MALT OFF-SALE ORDINANCE SEPARATION REQUIREMENTS

Sec. 410.01. - License required; definitions; license types, exceptions.

(g) *3.2 Percent Malt Liquor* means malt liquor containing not less than one-half (½) of one (1) percent alcohol by volume nor more than 3.2 percent alcohol by weight.

Sec. 410.03. - Licensing requirements

(d) *License within three hundred (300) feet of another license*. No license may be issued for off-sale 3.2 percent malt liquor for any location which is within a radius of three hundred (300) feet as measured from property line to property line of any existing establishment with a license to sell off-sale 3.2 percent malt liquor

(1) The council may waive the restrictions set forth in paragraph (d) above relating to distance if it makes findings that such a license is not inconsistent with the health, safety, morals and general welfare of the adjoining neighbors or community. Factors which may be considered include but are not limited to the following: the likelihood of increased noise, traffic, litter, loitering or unlawful behavior by patrons of the establishment, excessive artificial lighting, substantial decrease in adjoining property values, and the extent to which any of the potential problems can be addressed by conditions on the license.

(2) An establishment holding a valid license on the effective date of this amendment is not [to] be affected by this limitation but shall be entitled to have such license renewed so long as they are in compliance with all other requirements of law and there exist no grounds for adverse action against such license.

(e) *License near school.* No license for on-sale malt liquors may be issued for any premises, except for a restaurant as defined in section 409.13 of the Saint Paul Legislative Code having an on-sale wine or 3.2 percent malt liquor license, located within three hundred (300) feet from any school, said three hundred (300) feet being calculated and computed as the distance measured from the property line of the premises or building proposed as the location for the malt liquor license to the property line of any school in the area for which the license is sought. This prohibition does not apply to any malt liquor on-sale licenses issued or located within the Downtown Business District. All licenses in force and effect on November 10, 1962, the location of which license is in conflict with the provisions hereof may be renewed or otherwise dealt with in accordance with law, it being the intent of this paragraph to be applied prospectively for proposed locations of licenses, and further it being the intent of this paragraph that the limitations set forth in this paragraph may in no manner be applicable to any hotel or motel.

Upon written petition signed on behalf of the school located within three hundred (300) feet of the proposed location of the license, the council may by a five-sevenths vote disregard the provisions of this paragraph insofar as location adjacent to a school.