

Sec. 409.11. - Transfer of license; change in service area.

- (a) *Transfer.* No on-sale license granted hereunder shall be transferable from place to place (including changes in licensed areas) without the consent of the city council, which consent shall be evidenced by resolution passed by the city council.
- (b) *Service area; temporary extensions of service area (patio).* No license granted for a specified part of any particular premises shall permit sales of such liquor on a part of such premises not specified in the license; or in an area adjacent to such licensed premises; provided, however, that the license inspector or his or her designee may waive this limitation and allow a temporary extension of the liquor service area subject to the following criteria herein established by the city council. Failure to make a waiver and/or allow such a temporary extension is not adverse action and does not require notice and hearing in the event of denial or inaction:
- (1) No such extension shall be for more than a continuous twenty-four-hour period and shall be valid only at times that liquor sales are allowed by law;
 - (2) No licensee shall receive more than twelve (12) such service extensions in any calendar year;
 - (3) The temporary extended service area can be either indoors or outdoors, but must be immediately adjacent to the licensed premises;
 - (4) All business operations on or in the temporary extended service area shall be in compliance with all other requirements of state law and of this chapter, and in particular shall comply with the requirements of Chapter 293 of this Legislative Code relating to noise;
 - (5) The temporary extended service area, if outdoors, shall be enclosed by a vertical fence or partition at least four (4) feet in height which allows control of access to and from the liquor service and consumption area;
 - (6) The licensee shall present with his or her application for permission for a temporary extension either the written consent or nonobjection of the citizens' district council whose geographical area encompasses the licensed premises, or a petition containing a statement in writing with the signatures of sixty (60) percent or more of the owners and occupants of private residences, dwellings and apartment houses located within two hundred (200) feet of such premises stating that they have no objection to the granting of such temporary extension of service area. If such consent or nonobjection is refused or if such petition fails, the city council may by resolution authorize the temporary extension of the service area; and
 - (7) The licensee shall notify, at least ten (10) days in advance of the date of the proposed temporary extension, all owners and occupants who own property or reside within three hundred (300) feet of the property line within which the licensed establishment is located of the proposed temporary extension of liquor service. Such notice shall be typewritten and include the location, date and time of the proposed extension of liquor service. The notice shall specifically state: "If any person has comments about this proposed temporary extension of liquor service, they are encouraged to telephone the public information and complaint office."
- (c) *Transfers of stock in corporate licensees; change in officers.*
- (1) The transfer of stock in any corporate license shall be deemed a transfer within the meaning of this section, and no such transfer of stock shall be made without the consent of the city council.
 - (2) It is hereby made the duty of the officers of any corporation holding a license issued under the authority of this chapter to notify the city council of any proposed sale or transfer of any stock in such corporation, and no such sale or transfer of stock shall be effective without the consent of the council given in the manner above set forth. The transfer of any stock without the knowledge and consent of the city council shall be deemed sufficient cause for revocation by the council of any license granted to such corporation under the authority of this chapter.
 - (3) Such corporate officers shall also notify the city council whenever any change is made in the officers of any such corporation, and the failure to so notify the council shall likewise be sufficient cause for revocation of any liquor license granted to such corporation.
 - (4) Notwithstanding the provisions of this section, publicly owned corporations whose stock is traded on the open market may comply with the requirements pertaining to stock ownership and stock transfer by furnishing the council with the names and addresses of all stockholders of record upon each renewal of the license.
 - (5) An application for the transfer of such a license shall be made by the transferee upon forms furnished by the department of safety and inspections. Prior to the city council's consideration of said application, the application shall be read by the city clerk at the next regular meeting of the city council.
- (d) *Hearings upon transfers or changes in service area.* The council shall schedule a date for public hearing upon said application for transfer or change in licensed area. At least forty-five (45) days before a public hearing on a transfer or change in licensed area, the department shall notify by mail

all owners and occupants who own property or reside within three hundred fifty (350) feet of the establishment to which the license is to be transferred or area changed, and all community organizations that have previously registered with said department to be notified of any such application, of the time, place and the purpose of such hearing, said three hundred fifty (350) feet being calculated and computed as the distance measured in a straight line from the property line of the building where intoxicating liquor is sold, consumed or kept for sale to the property line owned, leased or under the control of the resident. Prior to the hearing date, said department shall submit to the council a list of the names and addresses of each person or organization to whom notice was sent, and certification of such list by the department shall be conclusive evidence of such notice. A transfer or change in licensed area under this section only becomes effective upon compliance with this section and consent of the council by resolution. The failure to give mailed notice to owners or occupants residing within three hundred fifty (350) feet, or to community organizations, or defects in the notice, shall not invalidate the transfer provided a bona fide attempt to comply with this section has been made. A bona fide attempt is evidenced by a notice addressed to "owner" and to "occupant" of the listed address. Only one (1) notice need be mailed to each house or each rental unit within a multiple-family dwelling regardless of the number of occupants.

- (e) *Notice requirement not applicable in downtown business district.* The notification requirements of this section shall not be applicable where the license is to be transferred to a place located within the downtown business district. For purposes of this section, downtown business district shall include all that portion of the City of Saint Paul lying within and bounded by the following streets: Beginning at the intersection of Shepard Road with Chestnut Street, Chestnut Street to Interstate Freeway 35E, Interstate Freeway 35E to Tenth Street, Tenth Street to Interstate Freeway 94, Interstate Freeway 94 to Lafayette Bridge, Lafayette Bridge to where the bridge crosses over Warner Road, Warner Road to the Wabasha Bridge, the Wabasha Bridge across the Mississippi River to the water line on the south bank of the river, thence in a westerly direction along the shore line to the point at which it intersects with "Line A," and then in a straight line across the Mississippi River to the intersection of Chestnut Street with Shepard Road. The location and legal description of "Line A" is indicated on the map attached hereto, and incorporated and adopted herein by reference.
- (f) *No transfers person to person.* Notwithstanding any other provision in the Saint Paul Legislative Code, no on-sale license shall be transferable from person to person.
- (g) *Place to place transfers limited.* Notwithstanding any other provision in the Saint Paul Legislative Code, an on-sale license may be transferable from place to place within one (1) liquor patrol limit as defined in section 17.07 of the City Charter, and from such liquor patrol limit to any location in a commercial development district, also as defined in said section of the Charter, so long as the transfer and new location meet all the requirements of law, ordinance, Code or Charter. An on-sale license may be transferable from place to place into a liquor patrol limit subject to all the restrictions and requirements of section 17.07.2 of the City Charter.
- (h) *License is a privilege.* A license issued under this chapter is a privilege accorded to the licensee to engage in all the lawful activities permitted thereunder and is neither property nor a property right. Such license may not be leased, assigned, pledged, mortgaged or liened. An agreement providing for management of the licensed business or premises (or any part thereof) shall be reduced to writing, executed by the parties thereto and filed within ten (10) days after its execution in the department of safety and inspections, together with the new license application. The management agreement shall not be effective until it has been approved in writing by the department of safety and inspections and shall remain in effect only while the new license application is pending. Failure to reduce a management agreement to writing, and failure to file the same with the inspector as required above, shall each constitute separate grounds for adverse action. The licensee notwithstanding a management agreement remains fully responsible for the licensed business and/or premises, as well as the conduct of all employees, managers and agents in accordance with sections 310.17 and 409.14 of the Code.
- (i) *Addition of family members to the license.* Notwithstanding any other provision of law to the contrary, the addition of one (1) or more family members as defined in section 409.05(k) of the Legislative Code as partners, officers or shareholders in a partnership or corporation holding a license under this chapter shall not be deemed to be a transfer of the license or to require the submission of an original application for a license so long as all the additional family members comply with the provisions of section 409.05(k).

(Code 1956, § 308.16; Ord. No. 17172, 10-23-84; Ord. No. 17173, 10-23-84; Ord. No. 17177, 10-23-84; Ord. No. 17551, § 5, 4-19-88; Ord. No. 17657, § 16, 6-8-89; Ord. No. 17918, § 2, 3-31-92; C.F. No. 92-852, § 1, 7-9-92; C.F. No. 95-478, § 5, 5-31-95; C.F. No. 95-28, § 5, 8-16-95; C.F. No. 97-604, § 3, 6-25-97; C.F. No. 99-526, § 2, 7-7-99; C.F. No. 04-188, § 2, 3-3-04; C.F. No. 07-149, § 156, 3-28-07; C.F. No. 10-156, § 1, 3-10-10)