the organization holds an existing annual liquor license, an investigation fee need not be collected. Upon rejection of any application for a license, or upon withdrawal of an application before approval of the issuance by the City Council, the license fee shall be refunded to the applicant. In any case, the investigation fee will be non-refundable.

(G) Licenses granted pursuant to the provisions of this chapter shall be subject to the following conditions:

(1) No licensee or their agent may sell or permit the sale of intoxicating liquor licensed to be sold under this section between the hours of 2:00 a.m. and 8:00 a.m. on days Monday through Saturday, nor between the hours of 2:00 a.m. and 10:00 a.m. on Sunday. No licensee or their agent or any other person shall consume or allow to be consumed on the licensed premises any intoxicating liquor between the hours of 2:00 a.m. and 8:00 a.m. Should the Council decide to additionally restrict the hours of sale in granting the license, no licensee or their agent may sell or permit the sale of intoxicating liquor at any time not specifically allowed in such license.

(2) All licensees under this section shall allow the business premises to be inspected by police or health officials at any time during which the premises are open to the public. Business hours shall be deemed any time when licensee or employees are present on the premises. Refusal to permit such inspection is a violation of this section and grounds for revocation of license.

(3) All sales and consumption of intoxicating liquor must be in a separated and confined area.

(4) No licensee shall permit 18, 19, or 20 year-old persons to remain on the premises unless to perform work for the establishment including the sale or serving of alcoholic beverages.

(5) No intoxicating liquor shall be sold or furnished or delivered to any obviously intoxicated person or to any person to whom sale is prohibited by state law.

(6) No licensee shall permit in any licensed establishment, or any adjoining property owned or leased by the licensee, any boxing, wrestling, or any other form of entertainment whose primary purpose is physical contact by striking or touching an opponent with hands, head, feet, or body. Team sports, in which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, football, baseball, hockey, and softball, are not included among activities prohibited by this section.

(H) (1) At the time of filing an application for any temporary on-sale intoxicating liquor license, the applicant shall file with the Clerk proof of financial responsibility for liability. The insurer or surety on any liability insurance policy or bond shall be duly licensed to do business in the State of Minnesota, and all documents shall be approved as to content, form and execution. The licensee and the city shall be named as joint insured on the liability insurance policy. The policy shall be effective for the entire license term. The location of the event and date of the event must be indicated on the certificate of insurance.

(2) Proof of financial responsibility may be provided by supplying to the Clerk any of the following items:

(a) A certificate that there is in effect for the license period an insurance policy providing at least $50,000 of coverage because of bodily injury to any one person in any one occurrence, $100,000 because of bodily injury to two or more persons in any one occurrence, $10,000 because of injury to or destruction of property of others in any one occurrence, $50,000 for loss of means of support of any one person in any one occurrence, and $100,000 for loss of means of support of two or more persons in any one occurrence; or

(b) A bond of a surety company with minimum coverages as provided in subdivision (a) above; or

(c) A certificate of the State Treasurer that the licensee has deposited with that office $100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of $100,000.
(I) Any liability insurance required by this section must provide that it may not be canceled for:

1. 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 issuing authority of intent to cancel the policy; and
2. Nonpayment of premium unless the canceling party has first given ten days’ notice in writing to the issuing authority of intent to cancel the policy.

(j) The operation of a temporary on-sale intoxicating liquor license without having on file at all times with the city the liability insurance policy or other evidence of financial responsibility required herein shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy serves as notice to the licensee of the impending revocation and unless evidence of compliance with the financial responsibility requirements of this section are presented to the Clerk before the termination is effective, the license will be revoked instantly upon the lapse in coverage.

(K) Licenses under this section are not valid unless first approved by the State of Minnesota Commissioner of Public Safety.

(L) Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as per state statute.

(A) It is the goal of the city to have each liquor license comply with the law 100% of the time in relation to the chapter regarding liquor. The city will maintain staff to complete annual compliance checks, periodically check establishments for compliance with hours and license conditions. The city will act as a resource to provide server training or to direct businesses to approved training on an annual basis. The city wishes to have all businesses choose to be a best practices liquor license.

(B) Best practices. Best practices licensees will have the benefit of following the best practices violation matrix. The best practices program is voluntary and serves as a cooperative venture between licensees and the city to meet the goals of the city laid out in the city code. Best practices licensees will fill out an application from the city committing their establishment to working towards 100% compliance with the applicable ordinances and state statutes.

1. Required activities. Best practices licensee will agree to keep records of best practices activities and to have them available for inspection. The best practices licensee will have 75% of all alcohol selling staff trained by the Police Department, Minnesota Department of Alcohol and Gambling Enforcement, the Minnesota Municipal Beverage Association, the Minnesota Licensed Beverage Association, (or any other organization who provides similar training upon approval by city’s Liquor Licensing Department) on an annual basis. Best practices licensees will have a written internal training program for new employees and a written policy requiring identification on anyone appearing to be 40 years old or younger.

2. Optional activities. Best practices licensees will do four (three if they do integrated ID scanner on register) of the following:

   a. Continuously certify 75% of all employees who sell alcohol are trained.
   b. Internal employee reward/recognition program for employees who catch underage customers.
   c. Run an approved internal compliance program.
   d. Automated ID card scanner integrated into cash register.
   e. Pre-arrange to meet with staff and prosecutor on violations.
   f. Have a policy to check ID on every sale.
   g. Have a policy to work with the Police Department to prevent secondary resale of alcohol.
(h) Have a minimum age of 21 for employees selling alcohol products.

(C) Process followed for violations. The purpose of this section is to establish a standard by which the city determines the length of a license suspension, revocation, and/or civil penalty. This policy shall apply to all on-sale and off-sale license holders. These penalties are deemed to be appropriate for all violations. Licensees shall be informed that this policy applies to the license holder and does not apply to the criminal charges against the person who actually violates the law. The City Council may choose to deviate from the prescribed penalty if there are extenuating circumstances. Should the City Council deviate from the adopted policy, they must take official action and document the reasons for the deviation. The City Council may only consider the penalty portion of the action. Should the licensee wish to appeal the facts of a violation, they must request a due process hearing.

(1) Notice. Upon a determination that a violation of a city ordinance or state law relating to alcoholic beverages has occurred in a licensed premises, the licensee will be issued a notice, either personally or by U.S. Mail, setting forth the nature, date, and time of the alleged violation, the administrative penalties if applicable, the process for appealing the determination and the penalty for failing to comply with the penalty. Mailed notice will be considered complete upon deposit in the U.S. Mail addressed to the licensee at the most current address contained in city records.

(2) Compliance. Within 14 calendar days of the date of the notice, a licensee may comply with the penalties set out in the notice by paying the administrative fine and notifying the Licensing Clerk of the dates the licensee chooses to submit to any imposed suspension. Suspension days must be consecutive business days the last of which must not be more than 60 days after the date of the notice.

(3) Hearing. Any licensee who receives notice of a violation may, within 14 calendar days of the date of issuance of the notice, request in writing a hearing before the City Council. A request for a hearing must be submitted to the Licensing Clerk who will cause the request to be placed on the agenda of the next regular City Council meeting that will be held not less than 15 calendar days after receipt of the request. Written notice stating the date, time, and place of the hearing will be provided to the licensee no less than ten calendar days before the hearing. The notice will be considered complete upon deposit in the U.S. Mail addressed to the licensee at the most current address shown in city records. The City Council may sustain, dismiss or amend the violation, and may sustain, waive, reduce, or increase any penalty provided for in this chapter, except that no penalty may exceed the maximum permitted under state law. The City Council, if it sustains or amends the violation, will establish a new compliance date for the penalties imposed.

(4) Revocation. Notwithstanding any provisions in this chapter to the contrary, a violation for which the established penalty is revocation must be forwarded to the City Council for disposition. The notice of violation will include the nature, date, and time of the violation and the date, time, and place of the Council's consideration, which will be not less than ten, nor more than 20 calendar days after the date of service of the notice. Notice will be considered complete upon personal service on the licensee or upon deposit in the U.S. Mail addressed to the licensee at the most current address shown in city records. The Council may sustain, dismiss, or amend the violation. If Council sustains or amends the violation it may revoke the license or impose such other penalty it deems as appropriate provided the penalty does not exceed the maximum permitted under state law.

(5) Multiple violations. Each incident with respect to date, time, place, and persons involved, will be deemed a single violation for the purposes of imposing administrative penalties notwithstanding that an
incident may involve more than one offense. The City Council may take multiple offenses into 
consideration when determining whether to deviate from the established penalties for any violation.

(6) Violations when another is pending. Any violation that occurs at a licensed premise while a prior 
violation is pending for those same premises will be treated as a separate violation and considered a 
subsequent violation for purposes of imposing an administrative penalty.

(7) Submission to Council in lieu of administrative procedures. With the concurrence of the City 
Manager, or their designees, the Licensing Clerk, in lieu of accepting the administrative penalties 
provided for in § 5.511, may submit any violation to the City Council for review and determination. The 
decision must take into consideration the number and seriousness of the offenses allegedly committed 
in a single incident. The decision to submit a violation to the Council must be included in the initial 
violation notice along with the date, time, and place the Council will consider the matter.

(’77 Code, § 5.510) (Am. Ord. 1149, passed 6-22-87; Am. Ord. 1419, passed 9-25-00; Am. Ord. 1482, 
passed 3-28-05; Am. Ord. 1610, passed 11-26-12; Am. Ord. 1638, passed 2-27-17; Am. Ord. 1640, passed 
6-12-17)

Section 11
5.511 of the Columbia Heights City Code is hereby amended to read as follows, to wit:

§5.511 POLICY FOR ALCOHOL LICENSE VIOLATIONS. PENALTY.

(A) It is the goal of the city to have each liquor license comply with the law 100% of the time in relation 
to the chapter regarding liquor. The city will maintain staff to complete annual compliance checks, 
periodically check establishments for compliance with hours and license conditions. The city will act as a 
resource to provide server training or to direct businesses to approved training on an annual basis. The 
city wishes to have all businesses choose to be a best practices liquor license.

(B) Best practices. Best practices licensees will have the benefit of following the best practices violation 
matrix. The best practices program is voluntary and serves as a cooperative venture between licensees 
and the city to meet the goals of the city laid out in the city code. Best practices licensees will fill out an 
application from the city committing their establishment to working towards 100% compliance with the 
applicable ordinances and state statutes.

(1) Required activities. Best practices licensee will agree to keep records of best practices activities 
and to have them available for inspection. The best practices licensee will have 75% of all alcohol-selling 
staff trained by the Police Department, Minnesota Department of Alcohol and Gambling Enforcement, 
the Minnesota Municipal Beverage Association, the Minnesota Licensed Beverage Association, (or any 
other organization who provides similar training upon approval by city's Liquor Licensing Department) 
on an annual basis. Best practices licensees will have a written internal training program for new 
employees and a written policy requiring identification on anyone appearing to be 40 years old or 
younger.

(2) Optional activities. Best practices licensees will do four (three if they do integrated ID scanner on 
register) of the following:

(a) Continuously certify 75% of all employees who sell alcohol are trained.
(b) Internal employee reward/recognition program for employees who catch underage customers.
(c) Run an approved internal compliance program.
(d) Automated ID card scanner integrated into cash register.
(e) Pre-arrange to meet with staff and prosecutor on violations.
(f) Have a policy to check ID on every sale.
(g) Have a policy to work with the Police Department to prevent secondary resale of alcohol.
(h) Have a minimum age of 21 for employees selling alcohol products.

(C) Process followed for violations. The purpose of this section is to establish a standard by which the city determines the length of a license suspension, revocation, and/or civil penalty. This policy shall apply to all on-sale and off-sale license holders. These penalties are deemed to be appropriate for all violations. Licensees shall be informed that this policy applies to the license holder and does not apply to the crimes against the person who actually violates the law. The City Council may choose to deviate from the prescribed penalty if there are extenuating circumstances. Should the City Council deviate from the adopted policy, they must take official action and document the reasons for the deviation. The City Council may only consider the penalty portion of the action. Should the licensee wish to appeal the facts of a violation, they must request a due process hearing.

(1) Notice. Upon a determination that a violation of a city ordinance or state law relating to alcoholic beverages has occurred in a licensed premises, the licensee will be issued a notice, either personally or by U.S. Mail, setting forth the nature, date, and time of the alleged violation, the administrative penalties if applicable, the process for appealing the determination and the penalty for failing to comply with the penalty. Mailed notice will be considered complete upon deposit in the U.S. Mail addressed to the licensee at the most current address contained in city records.

(2) Compliance. Within 14 calendar days of the date of the notice, a licensee may comply with the penalties set out in the notice by paying the administrative fine and notifying the Licensing Clerk of the dates the licensee chooses to submit to any imposed suspension. Suspension days must be consecutive business days the last of which must not be more than 60 days after the date of the notice.

(3) Hearing. Any licensee who receives notice of a violation may, within 14 calendar days of the date of issuance of the notice, request in writing a hearing before the City Council. A request for a hearing must be submitted to the Licensing Clerk who will cause the request to be placed on the agenda of the next regular City Council meeting that will be held not less than 15 calendar days after receipt of the request. Written notice stating the date, time, and place of the hearing will be provided to the licensee no less than ten calendar days before the hearing. The notice will be considered complete upon deposit in the U.S. Mail addressed to the licensee at the most current address shown in city records. The City Council may sustain, dismiss or amend the violation, and may sustain, waive, reduce, or increase any penalty provided for in this chapter, except that no penalty may exceed the maximum permitted under state law. The City Council, if it sustains or amends the violation, will establish a new compliance date for the penalties imposed.

(4) Revocation. Notwithstanding any provisions in this chapter to the contrary, a violation for which the established penalty is revocation must be forwarded to the City Council for disposition. The notice of violation will include the nature, date, and time of the violation and the date, time, and place of the Council's consideration, which will be not less than ten, nor more than 20 calendar days after the date of service of the notice. Notice will be considered complete upon personal service on the licensee or upon deposit in the U.S. Mail addressed to the licensee at the most current address shown in city records. The Council may sustain, dismiss, or amend the violation. If Council sustains or amends the violation it may revoke the license or impose such other penalty it deems as appropriate provided the penalty does not exceed the maximum permitted under state law.

(5) Multiple violations. Each incident with respect to date, time, place, and persons involved, will be deemed a single violation for the purposes of imposing administrative penalties notwithstanding that an incident may involve more than one offense. The City Council may take multiple offenses into consideration when determining whether to deviate from the established penalties for any violation.
(6) Violations when another is pending. Any violation that occurs at a licensed premise while a prior violation is pending for those same premises will be treated as a separate violation and considered a subsequent violation for purposes of imposing an administrative penalty.

(7) Submission to Council in lieu of administrative procedures. With the concurrence of the City Manager, or their designee, the Licensing Clerk, in lieu of accepting the administrative penalties provided for in § 5.510, may submit any violation to the City Council for review and determination. The decision must take into consideration the number and seriousness of the offenses allegedly committed in a single incident. The decision to submit a violation to the Council must be included in the initial violation notice along with the date, time, and place the Council will consider the matter.

(A) Penalty for noncompliance. In addition to any criminal penalties which may be imposed by a court of law, the City Council may suspend a license for up to 60 days, may revoke a license and/or may impose a civil fine on a licensee not to exceed $2,000 for each violation on a finding that the licensee or its employee has failed to comply with a statute, rule or ordinance relating to alcoholic beverages, malt beverages, or wine.

(B) Minimum penalty. The purpose of this section is to establish a standard by which the City Council determines the civil fine, the length of license suspensions and the propriety of revocations, and shall apply to all premises licensed under this chapter. These penalties are presumed to be appropriate for every case, however, the Council may deviate in an individual case where the Council finds that there exist certain extenuating or aggravating circumstances, making it more appropriate to deviate, such as, but not limited to, a licensee's efforts in combination with the state or city to prevent the sale of alcohol to minors or, in the converse, when a licensee has a history of repeated violations of state or local liquor laws. When deviating from these standards, the Council will provide written findings that support the penalty selected. When a violation occurs, the staff shall provide information to the City Council to either assess the presumptive penalty or depart upward or downward based on extenuating or aggravating circumstances. The staff shall notify the licensee of the information being considered and acted upon by the City Council.

(C) Penalties.

(1) Except as otherwise provided in this chapter, the sale of alcoholic beverages to a person under the age of 21, the sale of alcoholic beverages to an obviously intoxicated person, or the failure of an on-sale licensee to take reasonable steps to prevent a person from leaving the licensed premises with an alcoholic beverage will subject the licensee to the following administrative penalties (best practices applies only to license holders who are enrolled in the program at the time of the violations):

FOR BEST PRACTICES LICENSE HOLDERS:
Type of License
1st Violation
2nd Violation
3rd Violation
4th Violation
On Sale Intoxicating Liquor
$250
$500 and 3 day suspension
$1,000 and 5 day suspension
Revocation
On/Off Sale Beer
$250
$500 and 3 day suspension
$1,000 and 5 day suspension
Revocation
On/Off Sale Malt Liquor
$250
$500 and 3 day suspension
$1,000 and 5 day suspension
Revocation
Wine/beer
$250
$500 and 3 day suspension
$1,000 and 5 day suspension
Revocation
Club Liquor
$250
$500 and 3 day suspension
$1,000 and 5 day suspension
Revocation

FOR OTHER LICENSE HOLDERS:
Type of License
1st Violation
2nd Violation
3rd Violation
4th Violation
On Sale Intoxicating Liquor
$500
$750 and 5 day suspension
$1,000 and 10 day suspension
Revocation
On/Off Sale Beer
$500
$750 and 5 day suspension
$1,000 and 10 day suspension
Revocation
On/Off Sale Malt Liquor
$500
$750 and 5 day suspension
$1,000 and 10 day suspension
Revocation
Wine/beer
$500
$750 and 5 day suspension
$1,000 and 10 day suspension
Revocation
Club Liquor
$500
$750 and 5 day suspension
$1,000 and 10 day suspension
Revocation

(2) Except as otherwise provided in this Chapter, the following violations will subject the licensee to the following administrative penalties:

<table>
<thead>
<tr>
<th>Type of Violation</th>
<th>1st Violation</th>
<th>2nd Violation</th>
<th>3rd Violation</th>
<th>4th Violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refusal to allow city inspectors or police admission</td>
<td>$1,000 and 7 days</td>
<td>$2,000 and 14 days</td>
<td>Revocation</td>
<td>N/A</td>
</tr>
<tr>
<td>Refusal to allow city inspectors or police admission</td>
<td>suspension</td>
<td>days suspension</td>
<td></td>
<td></td>
</tr>
<tr>
<td>After hours sale, display or consumption of alcoholic</td>
<td>$1,000 and 7 days</td>
<td>$2,000 and 14 days</td>
<td>Revocation</td>
<td>N/A</td>
</tr>
<tr>
<td>After hours sale, display or consumption of alcoholic</td>
<td>suspension</td>
<td>days suspension</td>
<td></td>
<td></td>
</tr>
<tr>
<td>beverages</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illegal gambling on premises</td>
<td>$1,000 and 7 days</td>
<td>$2,000 and 14 days</td>
<td>Revocation</td>
<td>N/A</td>
</tr>
<tr>
<td>Illegal gambling on premises</td>
<td>suspension</td>
<td>days suspension</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commission of a felony related to licensed activity</td>
<td>Revocation</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Sale of alcoholic beverages while license is under</td>
<td>Revocation</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Sale of intoxicating liquor with only 3.2 percent malt</td>
<td>Revocation</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>license</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(3) Any prior violation that occurred more than 24 calendar months immediately preceding the most current violation will not be considered in determining successive violations.

(4) The nature of the most current violation will determine the appropriate penalty as established by divisions (1) or (2) above, provided, however, that any and all violations occurring within 24 months immediately preceding the most current violation will be considered in determining successive violations.

(5) Any licensee who fails to pay an administrative fine or adhere to a suspension, whether imposed by this section or the City Council, within the allotted time period will be subject to an additional suspension of the license for a period of time as determined by the City Council, but not to exceed 60 consecutive days. Any licensee who fails to comply with a City Council imposed license suspension resulting from a prior non-compliance with the administrative penalties imposed by this chapter is subject to license revocation.
[6] Nothing in this section will prohibit the city from seeking criminal prosecution of any alleged violation of this chapter in addition to any administrative penalties provided for herein.

(Ord. 1610, passed 11-26-12; Am. Ord. 1638, passed 2-27-17)

Section 12
5.512 of the Columbia Heights City Code is hereby eliminated.

Section 13
This ordinance shall be in full force and effective from and after 30 days after its passage.

First Reading: August 23, 2021
Offered by: Novitsky
Seconded by: Murzyn, Jr.
Roll Call: All Ayes with Buesgens Absent

Second Reading: September 13, 2021
Offered by: Novitsky
Seconded by: Buesgens
Roll Call: All Ayes

Date of Passage: September 13, 2021

Attest:

Sara Ion, City Clerk/Council Secretary
AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA
COUNTY OF ANOKA

Karen Nelson being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

BSLP Col Hgt Frid Life

with the known office of issue being located in the county of:
ANOKA
with additional circulation in the counties of:
ANOKA
and has full knowledge of the facts stated below;
(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
(B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 08/13/2021 and the last insertion being on 08/13/2021.

MORTGAGE FORECLOSURE NOTICES

Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Karen Nelson
Designated Agent

Subscribed and sworn to or affirmed before me on 08/13/2021 by Karen Nelson.

Notary Public

Rate Information:
(1) Lowest classified rate paid by commercial users for comparable space:
$22.00 per column inch

Ad ID 1159307
SUMMARY OF ORDINANCE NO. 1669

AN ORDINANCE AMENDING CHAPTER 5.5 OF THE COLUMBIA HEIGHTS CITY CODE TO UPDATE DEFINITIONS AND APPLICATION REQUIREMENTS, ELIMINATE LIMITED INTOXICATING LIQUOR LICENSES, AND ELIMINATE MINIMUM BUILDING AND CAPACITY REQUIREMENTS IN RESTAURANTS FOR LIQUOR AND BEER LICENSING

The City Council for the City of Columbia Heights, Minnesota adopted Ordinance No. 1669 on September 13, 2021.

The purposes of this ordinance are to eliminate the minimum dining floor area and minimum number of guests for restaurants to qualify for any on-sale alcohol licenses, amend the requirement for hotels with on-sale intoxicating liquor licenses to meet minimum gross sales of 55% food in their dining area, amend the requirement for restaurants with on-sale liquor or wine licenses to meet minimum gross sales of 55% food, amend the requirement for bowling centers with on-sale liquor licenses to meet minimum gross sales of 55% food and bowling, eliminate Limited Intoxicating Liquor Licenses, define Bowling Center, Amend definitions of Bona Fide Club or Club, Hotel, and Restaurant, update application requirements for all alcohol licenses, and incorporate gender neutral language.

This is a summary of Ordinance No. 1669. A copy of the entire text of the Ordinance is available for public inspection during regular office hours at City Hall, by standard or electronic mail, or at www.columbiaheightsmn.gov.

Attest:

Sara Ion, City Clerk/Council Secretary

[Signature]

Amada Marez Simula, Mayor