

**Sec. 409.15. - On-sale wine and culinary licenses.**

- (a) *Definitions.* The following definitions shall apply to this section:
- (1) *Restaurant* shall mean an establishment under the control of a single proprietor or manager, having appropriate facilities for serving meals and for seating not fewer than twenty-five (25) guests at one (1) time and where, in consideration of payment therefor, meals are regularly served at tables to the general public, and which employs an adequate staff to provide the usual and suitable service to its guests.
  - (2) *On-sale wine license* shall mean a license authorizing the sale of wine not exceeding fourteen (14) percent alcohol by volume, for consumption on the licensed premises only in conjunction with the sale of food.
  - (3) *On-sale culinary license* shall mean a license authorizing an establishment that offers culinary classes to furnish wine not exceeding fourteen (14) percent by volume or intoxicating malt liquor on the licensed premises only in conjunction with a cooking or culinary class.
- (b) *Issuance of license; fee; conditions for on-sale wine license.* On-sale wine licenses may be issued, subject to the approval of the liquor control commissioner, to the proprietor of any restaurant as defined in this section and without regard to section 409.03 limitations, and subject to the following conditions:
- (1) The license fee shall be paid in the amount listed in section 310.18 of this code; and
  - (2) The licenses shall be valid on all days of the week consistent with the hours of sale provided in section 409.07(a); and
  - (3) All other provisions of this chapter shall be applicable to such licenses and licensees unless inconsistent herewith.
- (c) *Issuance of license; fee; conditions for on-sale culinary license.* On sale culinary licenses may be issued, subject to the approval of the liquor control commissioner, to the proprietor of any establishment offering culinary classes as defined in this section, without regard to section 409.03 limitations, and subject to the following conditions:
- (1) The license fee shall be paid in the amount listed in section 310.18 of this code; and
  - (2) The licenses shall be valid on all days of the week between the hours of 12:00 p.m. and 12:00 a.m.; and
  - (3) The establishment must offer culinary or cooking classes as a part of its business. Each participant in each class must make an advance reservation for the class and each participant must make payment for the class in advance. A participant may attend no more than one (1) class per day; and
  - (4) The license allows that each participant may be furnished up to a maximum of six (6) ounces of wine or twelve (12) ounces of intoxicating malt liquor during and as part of the class, for consumption on the licensed premises only. The wine or intoxicating malt liquor shall be furnished only during and as a part of the class and at no additional cost to the participant.
- (d) *Public hearing; notices.* No new on-sale wine license or on-sale culinary license shall be issued until the council shall have first held a public hearing on the application. The notification requirements applicable to change in licensed areas in section 409.11 shall be applicable to the issuance of new on-sale wine licenses and on-sale culinary licenses.
- (e) *On-sale malt beverages.* A holder of an on-sale wine license issued pursuant to this section who is also licensed to sell on-sale 3.2 percent malt liquor and whose gross receipts are at least sixty (60) percent attributable to the sale of food may be permitted by the city council to also sell intoxicating malt liquors at on sale in conjunction with the sale of food without having to pay any additional license fee. Such authorization, if approved by the council, shall be noted upon the licenses issued

by the inspector. This provision is enacted pursuant to authority granted by Minnesota Statutes, section 340A.404(5).

*(Code 1956, § 308.27; Ord. No. 16912, 4-22-82; Ord. No. 17247, § 2, 6-6-85; Ord. No. 17328, § 3, 1-23-86; Ord. No. 17491, § 1, 9-16-87; C.F. No. 95-478, § 6, 5-31-95; C.F. No. 03-128, § 2, 3-5-03; C.F. No. 06-753, § 2, 9-13-06; C.F. No. 07-1195, § 1, 1-9-08)*