

ORDINANCE

By Palmisano, Cunningham, and Ellison

Amending Title 14 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses, Wine License and Beer licenses.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 362.40 contained in Chapter 362, Liquor Licenses, be amended to read as follows:

362.40. "Off-sale" license. "Off-sale" liquor licenses may be issued, subject to the approval of the liquor control commissioner, only to proprietors of exclusive liquor stores, but only one such license shall be issued for every five thousand (5,000) inhabitants in the city. For purposes of this section, population shall be determined by the last preceding United States decennial census. The issuance of this license shall permit the "off sale" of liquor and beer, and the required additional fee shall permit, as defined and when carried on in conformity with the ordinances of the city, the sale of food as limited by Minnesota Statutes, Section 340A.101, Subd. 10, and the sale of ice.

This ordinance shall not be applied retroactively to any drugstore or general food store now having an off-sale license, nor shall this ordinance prohibit the annual renewal of the off-sale license of any such drugstore or general food store so long as such drugstore or general food store remains substantially the same, or smaller, in terms of the physical size of the licensed premises, size of the geographic area it serves, and its projected annual sales volume. Provided, that no drugstore or general food store holding an off-sale license may be relocated to a new location unless it complies with the above provisions and, further, unless the license will remain in the possession of the person, the immediate family members of the person, or the corporation which is entirely owned by the person or immediate family members, which held the license on September 1, 1988. Provided, however, that the licenses of such drugstores and general food stores shall continue to be subject to all other requirements of charter, statutes, and ordinances as may be applicable. Provided further, that if the council approves of such relocation, the relocated license shall be deemed to be a continuation of the previous license.

No "off sale" license shall be issued unless the area for which the license is granted contains at least five (5) acres, including any contiguous area in which any applicable ordinance permits the sale of liquor.

After April 15, 1994, no "off sale" license shall be issued for a location, the main entrance of which is within a radius of two thousand (2,000) feet from the main entrance of an existing "off sale" location. Any licenses in existence on April 15, 1994, may be renewed or reissued for such locations without regard to such distance limitations. The two thousand-foot limitation shall not apply to the issuance of any "off sale" liquor license for the following locations:

(a) In the B4 zoning district;

(b) In a location where the main entrance is less than one thousand (1,000) feet from the main entrance of a location where the applicant, on the date of application, holds an "off sale" liquor license, and where the applicant's location on the date of application is also less than two thousand (2,000) feet from the main entrance of an existing "off sale" location, which existing "off sale" location is also located in a

shopping center consisting of a group of commercial establishments built on a site that is planned, developed, owner and managed as an operating unit related in location, size and types of shops to the trade area that the unit serves, and providing on-site parking in definite relationship to the type and total size of the stores, and provided further that the applicant has not previously applied this exception;

(c) On premises owned by the commission created in Minnesota Statutes, Sections 473.551 to 473.595 and which are used primarily for sports and recreational purposes;

(d) A relocation of an existing "off sale" liquor establishment, currently within two thousand (2,000) feet of a second existing "off sale" location, to a new location within the same two thousand-foot radius and no closer to the second "off sale" location; provided, that on the date of application for the new location, the applicant is the holder of the "off sale" license at the location to be discontinued.

(e) A relocation of an existing "off-sale" liquor establishment which also operates as a general food store, to a location which is no closer than one thousand (1,000) feet of a second existing "off-sale" location; provided that the second existing "off-sale" establishment is already located nearer than two thousand (2,000) feet to a third existing "off-sale" establishment; and further provided that the general food store license be surrendered and that the applicant operates as an exclusive "off-sale" establishment.

Section 2. That Section 362.510 contained in Chapter 362, Liquor Licenses, be amended to read as follows:

362.510. Discretion of council. The city council may exercise its judgment and discretion, to the fullest extent permitted by law, to grant or deny any application in accordance with the provisions of this chapter, title and any other applicable statute, rule or law.

Section 3. That Section 363.470 contained in Chapter 363, Wine Licenses, of the above-entitled ordinance be amended to read as follows:

363.470. Council discretion. The city council may exercise its judgment and discretion, to the fullest extent permitted by law, to grant or deny any application in accordance with the provisions of this chapter, title and any other applicable statute, rule or law.

Section 4. That Section 366.380 contained in Chapter 366, Beer Licenses, of the above-entitled ordinance be amended to read as follows:

366.380. Discretion of council. The city council may exercise its judgment and discretion, to the fullest extent permitted by law, to grant or deny any application in accordance with the provisions of this chapter, title and any other applicable statute, rule or law.