

Liquor Manual



tabbles®
EXHIBIT
17-1



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

A Manual for City of Saint Paul Liquor License Holders

February 2019

This manual is provided by the City of Saint Paul Department of Safety and Inspections for businesses in the City of Saint Paul that sell and/or serve non-intoxicating and/or intoxicating liquor.

Special thanks to the Washington County Department of Public Health and Environment, the Minneapolis Department of Health and Family Support, and the Minneapolis Division of Licenses and Consumer Services.





CITY OF SAINT PAUL

Business Licensing
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

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ACKNOWLEDGEMENT OF RECEIPT OF LIQUOR LICENSE HANDBOOK

The undersigned, and applicant for a (liquor) (wine) (strong beer) (3.2 malt) license, located at _____, acknowledges that he/she was given a copy of the Department of Safety and Inspections handbook on liquor laws, policies and procedures. The applicant understands that he/she is responsible for reading, understanding and complying with the information contained therein.

Signature

Date





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Dear Liquor License holder:

The City of Saint Paul wants to make compliance with the laws related to the sale of alcoholic beverages as easy as possible for you. This manual was created to clarify the laws and to give you some ideas on how to assure that your business stays in compliance. **Please read these materials, review them with your employees, and keep them in a place where they are easily accessible to all employees.** On-site managers are responsible for knowing all of the information in this manual, and for educating their employees about it. We will update the information as needed, and will continue following the same format.

This manual includes several sections listed below. The emphasis on underage access to alcohol is driven in part by compliance checks in the past few years conducted by the City of Saint Paul Police Department. These checks revealed that approximately 9% of the businesses were **not** in compliance with the underage access laws. Since then, the City of Saint Paul has been developing and implementing various programs and policies to improve the compliance rate. The last series of compliance checks revealed that approximately 6% of the businesses were **not** in compliance with the underage access laws. We are improving and can strive to do better.

We appreciate all you do to comply with the laws and to keep alcohol out of the hands of those under age 21. We hope that the information provided here helps assure the success of your continued efforts. This packet contains the following materials:

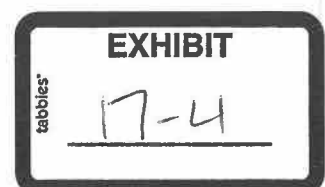
Contact Information
Compliance Checks and Penalties
Resources for Employee Training
Laws and Regulations
License Requirements and Application Forms
General Reference Material

We hope you find this information useful and we thank you for your efforts to reduce youth access to alcohol. Because we value your feedback, please call us at 651-266-8989 with any questions or comments.

Sincerely,

Erik Hudak
DSI Licensing Manager

EH/JWF



**City of Saint Paul
Department of Safety and Inspections (DSI)
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
www.stpaul.gov/dsi**

Office Hours
Monday - Friday
7:30 am - 4:30 pm

General Office Phone Number
651-266-8989

Office Fax Numbers
651-266-9124

Deputy Director	Dan Niziolek	651-266-9108
Licensing Manger	Eric Hudak	651-266-9132
Inspectors	Kris Schweinler	651-266-9110
	Tom Ferrara	651-266-9087
Plan Examiner	James Williamette	651-266-9071
Project Facilitators	Ross Haddow	651-266-9143
	Jeff Fischbach	651-266-9106
City of Saint Paul Fire Marshall (Certificate of Occupancy)		651-266-8989



State of Minnesota
Department of Public Safety
Liquor Control Division
445 Minnesota Street, Suite 1600
Saint Paul, Minnesota 55101
www.dps.state.mn.us

General Office Number
651-201-7500

General Fax Number
651-297-5259

TTY
651-282-6555

Inquiries regarding advertising and promotional questions and enforcement issues. Retail city issued off and combination licenses, county issued retail on, off, combination, all wine licenses, all private club licenses, and bed and breakfast registration. (651-201-7510)

Wholesaler, manufacturer, import and common carrier licensing, brand label registration, and city issued retail on sale licensing (651-201-7504)

All retail liquor licensees must have a current Federal Special Occupational Stamp. This stamp is issued by the Bureau of Alcohol, Tobacco and Firearms General information line (651-726-0200).

Questions regarding Liquor Laws Chapter 340A and Rules 7515 (651-201-7502)

Consumption and Display Licenses and Tribal License information (651-201-7500)

Pre-license inspections and investigations in Ramsey County (651-201-7518)

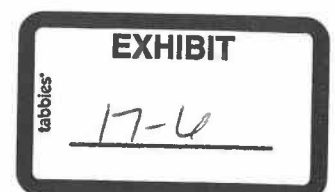
Compliance Specialists:

NEW City Issued ON-Sale Licenses (651-201-7525)
ALL renewals of City issued on-sale licenses
Temporaries, Municipal Liquor Stores
Caterer Permits

All Wine, Club, Off-Sale, County On-Sale Licenses, (651-201-7510)
Combination licenses (New & Renewal)

3.2 Licenses
Optional 2 AM Licenses
Consumption & Display permits
Buyer's cards (renewals), Ethyl Alcohol permits (651-201-7512)

Whole/Importers/ Tap Rooms (651-201-7504)
Brewers/Farm Winery





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Alcohol Compliance Checks

Dear Licensee:

Since 1999, the Department of Safety and Inspections and the Saint Paul Police Department conducted alcohol compliance checks in license establishments in Saint Paul. An alcohol compliance check consists of a person under the age of 21 years entering a liquor establishment and attempting to purchase alcohol. Compliance checkers will use their own ID's and will not give any false information regarding their age. It has been our experience that most of failures are the result of servers failing to properly not the birthdates of purchasers. Minnesota drivers licenses clearly indicate that our compliance checkers are under age 21.

In addition to action taken against the license holder, servers who sell alcohol to an underage person will be criminally charged. Please inform your wait staff, bartenders, and clerks that they will be charged with a gross misdemeanor if they serve. Receiving a gross misdemeanor could mean a \$3,000.00 fine and/or one year in jail.

Regard this letter as a notice that these compliance checks will begin immediately. Also note, this policy does not prevent the City from investigating bars and restaurants that are the subject of community complaints. Such investigations may include additional alcohol compliance checks at these problematic establishments.

PENALTY MATRIX

1st Violation
\$500.00 fine

2nd Violation
\$1000.00 fine

3rd Violation
\$2000.00 fine
and up to 18 days
License Suspension

4th Violation
Revocation

Sincerely,

Erik Hudak
Licensing Manager
EH

AA-ADA-EEO Employer





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Saint Paul, Minnesota 55101-1806

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(Date)

(Business Name)
(Business Owner)
(Mailing Address)

Dear Liquor License Holder:

Recently, the City of Saint Paul conducted a compliance check on your establishment. This consisted of an underage person entering your establishment and attempting to purchase alcohol.

Congratulations! Your establishment has passed this compliance check on:

(Date)
(Time)

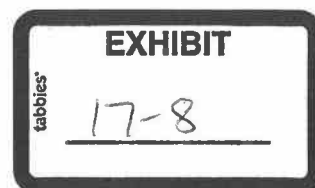
The clerk on duty did not sell the underage person alcohol, thereby complying with federal, state and local laws. Passing compliance checks is a good indication that your policy and procedures for checking proper identification prevents underage people from gaining access to alcohol.

Again, congratulations and keep up the good work!

Sincerely,

Erik Hudak
Licensing Manager

EH

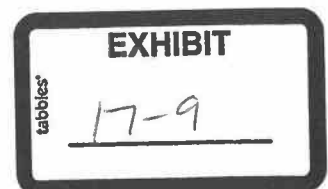


Penalties for Underage Sale

In addition to criminal actions against the seller or server, criminal and civil actions can be brought against the owner or operator of a licensed establishment who allows the sale of alcoholic beverages to a minor. These sanctions may include a criminal complaint and/or the imposition of a civil fine. In addition, sanctions may also include the suspension and/or revocation of your current liquor license.

If an underage person is allowed to purchase an alcoholic beverage, the person serving or selling to the individual can be charged with a gross misdemeanor. This is punishable by imprisonment for no more than one (1) year, a fine no more than \$3,000.00 or both.

Additionally, administrative fines can be imposed against the license in lieu of a suspension of the liquor license for a violation of the age of purchase statute.



Employee Training Resources

Alcohol server training benefits licensees considerably by reducing the chances that incidents might result and liability lawsuits might occur. Also, **many liquor liability insurance companies offer substantial premium discounts to insured licensees who have such training.**

The following approved City of Saint Paul Alcohol Server training programs for establishments that fail their compliance checks, provide Alcohol Server training to establishments who would like to take advantage of the 7% liquor license discount, and provide Alcohol Server training to nonprofit organizations and establishments applying with the City of Saint Paul for a temporary Malt, Wine, or Liquor license, are as follows:

Alcohol Liability Education (ALE) Training

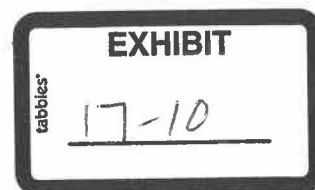
Ben Gisselman
4501 31st Ave S
Minneapolis, MN 55406
Phone: 952-470-9025
Fax: 952-474-2919
www.aletesting.com

The ALE Seminar is 90 minutes long and usually conducted at the licensee's establishment. Flexible scheduling includes night, weekends and short notice.

Minnesota Licensed Beverage Association (MLBA)

Tony
Saint Paul Business Center East
1983 Sloan Place, Suite 6
Saint Paul, MN 55117
651-772-0910
www.mlba.com

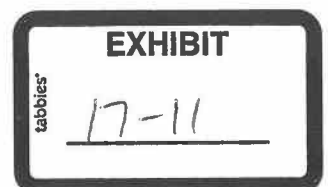
The BAT (Beverage Alcohol Training) Seminar ranges from 90 minutes to four (4) hours. Videotape presentations are part of the seminar.



Laws and Regulations

City of Saint Paul Legislative Code 409 - Intoxicating Liquor

- 409.01 (b) - Temporary liquor catering
- 409.05 (h) and 409.11(i) - Adding a family member to an existing liquor license
- 409.06 (d) and 409.11(d) -and (e) - Neighborhood notification requirement and process in requesting a waiver of the neighborhood notification waiting period
- 409.06 (g) - Seasonal outdoor service (patio)
- 409.06 (i) - Liquor off sale, location restrictions
- 409.06 (n) - Church or School, license near
- 409.07 - Hours of sale
- 409.07 (e) - Holiday parties
- 409.07.1 - Extended service hours for the sale of food until 3:00 am
- 409.08 (4) - Employment ages
- 409.08 (17) through (19) - Off Sale / Brew pubs (Growlers)
- 409.08 (20) through (25)
- 409.11 (b) - Temporary extension of service area (outdoor liquor service)
- 409.11 (f) and (h) - Licenses are not transferable.
- 409.15 - Wine On Sale and Malt On Sale (Strong) requirements
- 409.20 - Commercial development districts
- 409.21 and 409.24 - Gambling location
- 409.25 - Temporary wine and liquor license
- 409.26 - Penalty matrix



City of Saint Paul Legislative Code 409 - Intoxicating Liquor

Sec. 409.01. (b) - License required; catering approval. (Temporary liquor catering)

- (b) No person holding a catering permit issued by the state who does not have an appropriate on-sale liquor license issued by the city shall sell intoxicating liquor at any time or place in the city without first obtaining the required temporary liquor license as prescribed in this chapter. In addition, the holder of a state catering permit who wishes to obtain a temporary liquor license in the city shall provide the following additional information before the license can be approved by the department of safety and inspections:
- (1) The exact location of the event necessitating the temporary license;
 - (2) A diagram showing the liquor service area;
 - (3) The hours of sale and/or service of intoxicating liquor;
 - (4) The nature of the event or occasion and whether it is public or private; and
 - (5) The approximate number of participants.

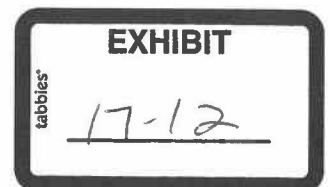
The applicant shall also provide adequate security for the event or occasion, which shall be described in the application. All requirements of law or ordinance relating to the sale and/or service of intoxicating liquor shall apply to distribution made pursuant to a catering permit and city temporary license including, but not limited to, insurance coverages.

Sec. 409.05. (h) - On- and off-sale licenses. (Adding a family member to an existing liquor license)

- (h) *Application with family members.* Notwithstanding subsection (a) of this section, where an existing on-sale intoxicating liquor license holder makes application for a new on-sale license for the same location together with one (1) or more family members as additional license holders, the term of the new license shall coincide with the end of the existing license and end on the same date. No additional license fee for the new license shall be paid for the remainder of the term of the existing license, so long as the license fees for the existing license are fully paid. The normal license fee must be paid in any case for the remainder of the term of the existing license. Each additional family member becoming a license holder shall fill out an application form for purposes of the background investigation by the license division, and provide such other information as may reasonably be required by the license division, and shall pay a fee of with the application in an amount as set forth in section 310.18 of the Saint Paul Legislative Code. The term "family members," for the purpose of this subsection shall include parents, children, grandchildren, brothers and sisters, together with the spouses of such parents, children, grandchildren, brothers and sisters.

Sec. 409.11. (i) - Transfer of license; change in service area. (Adding a family member to an existing liquor license)

- (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).



Sec. 409.06. (d) - Licensing requirements. (Neighborhood notification requirement and process in requesting a waiver of the neighborhood notification waiting period)

(d) *Public hearing; notices.* No new license for either on-sale or off-sale shall be issued without a public hearing on the application. The notification requirements applicable to license transfers or change in licensed areas in section 409.11 shall be applicable in the issuance of such new licenses; provided, however, that such notice requirements may be waived by the city council by motion on the affirmative vote of five (5) members upon the following findings:

- (1) That the application is in order and there exist no grounds for denial of the license;
- (2) That the citizens' district council whose geographical area encompasses the proposed licensed premises consents to the waiver;
- (3) That failure to grant the waiver, with the consequent delay in approving the license, would either cause exceptional and unusual hardship to the license applicant or would cause substantial hardships to the community for which the license is sought; and
- (4) Agreement by the licensee that all licensed operations may be immediately discontinued, waiving all requirements of further notice and hearing, in the event of a directive from the department of safety and inspections as provided hereinbelow.

In any case in which the forty-five-day notice period has been waived, if the department of safety and inspections receives a complaint prior to the date the public hearing was originally scheduled or would have been scheduled, the said department shall immediately investigate the claim and recommend an appropriate course of action to the city council. If the complaint provides a basis for adverse action against the license, the said department shall direct that the licensee immediately discontinue all operations, and shall reschedule the public hearing before the city council or initiate an adverse action.

Sec. 409.11. (d) and (e) - Transfer of license; change in service area. (Neighborhood notification requirement and process in requesting a waiver of the neighborhood notification waiting period)

(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.

Sec. 409.06. (g) - Licensing requirements. (Seasonal outdoor service - patio)

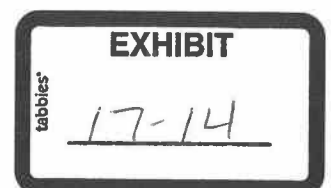
- (g) *Seasonal outside service areas.* The council may, by resolution, permit any licensee to sell or serve intoxicating liquors in areas outside the building structure on public or private property which are compact and contiguous with the structure containing the licensed premises. Property which is not connected to the licensed premises cannot be used as an outside service area if it is located across a right of way such as a street or alley; however curbside seating may be allowed at a sidewalk café subject to the restrictions of Chapter 106 of the Saint Paul Legislative Code. Such outside service areas shall be seasonal, and shall not involve an enlargement of the building structure. The seasonal outside service area license shall not be granted unless all the conditions of subsections (1) through (9) and all pertinent provisions of the zoning code are satisfied.

- (1) *Public hearing; notices.* No seasonal outside service area license shall be issued without a public hearing on the application. The notification and hearing requirements applicable to license transfers or change in licensed areas in section 409.11 shall be applicable in the issuance of such seasonal outside service area licenses; provided, however, that the license may be issued prior to the expiration of the forty-five (45) days and the public hearing may be waived by the city council by motion on the affirmative vote of five (5) members upon the following findings (in addition to the findings that may be required under paragraph 2 below):

- a. That the application is in order and there exist no grounds for denial of the license;
- b. That the citizens' district council whose geographical area encompasses the proposed licensed premises consents to the waiver;
- c. That failure to grant the waiver, with the consequent delay in approving the license, would either cause exceptional and unusual hardship to the license applicant or would cause substantial hardships to the community for which the license is sought; and
- d. Agreement by the licensee that all licensed operations may be immediately discontinued, waiving all requirements of further notice and hearing, in the event of a directive from the department of safety and inspections as provided hereinbelow.

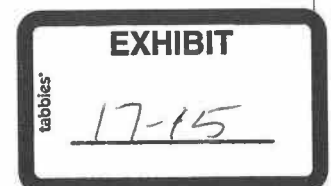
In any case in which the forty-five-day notice period has been waived, if the department of safety and inspections receives a complaint prior to the date the public hearing was originally scheduled or would have been scheduled, the said department shall immediately investigate the claim and recommend an appropriate course of action to the city council. If the complaint provides a basis for adverse action against the license, the said department shall direct that the licensee immediately discontinue all operations, and shall reschedule the public hearing before the city council or initiate an adverse action.

- (2) *Consent of neighboring property:*
- a. *Consent of ninety (90) percent of owners within three hundred (300) feet:* The applicant shall present with his or her application a statement in writing with the signatures of as many of the



owners of private residences, dwellings and apartment houses located within three hundred (300) feet of such premises as he or she can obtain to the effect that they have no objection to the granting of the license sought at the location proposed. Measurement shall be determined from property line of the licensed premises to the property line of the residential uses; provide, however, that where the licensed premises is located within a shopping mall or shopping center the measurements shall be determined from the nearest corner of the building in which the licensed premises is located to the property line of the residential uses.

- b. *Consent of sixty (60) to eighty-nine (89) percent of owners within three hundred feet:* If the applicant obtains the signatures of ninety (90) percent or more of such persons, the council may grant the license. If the applicant obtains the signatures of sixty (60) percent to eighty-nine (89) percent of such persons, the council may grant the license if the licensee demonstrates to the council in writing with respect to specific properties that a good faith effort was made to fulfill all petition requirements, and upon finding that issuance of the license would not interfere with the reasonable use and enjoyment of neighboring property and residences and would not bear adversely on the health, safety, morals and general welfare of the community. Such findings shall be based on the following considerations if the license were to be granted:
 1. The effect on the surrounding community and institutions;
 2. Noise and likelihood of adverse effect on residential occupants;
 3. The possibility of increased traffic;
 4. The character of the neighborhood;
 5. Other like uses in the neighborhood.
 - c. *Consent of less than sixty (60) percent of owners within three hundred (300) feet.* If the applicant fails to obtain the signatures of sixty (60) percent of such persons, the license shall not in any case be granted, unless the license applicant can illustrate to the city council, in writing with respect to specific properties, that a good faith effort was made to fulfill all petition requirements, and that the results of such attempts showed a generally favorable disposition from the surrounding community toward the proposed licensed activity, and that the district council representing the area supports the request for the license by the applicant. The council may grant the license upon finding that issuance of the license would not interfere with the reasonable use and enjoyment of neighboring property and residences and would not bear adversely on the health, safety, morals and general welfare of the community. Such findings shall be based on the following considerations if the license were to be granted:
 1. The effect on the surrounding community and institutions;
 2. Noise and likelihood of adverse effect on residential occupants;
 3. The possibility of increased traffic;
 4. The character of the neighborhood;
 5. Other like uses in the neighborhood.
- (3) Off-street parking spaces may not be reduced by the establishment of an outside service area below the number of off-street parking spaces which would be required if the licensed premises together with the outside service area were to be newly constructed in conformity with the zoning code; provided, however, that this requirement may be modified by the council by resolution in accordance with the procedures and substantive criteria provided in section 409.08(11)e of this legislative code.
 - (4) No outside service area shall be permitted unless the licensee provides, in addition to other requirements of law, safety barriers or other enclosures to protect patrons from any hazards, including vehicular traffic.
 - (5) No outside service area shall be located on public property or upon any street, alley or sidewalk, nor shall such outside service areas hinder or obstruct vehicular or pedestrian traffic on any street,

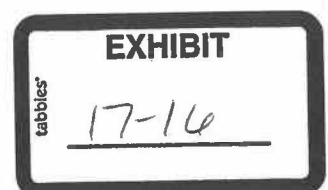


alley or sidewalk. Notwithstanding the foregoing, the sale and service of alcoholic beverages within a sidewalk cafe by a food establishment which is licensed as a restaurant under chapter 331A of the Legislative Code and which is in compliance with the provisions of section 106.01 of the Legislative Code, is permitted.

- (6) The council may deny any application for an outside service area where it has reason to believe, or may revoke its permission for such an outside service area where it is satisfied, that the impact of such outside service area on adjoining property will be, or has been, any of the following:
 - a. Loud, boisterous or disturbing noise levels;
 - b. Hazardous traffic conditions;
 - c. Offensive, obnoxious or disturbing odors;
 - d. Excessive litter;
 - e. Excessive artificial lighting;
 - f. Substantial decrease in adjoining property values; or
 - g. Any other condition inconsistent with the reasonable use and enjoyment of adjoining property and inconsistent with the health, safety, morals and general welfare of the adjoining neighbors or community.
- (7) Permission to sell and serve intoxicating liquor in or upon any outside service area may be revoked by the council on three (3) days' notice to the licensee, pursuant to information received at a public hearing before said council. The information need not be received under oath, but must reasonably satisfy the council as to the existence of any or all of the conditions listed in subparagraph (5). The public hearing shall be conducted with such formal or informal procedures as the council may permit, so long as the licensee and any complaining parties have an opportunity to be heard.
- (8) The licensee shall, with respect to any outside service area, comply with all applicable provisions of law and regulations in regard to the sale and service of intoxicating liquor, including, without limitation by reason of this specification, all applicable regulations contained in sections 409.08 and 409.09 of this chapter.
- (9) *Private nonprofit colleges.* Private nonprofit colleges may sell or serve intoxicating liquors in areas outside of building structures as long as said areas are clearly described in the application materials submitted under section 409.06(a)(2). Such areas are exempt from the additional public hearing and consent process described in section 409(g), subdivisions 1 and 2.

Sec. 409.06. (i) - Licensing requirements. (Liquor off sale, location restrictions)

- (i) *License location restrictions.* These restrictions shall not apply to off-sale/brew pub license, off-sale brewery licenses, or off-sale microdistillery licenses.
 - (1) No off-sale license shall be issued for any place where nonintoxicating malt beverages shall be sold for consumption on the premises.
 - (2) No off-sale license shall be issued to any location within a half-mile radius of any existing off-sale establishment, subject to the following exceptions:
 - a. In the downtown business district, the distance restriction shall be reduced to a radius of three hundred (300) feet.
 - b. For off-sale liquor establishments outside of the downtown business district that were licensed prior to January 15, 2003, the council may waive the half-mile distance restrictions provided that council finds by resolution that:
 1. The off-sale liquor establishment is relocating to a location that is within one-half (½) mile radius of its current location; and



2. The relocation of the off-sale liquor establishment is related to hardship or circumstances outside of the licensee's control; and
 3. The new location of the off-sale liquor establishment meets the intent of the ordinance in preventing the over-concentration of off-sale liquor establishments; and
 4. The new location of the off-sale liquor establishment 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.
- (3) No license shall be issued for an off-sale location which is within three hundred (300) feet of residentially zoned property, a park or a licensed child-care center, 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 off-sale liquor license to the property line of any residentially zoned property, park or child care center in the area for which the license is sought.
- a. The council may waive the restrictions set forth in paragraph (3) 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.
 - b. In order to waive the restrictions relating to distance the council must first receive a petition from seventy-five (75) percent of the owners and tenants of all private residences, dwellings and apartment houses located within three hundred (300) feet of the proposed off-sale location stating that they have no objection if the waiver relates to residentially zoned property or a written statement consenting to the waiver by the director and/or owner of the child care center if the waiver relates to a licensed child care center.
 - c. An establishment holding a valid license on the effective date of this amendment shall not 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.

Sec. 409.06. (n) - Licensing requirements. (Church or School, license near)

(n) License near school. No license may be issued for any premises 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 liquor license to the property line of any school, in the area for which the license is sought. This prohibition shall not apply to on-sale wine and culinary licenses issued under section 409.15, off-sale brewer licenses issued under Minnesota Statutes section 340A.301, subdivision 6(d), brewer taproom licenses issued under section 409.28, a license issued to a private nonprofit college, or licenses issued or located within the Downtown Business District.

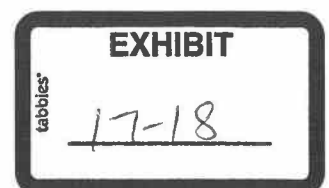
Any licenses in force and effect on November 10, 1962, the location of which license is in conflict with the provisions hereof, may be renewed, transferred or otherwise dealt with in accordance with law, it being the intent of this paragraph that it be applied prospectively for proposed locations of licenses, and further it being the intent of this paragraph that the limitations set forth in this paragraph shall in no manner be applicable to any hotel or motel.



Upon written petition signed on behalf of a 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.

Sec. 409.07. - Hours of sale; Sunday sales, etc.

- (a) On-sale hours of sale.
- (1) *Intoxicating liquor on-sale* . No sale of intoxicating liquor shall be made after 1:00 a.m. on Sunday nor until 8:00 a.m. on Monday. No on-sale shall be made between the hours of 1:00 a.m. and 8:00 a.m. on any weekday.
 - (2) *Sales after 1:00 a.m.* Establishments holding only on-sale wine and/or on-sale malt liquor licenses shall not be eligible to sell wine and/or malt liquor after 1:00 a.m. An establishment holding on-sale licenses other than on-sale wine and/or on-sale malt which has received a permit from the state which authorizes sale of intoxicating liquor or three and two-tenths (3.2) percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. may make such sales if it has provided a copy of the permit to the director of the department of safety and inspections. An establishment holding only on-sale wine and/or on-sale malt liquor licenses which also has a state 2:00 a.m. permit on January 1, 2009 may continue to make such sales until 2:00 a.m. unless or until the on-sale wine and/or on-sale malt liquor license is discontinued for any reason.
- (b) *Off-sale hours of sale.* No off-sale shall be made before 8:00 a.m. or after 10:00 p.m. Monday through Saturday. No off-sale shall be made before 11:00 a.m. or after 6:00 p.m. on Sunday. No off-sale shall be made on Thanksgiving Day or Christmas Day, December 25, or after 8:00 p.m. on Christmas Eve, December 24.
- (c) *Sunday sales.*
- (1) Notwithstanding the provisions of paragraph (a), establishments to which on-sale licenses have been issued or hereafter may be issued for the sale of intoxicating liquors which are hotels or restaurants and which have facilities for serving no fewer than fifty (50) guests at one (1) time may serve intoxicating liquors between the hours of 8:00 a.m. on Sundays and 1:00 a.m. on Monday in conjunction with the serving of food, but no liquor shall be served on Sundays other than to persons who are seated at tables; provided, that the licensed establishment is in conformance with the Minnesota Clean Indoor Air Act. Notwithstanding the foregoing, an establishment with has received a permit from the state which authorizes sale of intoxicating liquor or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. may make such sales if it has provided a copy of the permit to the director of the department of safety and inspections.
 - (2) Notwithstanding the provisions of paragraph (a), establishments to which brewer taproom licenses have been issued or may hereafter be issued, and that have obtained a special license as set forth in subparagraph (3), may serve malt liquor between the hours of 10:00 a.m. on Sundays and 1:00 a.m. on Monday.
 - (3) It is unlawful for any such establishment, directly or indirectly, to sell or serve intoxicating liquors as provided in subparagraph (1) or (2) above without having first obtained a special license therefor. Such special license may be issued by the council for a period of one (1) year and for which the fee shall be two hundred dollars (\$200.00). Application for said special license shall be made to the council in the same manner as application for other licenses to sell intoxicating liquor are made.
 - (4) Private nonprofit colleges which have obtained an on-sale license may serve intoxicating liquors between the hours of 10:00 a.m. on Sundays and 1:00 a.m. on Monday to patrons attending events at the private nonprofit college.
 - (5) An off-sale brewery may sell growlers, as defined in section 409.08 (18), at off-sale between the hours of 8:00 a.m. and 8:00 p.m. on Sundays.
- (d) *No consumption or display when prohibited.* No person shall consume or display or allow consumption or display of liquor upon the premises of an on-sale licensee at any time when the sale of such liquor is not permitted.



Sec. 409.07. (e) - Hours of sale; Sunday sales, etc. (Holiday parties)

- (e) *Private office parties*. Notwithstanding any other provision of the Legislative Code, the license holder of premises having an on-sale license may once a year have a private party at no charge to the guests after the lawful closing hours; provided, that a written request for said party is submitted to the license inspector thirty (30) days prior to the proposed date of the party; and provided further, that no sales as defined by law of intoxicating liquors or nonintoxicating malt liquor shall be made at or during said party. The inspector shall notify the chief of police of the date of each proposed party.

Sec. 409.07.1. - Extended service license. (hours for the sale of food until 3:00 am)

- (a) *License*. Establishments located holding on-sale licenses issued under this chapter may remain open for the sale of food after the hours of sale provided in section 409.07 of the Legislative Code and until 3:00 a.m. if they have first obtained an extended service license. Such license shall be a class III license. Except as provided in subsection (d) below, the notice, hearing and consent requirements in section 411.04(b) of the Legislative Code shall apply to extended service licenses. Applications shall be made on such forms as may be provided by the department of safety and inspections the fee for such license shall be established by ordinance as provided in section 310.19(b) of the Legislative Code.
- (b) *Procedures*. Notwithstanding any other provision of law, the council may, at any time and with respect to any establishment, condition, deny or revoke an extended service license in order to protect the public peace, welfare and safety, or upon the grounds in section 310.06 of the Legislative Code, but without compliance with the formal contested case hearing procedures in section 310.05 of the Legislative Code. The licensee or applicant shall be given an opportunity to be heard before the council on such actions.
- (c) *Regulations*. The following regulations shall apply to all extended service licenses:
- (1) *Food menu*. The establishment shall, as a condition of issuance and throughout the term of such license, provide as a menu item during such extended hours of service at least four (4) different types of entrees and/or sandwiches and a choice of nonalcoholic beverages.
 - (2) *No alcohol*. No alcoholic beverages may be offered, displayed, sold or consumed by anyone in the establishment during such extended hours. No alcoholic beverage container of any kind, whether empty or containing any alcoholic beverage, shall remain on the bar, tables, counters or any other place to which a customer has access, or at any location in the customer areas of the establishment, after 1:00 a.m., if the establishment has an extended service license or after 2:00 a.m. if the establishment has obtained a permit from the state pursuant to Minn. Stat. § 340A.504, subd. 7.
 - (3) *Alcohol storage*. All alcoholic beverages shall be stored not later than 1:15 a.m. or 2:15 for those establishments which have obtained a permit from the state pursuant to Minn. Stat. § 340A.504, subd. 7, which permits later service, and during extended service hours in a cabinet, locker, or storage area which is locked and secure, and which shall remain locked at all times during extended service hours.
 - (4) *Entertainment*. Except as provided in subsection (d) below, no entertainment shall be provided during the extended service hours unless the applicant first complies with the petition and consent requirements of section 411.04(b) of the Legislative Code. This is a separate and distinct requirement from that provided for in section 409.07.1(a) above, provided that the hearing dates may be combined at the discretion of the council. The provision of entertainment during any extended service hours shall be in conformity with all the other requirements of law, including Chapter 411 of the Legislative Code. Notwithstanding the foregoing, no establishment shall provide Class C entertainment during the hours of extended service hereunder.



- (5) *Conditions.* The council may further condition any extended service license issued hereunder, which conditions may include, but are not limited to, by reason of this specification:
- a. Limitations on the time of the extended service hours, and/or the days of the week on which such extended service hours may be held;
 - b. Requirements concerning staffing or security levels and/or the provision of security during extended service hours;
 - c. Conditions relating to security, lighting, noise, litter, parking or traffic control; and
 - d. Other conditions enumerated in section 310.06(c) of the Legislative Code.

Such conditions may be imposed on, revised or added to any extended service license at any time, without compliance with the formal contested case hearing procedures in section 310.05 of the Legislative Code. The licensee or applicant shall be given an opportunity to be heard before the council on such conditions.

- (d) *Downtown business district.* Applicants for extended service license located in the downtown business district, as defined in section 409.02, shall not have to comply with the notice, hearing and consent requirements in section 411.04(b) for either the license itself or the provision of entertainment under an existing entertainment license during the extended service hours. Class C entertainment cannot be provided during the hours of extended service hereunder.

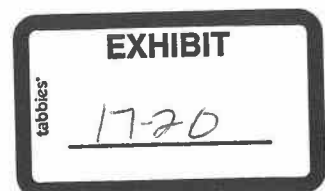
Sec. 409.08. (4) - Regulations generally. (Employment ages)

All licensees hereunder are hereby required to observe the following regulations; provided, however that any such regulation which specifically refers to an on-sale licensee shall not bind an off-sale licensee, nor shall any regulation which specifically refers to an off-sale licensee bind an on-sale licensee:

- (4) No person under eighteen (18) years of age may be employed in a place where intoxicating liquor is sold for consumption on the premises, except persons under eighteen (18) years of age may be employed as musicians or in bussing or washing dishes in a restaurant or hotel that is licensed to sell intoxicating liquor and may be employed as waiters or waitresses at a restaurant, hotel or motel where only wine is sold; provided, that the person under the age of eighteen (18) may not serve or sell any wine.

Sec. 409.08. (17) through (19) - Regulations generally. (Off Sale / Brew pubs - Growlers)

- (17) An off-sale/brew pub and off-sale brewery may only sell at off-sale during legal hours for off-sale at exclusive liquor stores, except that an off-sale brewery may sell at off-sale between 8:00 a.m. and 8:00 p.m. on Sundays. The malt liquor sold off-sale must be removed from display at all times when off-sale is not authorized under this paragraph.
- (18) An off-sale/brew pub and off-sale brewery must package the malt liquor in sixty-four-ounce containers commonly known as growlers, bearing a twist-type closure, cork, stopper or plug. At the time of the sale, a paper or plastic adhesive band, strip or sleeve shall be applied to the container and extend over the top of the closure, forming a seal that must be broken upon opening of the strip. The band, strip or seal must bear the name and address of the brewer, and the container must be identified as malt liquor, contain the name of the malt liquor and bear the name and address of the brewer selling the malt liquor and shall be considered intoxicating liquor unless otherwise labeled in accordance with Minnesota Rules, part 7515.1100.
- (19) The total retail sales at on-sale or off-sale of a brewer licensed to sell at off-sale as an off-sale brew pub or an off-sale brewery may not exceed three thousand five hundred (3,500) barrels per year provided that off-sales may not total more than five hundred (500) barrels.



Sec. 409.08. (20 through 25) - Regulations generally.

- (20) No licensee shall sponsor, advertise and/or host events for individuals under the age of twenty-one (21) such as "18 and up" nights, "college nights", "teen nights" or other such designations unless the events are held in a portion of the establishment where liquor, including 3.2 malt, is not consumed sold or served. The licensee will be responsible for insuring that individuals under the age of twenty-one (21) who enter to attend such events cannot gain access to an area where liquor is sold, served, permitted or consumed. Any advertisements in connection with such events must contain disclaimers that the events will be in an alcohol-free area of the establishment and that alcohol will not be sold or served to anyone under the age of twenty-one (21).
- (21) Licensees are responsible for insuring that any individual under the age of twenty-one (21), other than an employee, who enters the establishment is present only for the purpose of consuming a meal or attending a social function open to the public held in a portion of the establishment where liquor is not sold, consumed, served or displayed. The requirements of this section shall not apply to the River Centre complex, Midway Stadium, theaters or bowling alleys or social functions which are not open to the public.
- (22) Notwithstanding the provisions of paragraph (18), above, an establishment which holds an entertainment license may host up to twelve (12) live entertainment events annually at which individuals under the age of twenty-one (21) may be present, providing the establishment obtains a permit for such an event. A "live entertainment event" shall mean live musical performances by individuals or groups. The fee for such license shall be as set forth in Saint Paul Legislative Code § 310.18. No more than twelve (12) permits may be issued to any licensee annually and no more than one (1) event may occur within three (3) weeks of another such event. A permit issued hereunder is not effective for any premises other than the licensed premises. Application for such permit must be made at least two (2) weeks prior to the event. Any person obtaining an eighteen (18) and up permit shall be required to have in place a system of checking identification and identifying with indelible marks or non-removable wristbands those patrons who are not yet twenty-one (21). At no time during an event authorized pursuant to this section shall patrons be served more than one (1) alcoholic beverage per person from the bar, and servers will be required to independently verify that patrons have been carded for age prior to serving them alcoholic beverages. Notwithstanding any other provision of law, the council or the department of safety and inspections may, at any time and with respect to any establishment, deny such request for a permit or place additional conditions on permits issue hereunder in order to protect the public peace, welfare and safety, so long as such conditions or prohibitions do not relate to the content of the entertainment. Appeal of the denial of a permit under this subdivision shall be to the city council.
- (23) An off-sale microdistillery may only sell at off-sale during legal hours for off-sale at exclusive liquor stores, and the distilled spirits sold off-sale must be removed from display at all times when off-sale is not allowed under this paragraph.
- (24) An off-sale microdistillery may not sell spirits at off-sale unless the brand is also available for distribution by wholesalers.
- (25) No licensee of an exclusive liquor store which sells or displays any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product as defined under section 324.03 may allow any person under the age of eighteen (18) years of age to enter the store unless accompanied by an adult over the age of twenty-one (21).



Sec. 409.11. (b) - Transfer of license; change in service area. (Temporary extension of service area - outdoor liquor service)

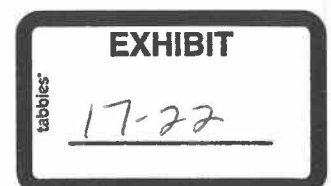
- (b) *Service area; temporary extensions of service area (patio).* No license granted for a specified part of any particular premises shall permit sales of such liquor on a part of such premises not specified in the license; or in an area adjacent to such licensed premises; provided, however, that the 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."

Sec. 409.11. (f) and (h) - Transfer of license; change in service area. (Licenses are not transferable)

- (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.
- (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.

Sec. 409.15. - On-sale wine and culinary licenses. (Wine On Sale and Malt On Sale (Strong) requirements)

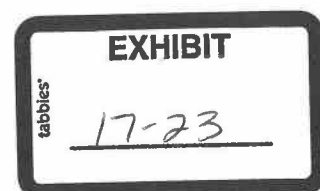
- (a) *Definitions.* The following definitions shall apply to this section:



- (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).

Sec. 409.20. - Commercial development districts.

- (a) Commercial development districts, as defined in section 17.07.1 of the City Charter, may be created or expanded by the filing in the office of the city clerk of a written petition therefor setting forth the boundaries of the expanded district, and containing the written consent of the owners of two-thirds of the several descriptions of real estate situate within the new or area of the expanded district, together with the written consent of the owners of two-thirds of the several descriptions of real estate situated within one hundred (100) feet of the new or expanded district, and after the affirmative vote in favor thereof by at least five (5) members of the city council.
- (b) The city council may waive the requirements for consent signatures if the city council shall determine that a hardship exists therefor, and in such case the council may, on its own, initiate the process of creating or expanding a commercial development district. In such case, the affirmative vote of at least five (5) members of the city council shall be required to create or expand any such district.



- (c) In all such cases, the planning commission shall be consulted for advice concerning the proposals for consistency with the city's comprehensive plan and zoning ordinances, and the planning commission shall report in writing to the city council its findings and recommendations.
- (d) Upon receipt of the report of the planning commission, the council's committee designated to hear license matters shall fix a date for public hearing to consider the petition or proposal to create or expand a commercial development district and afford an opportunity to all affected persons to be heard. The city clerk shall cause notice of the hearing to be published once in the official newspaper of the city, and mailed notice thereof shall be given by the department of safety and inspections to all owners of land within the new or area of the expanded district. Published notice and mailed notice shall be made at least twenty (20) days in advance of the public hearing.

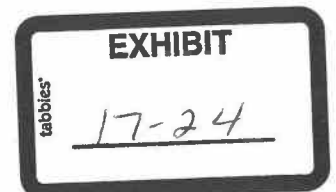
Sec. 409.21. - Pull-tabs, tipboards, paddle-wheel, raffle tickets and bingo in bars by state licensed charitable nonprofit organizations. (Gambling location)

(a) *Permission of city council; endorsement; termination:*

- (1) On-sale licensees may request permission of the city council to permit qualified charitable organizations to conduct lawful gambling in the form of bingo, paddlewheels, pull-tabs, raffles and tipboards only on the licensed premises. Application for permission shall be made to the license inspector and payment of the specified fee. If the application is granted, the license shall contain an endorsement specifying this approval and the gambling endorsement may be considered for renewal at the same time as the council may consider renewal of the on-sale license. Once the city council has approved the application of an on-sale licensee to allow lawful gambling conducted by a qualified charitable organization, the department may allow subsequent qualified charitable organizations to conduct lawful gambling on the licensed premises without further council approval, subject to paragraph (2) of this section and section 409.21(b)(3).
- (2) In the event the permission of any charitable nonprofit organization to conduct lawful gambling on the licensed premises is terminated by the licensed establishment on whose premises the organization was conducting said gambling, or in the event such organization terminates its lawful gambling as a result of coercion, pressure or unreasonable or unlawful conduct by the licensee or its employees, the on-sale licensee shall not be able to make application for a gambling endorsement for a new charitable nonprofit organization to take the place of the former organization until one (1) year after discontinuance of all gambling activity on the licensed premises by the former organization.

(b) *Gambling endorsement regulations.* Gambling endorsements in on-sale licenses shall be subject to the following regulations which shall be deemed as a part of the license, and failure of compliance may constitute grounds for adverse action as prescribed in the Legislative Code:

- (1) Only charitable nonprofit organizations licensed by the State of Minnesota to conduct bingo or operate paddlewheels, tipboards and pull-tabs may be allowed to conduct bingo or sell paddlewheel tickets, pull-tabs, raffle tickets and tipboards on the licensed premises. Except as provided under (2)(d) below.
- (2) Use of the licensed premises shall be by means of a written lease agreement between the licensee and the charitable organization. All leases shall comply with the provisions of Minn. Stat. chapter 349 and the rules promulgated pursuant thereto. The lease shall expire with the premises permit; a copy shall be filed with the department of safety and inspections director, and also a copy must be kept on the premises and available for public inspection upon request. Leases shall be governed by the following:
 - a. In the case of pull-tab dispensing devices, the lease agreement shall address cash shortages, game banks, machine repair, and prize reimbursement.
 - b. Reserved.
 - c. The licensee may not be reimbursed by the charitable organization for any license or permit fees, and the only compensation which the licensee may obtain from the charitable organization are the amounts fixed in the lease agreement.
 - d. All lawful gambling shall be conducted either:
 - i. From a booth or pulltap dispensing device within a leased or wholly owned area with the following exception: raffle tickets, paddlewheel tickets consisting of thirty (30) numbers or less with no table and tipboards consisting of thirty (30) or less may be sold within all of the public area of the permitted premise. Raffle drawings, winning ticket redemption, paddlewheel location and tipboard seal opening must be within the



leased or wholly owned area with the exception that pulltab prize redemption from dispensing devices may be made as set forth in subdivision (6) below.

- ii. The owner and employees of the on-sale establishment may, consistent with law and rule, conduct the sale and prize payout of lawful gambling games from within the establishment, including from the bar service area. In the case of bar bingo, food and beverages may be dispensed within the bingo leased or permitted premises.
 - e. The construction and maintenance of the booth used by the charitable organization shall be the sole responsibility of the charitable organization.
 - f. The lease shall contain a provision permitting the licensee to terminate the lease if the charitable organization is found guilty of any violation of state or local gambling statutes, ordinances or rules and regulations.
- (3) Only one (1) charitable organization shall be permitted to conduct lawful gambling on a permitted premises except on such premises where two (2) organizations are conducting lawful gambling at the time this section is passed, provided that this requirement will apply if one (1) of said organizations ceases operations.
 - (4) A pull-tab dispensing device must be protected by an alarm system that is centrally monitored and has a battery backup. Such alarm may protect just the machine or the entire premises.
 - (5) If readily perishable or potentially hazardous food, as defined in section 331.07 of the Legislative Code, is awarded as a prize in any charitable gambling, the storage and handling of such food shall be in compliance with all applicable requirements of Chapter 331 of the Legislative Code. The licensee shall be responsible for notifying the department of safety and inspections that food, whether readily perishable or potentially hazardous or not, is being awarded as a prize in any charitable gambling taking place on the licensed premises, using such form or forms as may be prescribed by such department.
 - (6) Winning pull-tab tickets dispensed from dispensing devices or by an owner or employee of the on-sale establishment, may be redeemed by bar personnel from the bar service area, provided that a separate accounting of pull-tab proceeds and other funds of the licensed establishment is performed and made available to enforcement personnel.
 - (7) Employees and agents of the on-sale establishment not involved in the conduct of lawful gambling on the premises or nongambling employees or agents of a licensed organization conducting lawful gambling on the premises may participate in lawful gambling on the premises provided that if pull-tabs or tipboards are sold, the organization prominently posts within plain view at the point of sale the major prizes awarded.
- (c) *Large charitable nonprofit organizations regulated:*
- (1) Notwithstanding any other provision of law or of sections 409.21 and 409.22 of this chapter, not more than five (5) charitable nonprofit organizations which qualify as "large organizations" may be permitted to conduct lawful gambling in the form of paddlewheels, pull-tabs, raffles and tipboards on licensed premises after meeting all other requirements of Chapters 310 and 409 of the Saint Paul Legislative Code and of any other applicable statute, regulation or ordinance. The term "large organization," for the purpose of this chapter, shall mean and include any charitable nonprofit organization which has the size and resources, as well as the public acceptance and drawing power, sufficient to dominate in the competition for licensed premises in which to conduct charitable gambling so as to make it difficult or impossible for small charitable nonprofit organizations to find suitable or desirable premises in which to raise funds by charitable gambling. Any charitable nonprofit organization whose annual gross revenues for the immediately past fiscal or calendar year from all sources are in excess of ten million dollars (\$10,000,000.00) or whose annual management and administrative expenditures for its current budget year are in excess of three million dollars (\$3,000,000.00), or twenty-five (25) percent or more of whose net profits from charitable gambling are or have been distributed in at least three (3) of the last five (5) years to another nonprofit or charitable organization of which it is a local chapter or subsidiary, shall be presumed to be a large corporation. The computation of the above dollar amounts shall be the total for both the charitable nonprofit organization in question and any other such organization, if such other organization:
 - (a) Has the power to appoint a majority of the governing body of the organization in question;
 - (b) Has or exercises the authority to direct or control the work of the officers or employees of the organization in question;
 - (c) Provides half or more of the gross revenues of the organization in question; or
 - (d) Franchises or charters the organization in question, or permits the organization in question to use its name and/or organizational symbols in the conduct of the fund-raising activities of the organization in question.



- (2) No endorsement to the on-sale license shall be granted to any on-sale licensee for a large organization until thirty (30) days after the effective date of this ordinance [Ordinance No. 17613]. If there are more than five (5) qualified applicants for such endorsement, the council shall by motion set a future regular council meeting date at which five (5) such applicants shall be selected for the issuance of the liquor endorsements authorized herein. Such selection shall be by lot in accordance with the procedures indicated in section 409.16(e)(2) (excepting the payment of the special issuance excise tax). Not less than thirty (30) days after one (1) of such endorsements is revoked, denied or lapses for any reason, the council may establish a date for random selection among otherwise qualified applicants as provided above. If the number of applicants at any time is equal to or less than five (5), or less than the number needed to bring the total of such endorsements issued to five (5), then the council may issue such endorsements in the regular manner.
 - (3) The large organizations authorized to operate in on-sale licensed premises as provided for in this paragraph (c) shall be required to comply with all applicable requirements of law and of sections 409.21 through 409.23, including the payment of ten (10) percent of their net profits without allowance for cash shortages from selling paddlewheel tickets, pull-tabs, raffle tickets and tipboards as provided by section 409.22(11).
 - (4) The term "large organization" for the purpose of subsection (c) shall not include a club as defined in section 409.02 of this chapter where such club has an on-sale intoxicating liquor license issued under this chapter and the only charitable gambling carried out on the licensed premises is operated by the club itself in conformity with applicable state and municipal licenses and regulations thereunder.
- (d) *Number of establishments restricted*. No state licensed charitable organization shall sell paddlewheel tickets, pull-tabs, raffle tickets, bingo paper and/or tipboards in more than six (6) establishments licensed by the city for the sale of intoxicating liquor in accordance with section 409.22.

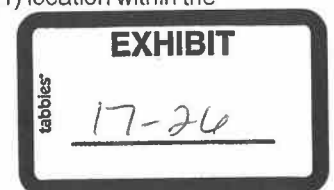
Cross reference— Gambling, Ch. 270; lawful gambling, Ch. 402; bingo halls, Ch. 403; game rooms, Ch. 406.

Sec. 409.24. - Reserved. (Gambling location)

Editor's note— C.F. No. 06-576, § 1, adopted July 26, 2006, amended the Code by repealing former § 409.24 in its entirety. Former § 409.24 pertained to gambling managers; and derived from Ord. No. 17321, adopted December 31, 1985; Ord. No. 17666, adopted July 13, 1989; Ord. No. 17678, adopted August 29, 1989; C.F. No. 93-1591, adopted November 30, 1993; C.F. No. 94-745, adopted June 22, 1994.

Sec. 409.25. - Temporary wine and liquor licenses.

- (a) *Wine licenses*. Notwithstanding any other provision of this chapter, a club or charitable, religious or other nonprofit organization in existence for at least three (3) years, or a political committee registered under Minn. Stats., Section 10A.14, or a state university may obtain an on-sale license to sell wine and strong beer not exceeding fourteen (14) percent alcohol by volume for consumption on the licensed premises only. The fee for such license shall be established by ordinance as provided in section 310.09(b) of the Legislative Code, and such license may authorize the on-sale of wine for not more than four (4) consecutive days. The city shall not authorize more than three (3) four-day, four (4) three-day, six (6) two-day or twelve (12) one-day temporary licenses, in any combination not to exceed twelve (12) days per year for the sale of wine to any one (1) location within the city for a twelve-month period. The city may not issue more than one (1) such license to any one (1) organization or political committee, or any one (1) location, within a thirty-day period unless the licenses are issued in connection with an event officially designated a community festival by the municipality.
- (b) *Wine licenses for festivals*. The city may issue a temporary on-sale and off-sale wine license to a bona fide association of owners and operators of wineries sponsoring an annual festival to showcase wines produced by members as authorized by Minn. Stat. § 340A.4175.
- (c) *Liquor licenses*. Notwithstanding any other provision of this chapter, a club or charitable, religious or other nonprofit organization in existence for at least three (3) years, a political committee registered under Minn. Stats. § 10A.14, a state university, a brewer who manufactures fewer than three thousand five hundred (3,500) barrels of malt liquor in a year, or a microdistillery may obtain an on-sale license to sell intoxicating liquor for consumption on the licensed premises only and in connection with a social event within the city sponsored by the licensee. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full year on-sale intoxicating liquor license issued by the city. The fee for such license shall be as set forth in section 310.09(b) and 310.18 of the Saint Paul Legislative Code. The license shall not authorize the on-sale of intoxicating liquor for more than four (4) consecutive days. The city shall not authorize more than three (3) four-day, four (4) three-day, six (6) two-day, or twelve (12) one-day temporary licenses, in any combination not to exceed twelve (12) days per year for the sale of intoxicating liquor to any one (1) location within the



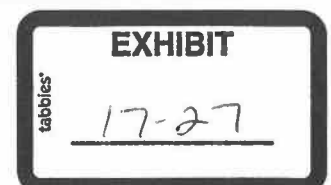
city for a twelve-month period. The city may not issue more than one (1) such license to any one (1) organization or political committee, or any one (1) location, within a thirty-day period unless the licenses are issued in connection with an event officially designated a community festival by the municipality.

- (d) *Application.* Application for such temporary licenses shall be made on forms provided by the inspector and shall contain such information as specified by the inspector, including the following:
- (1) The name, address and purpose of the organization, together with the names and addresses of its officers, and evidence of nonprofit status or of its status as a club under section 409.02 above.
 - (2) The purpose for which the temporary license is sought, together with the place, dates and hours during which wine or intoxicating liquor will be sold.
 - (3) Consent of the owner or manager of the premises or person or group with lawful responsibility for the premises.
 - (4) Evidence that the manager or director has received alcohol awareness training provided by a bona fide instructor or the city.
- (e) *Application of other provisions of this chapter.* No other provisions of this chapter shall apply to licenses granted under this section, except sections 409.06, 409.065, 409.07, 409.08 (except clauses (11) and (12)), and sections 409.09 through 409.14.
- (f) *Class T license.* Notwithstanding any other provision of law to the contrary, the temporary wine and liquor licenses provided in this section shall be administered as a Class T license and subject to the provisions of these chapters governing Class T licenses. The inspector shall make all referrals as provided by section 310.03, but the director may require the inspector to issue such license before receiving any recommendations on the application thereof if necessary to issue such license on a timely basis.

Sec. 409.26. - Intoxicating liquor; nonintoxicating malt liquor; presumptive penalties.

- (a) *Purpose.* The purpose of this section is to establish a standard by which the city council determines the length of license suspensions and the propriety of revocations, and shall apply to all on-sale and off-sale licensed premises for both intoxicating liquor under this chapter and nonintoxicating liquor under chapter 410. These penalties are presumed to be appropriate for every case; however the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate.
- (b) *Presumptive penalties for violations.* Adverse penalties for convictions or violations shall be presumed as follows (unless specified, numbers below indicate consecutive days' suspension):

	Type of Violation	Appearance			
		1st	2nd	3rd	4th
(1)	Commission of a felony related to the licensed activity.	Revocation	NA	NA	NA
(2)	Sale of alcohol beverages while license is under suspension.	Revocation	NA	NA	NA
(3)	Sale of alcoholic beverages to underage person.	500.00	1,000.00	Up to 18	Revocation
(4)	Sale of alcoholic beverage to intoxicated person.	500.00	1,000.00	Up to 18	Revocation
(5)	After hours sale of alcoholic beverages.	500.00	6	18	Revocation
(6)	After hours display or consumption of alcoholic beverage.	500.00	4	12	Revocation



(7)	Refusal to allow city inspectors or police admission to inspect premises.	5	15	Revocation	NA
(8)	Illegal gambling on premises.	500.00	6	18	Revocation
(9)	Failure to take reasonable steps to stop person from leaving premises with alcoholic beverage.	500.00	4	12	Revocation
(10)	Failure to make application for license renewal prior to license expiration date.	500.00	6	18	Revocation
(11)	Sale of intoxicating liquor where only license is for nonintoxicating liquor.	500.00	6	18	Revocation
(12)	Failure to comply with statutory, and ordinance requirements for liability insurance.	10	Revocation	NA	NA

For on-sale intoxicating liquor establishments with a seating capacity of one hundred fifty (150) or more, the monetary penalty for any violation (including violations found in chapter 310) shall be doubled.

For off-sale intoxicating liquor establishments with five thousand one (5,001) or more square feet of retail space, the monetary penalty for any violation (including violations found in chapter 310) shall be doubled.

A licensee who would be making a first appearance before the council may elect to pay the fine to the department of safety and inspections without an appearance before the council, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive penalty. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and shall be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

(c) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in paragraph (b) above. The occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.

Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the "1st Appearance." In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council.

The same procedures shall apply to a second, third or fourth appearance before the council.

(d) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance.

(e) *Computation of time.*

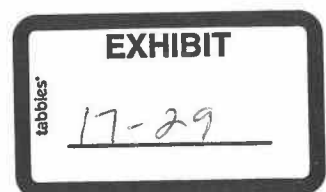
(1) *Second appearance.* A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty.

(2) *Third appearance.* A third violation within eighteen (18) months shall be treated as a third appearance for the purpose of determining the presumptive penalty.



- (3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall be treated as a fourth appearance for the purpose of determining the presumptive penalty.
- (4) Any appearance not covered by subsections (1), (2) or (3) above shall be treated as a first appearance. Measurement of the twelve-, eighteen- or twenty-four-month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.
- (5) For the purpose of a second, third or fourth appearance under this section, "violation" shall mean either one of those violations listed in paragraph (b) or a violation of section 310.05(m).
- (f) *Other penalties.* Nothing in this section shall restrict or limit the authority of the council to suspend up to sixty (60) days, revoke the license, or impose a civil fine not to exceed two thousand dollars (\$2,000.00), to impose conditions or take any other adverse action in accordance with law, provided, that the license holder has been afforded an opportunity for a hearing in the manner provided for in section 310.05 of this Code.
- (g) *Effect of responsible business practices in determining penalty.* In determining the appropriate penalty, the council may, in its discretion, consider evidence submitted to it in the case of uncontested adverse actions or submitted to a hearing examiner in a contested hearing upon which findings of fact have been made that a licensee has followed or is likely to follow in the future responsible business practices in regard to sales to intoxicated persons and sales to minors.
- (1) For the purposes of service to intoxicated persons, evidence of responsible business practices may include, but is not limited to, those policies, procedures and actions that are implemented at time of service and that:
- a. Encourage persons not to become intoxicated if they consume alcoholic beverages on the defendant's premises;
 - b. Promote availability of nonalcoholic beverages and food;
 - c. Promote safe transportation alternatives other than driving while intoxicated;
 - d. Prohibit employees and agents of defendant from consuming alcoholic beverages while acting in their capacity as employees or agents;
 - e. Establish promotions and marketing efforts that publicize responsible business practices to the defendant's customers and community;
 - f. Implement comprehensive training procedures;
 - g. Maintain an adequate, trained number of employees and agents for the type and size of defendant's business;
 - h. Establish a standardized method for hiring qualified employees;
 - i. Reprimand employees who violate employer policies and procedures; and
 - j. Show that the licensee has enrolled in recognized courses providing training to self and one (1) or more employees of the licensed establishment in regard to standards for responsible liquor service.
- (2) For the purposes of service to minors, evidence of responsible business practices may include, but is not limited to, those listed in subsection (1) and the following:
- a. Management policies that are implemented at the time of service and that ensure the examination of proof of identification (as established by state law) for all persons seeking service of alcoholic beverages who may reasonably be suspected to be minors;
 - b. Comprehensive training of employees who are responsible for such examination regarding the detection of false or altered identification; and
 - c. Enrollment by the licensee in recognized courses providing training to self and one (1) or more employees of the licensed establishment in regard to standards for responsible liquor service.

(Ord. No. 17556, § 1, 4-28-86; Ord. No. 17657, § 14, 6-8-89; Ord. No. 17675, § 1, 8-22-89; Ord. No. 17694, § 2, 11-7-89; Ord. No. 17756, § 1, 8-7-90; Ord. No. 17924, §§ 2, 3, 5-7-92; C.F. No. 92-1929, § 1, 2-9-93; C.F. No. 97-1445, § 1, 12-30-97; C.F. No. 98-866, § 1, 11-4-98; C.F. No. 07-149, § 161, 3-28-07; C.F. No. 10-818, § 1, 8-25-10; Ord. No. 11-92, § 1, 9-28-11; Ord 12-41, § 1, 8-22-12)



Laws and Regulations (continued)

City of Saint Paul Legislative Code 411 - Entertainment

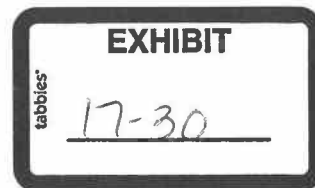
411.01(c) - Extended service hours for providing entertainment until 3:00 am

411.04(b)(1) - Neighborhood notification requirement

411.04(b)(2) - Entertainment B or C petition requirement

411.05 - Temporary Entertainment license

Minnesota Statutes 2018 Chapter 340A - Intoxicating Liquor



City of Saint Paul Legislative Code 411 - Entertainment

Sec. 411.01. (c) - License required. (Extended service hours for providing entertainment until 3:00 am)

- (c) *Extended hours.* The holder of an extended service license under sections 409.07.1 or 410.04(c) of the Legislative Code is subject to the regulations defined therein and may provide entertainment during the hours of extended service, but only in conformity with and as authorized by an existing entertainment license issued under this chapter. Notwithstanding any other provision of law, the council may, at any time and with respect to any establishment, condition or prohibit the provision of entertainment during the hours of extended service (i) in order to protect the public peace, welfare and safety, so long as such conditions or prohibitions do not relate to the content of the entertainment, and (ii) without notice and hearing, or compliance with any of the procedures provided in Chapter 310 of the Legislative Code.

Sec. 411.01. (b 1)- License required. (Neighborhood notification requirement)

- (b) *Notification requirements; consent of neighboring property:*

- (1) *Notice of hearing:* At least thirty (30) days before a public hearing on an application for a license, the department of safety and inspections shall notify by mail all owners and occupants who own property or reside within three hundred fifty (350) feet of the main entrance of the establishment to be licensed and all community organizations that have previously registered with such department of the time, place and purpose of such hearing, such three hundred fifty (350) feet calculated and computed as the distance measured in a straight line from the nearest point of the building where intoxicating liquor is sold, consumed or kept for sale to the nearest point of the property line owned, leased or under the control of the resident. Prior to the hearing date, the department of safety and inspections shall submit to the city 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 clerk shall be conclusive evidence of such notice.

Sec. 411.01. (b 2) - License required. (Entertainment B or C petition requirement)

- (2) *Consent of owners and occupants within three hundred [fifty] feet:* The applicant shall present with his or her application for a Class B or Class C license a statement in writing with the signatures of as many of the owners and occupants of private residences, dwellings and apartment houses located within three hundred fifty (350) feet of such premises as he or she can obtain to the effect that they have no objection to the granting of the class of entertainment license sought or the operation of the business of conducting entertainment of the class of license sought at the location proposed.

If the applicant obtains the signatures of ninety (90) percent or more of such persons, the council may grant the license. If the applicant obtains the signatures of sixty (60) percent to ninety (90) percent of such persons, the council may grant the license upon finding that issuance of the license would not interfere with the reasonable use and enjoyment of neighboring property and residences and would not bear adversely on the health, safety, morals and general welfare of the community. Such findings shall be based on the following considerations if the license were to be granted:

- a. The effect on the surrounding community and institutions;
- b. Noise and likelihood of adverse effect on residential occupants;
- c. The possibility of increased traffic;
- d. The character of the neighborhood;



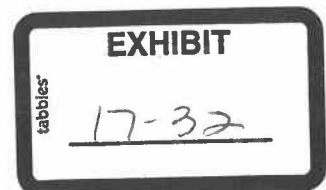
e. Other like uses in the neighborhood.

If the applicant fails to obtain the signatures of sixty (60) percent of such persons, the license shall not in any case be granted, unless, in the case of Class B licenses only, the license applicant can illustrate to the city council that a good faith effort was made to fulfill all petition requirements, and that the results of such attempts showed a generally favorable disposition from the surrounding community toward the proposed licensed activity, and that the district council representing the area supports the request for the license by the applicant.

Sec. 411.05. - One-day license. (Temporary Entertainment license)

Any person may apply for a temporary Class A or Class B entertainment license valid for a twenty-four hour period. Such application shall be made in the manner prescribed in this chapter and shall be subject to the same requirements regarding inspection and floor space as provided elsewhere in this chapter. The fee for such license shall be as set forth in Saint Paul Legislative Code section 310.18. No location shall be granted more than three (3) such licenses per calendar year. Such licenses shall not require the consent of owners and occupants of adjacent properties.

(Code 1956, § 311.10; Ord. No. 17901, § 10, 1-14-92; C.F. No. 92-1799, § 1, 12-22-92; C.F. No. 94-1660, § 5, 12-28-94; C.F. No. 99-1228, § 1, 1-26-00)



2018 Minnesota Statutes
CHAPTER 340A. LIQUOR

Section Headnote

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DEPARTMENT OF PUBLIC SAFETY

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EXHIBIT

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DEFINITIONS

340A.101 DEFINITIONS.

Subdivision 1. Terms.

For purposes of this chapter the following terms have the meanings given them.

Subd. 2. Alcoholic beverage.

"Alcoholic beverage" is any beverage containing more than one-half of one percent alcohol by volume.

Subd. 3. Affiliate or subsidiary company.

"Affiliate or subsidiary company" is a company in which a manufacturer or its stockholders own a majority of the stock.

Subd. 3a. Brew pub.

"Brew pub" is a brewer who also holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted in section 340A.24, subdivision 2.

Subd. 4. Brewer.

"Brewer" is a person who manufactures malt liquor for sale.

Subd. 4a. Bulk distilled spirits.

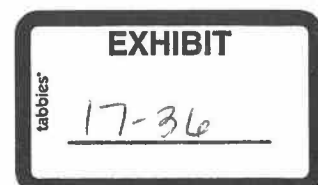
"Bulk distilled spirits" means distilled spirits in a container having a capacity in excess of one gallon.

Subd. 4b. Bulk wine.

"Bulk wine" means wine in a container having a capacity of five or more gallons.

Subd. 5. City.

"City" is a home rule charter or statutory city unless otherwise specified.



Subd. 6. Commissioner.

"Commissioner" is the commissioner of public safety except as otherwise provided.

Subd. 7. Club.

"Club" is 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, or a congressionally chartered veterans' organization, which:

(1) has more than 30 members;

(2) 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;

(3) 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.

Subd. 8. Department.

"Department" is the Department of Public Safety except as otherwise provided.

Subd. 9. Distilled spirits.

"Distilled spirits" is 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.

Subd. 10. Exclusive liquor store.

"Exclusive liquor store" is an establishment used exclusively for the sale of those items authorized in section 340A.412, subdivision 14.

Subd. 10a. Fortified wine.

"Fortified wine" is wine to which brandy, or neutral grape spirits, has been added during or after fermentation resulting in a beverage containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use.

Subd. 11. Farm winery.



"Farm winery" is a winery operated by the owner of a Minnesota farm and producing table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota.

Subd. 12.General food store.

"General food store" is a business primarily engaged in selling food and grocery supplies to the public for off-premise consumption.

Subd. 12a.Home brewing equipment.

"Home brewing equipment" means portable equipment designed for use in home manufacturing of malt liquor in quantities of ten gallons or less and supplies and ingredients for home manufacture of malt liquor.

Subd. 13.Hotel.

"Hotel" is 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 30 guests at one time; and

(2) guest rooms in the following minimum numbers: in first class cities, 50; in second class cities, 25; in all other cities and unincorporated areas, 10.

Subd. 14.Intoxicating liquor.

"Intoxicating liquor" is ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight.

Subd. 15.Licensed premises.

"Licensed premises" is the premises described in the approved license application, subject to the provisions of section 340A.410, subdivision 7. 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.

Subd. 15a.Low-alcohol malt liquor.

"Low-alcohol malt liquor" is a fermented malt beverage containing two percent or less of alcohol by weight. Notwithstanding any law or rule to the contrary, if either; (a) the term "low alcohol" appears on the label of the beverage container; or (b) a brewer has provided written certification to the Department of Public Safety establishing an alcoholic content of two percent or less by weight; no further label shall be required on that container.

Subd. 15b.Liqueur-filled candy.



"Liqueur-filled candy" is any confectionery containing more than one-half of one percent alcohol by volume in liquid form that is intended for or capable of beverage use.

Subd. 16.Malt liquor.

"Malt liquor" is any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

Subd. 17.Manufacturer.

"Manufacturer" is 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.

Subd. 17a.Microdistillery.

"Microdistillery" is a distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.

Subd. 18.Municipality.

"Municipality" is a city, county or, for purposes of licensing under section 340A.404, subdivision 7, the Metropolitan Airports Commission.

Subd. 19.3.2 percent malt liquor.

"3.2 percent malt liquor" is malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.

Subd. 20.Off-sale.

"Off-sale" is the sale of alcoholic beverages in original packages for consumption off the licensed premises only.

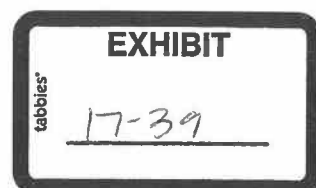
Subd. 21.On-sale.

"On-sale" is the sale of alcoholic beverages for consumption on the licensed premises only.

Subd. 22.Package.

"Package" is a sealed or corked container of alcoholic beverages.

Subd. 23.Person.



"Person" has the meaning given it in section 645.44, subdivision 7.

Subd. 24. Population.

"Population" is determined by the most recent federal decennial census or a special census taken under law.

Subd. 24a.

MS 2010 [Renumbered subd 24b]

Subd. 24a. Proof gallon.

A "proof gallon" is one liquid gallon of distilled spirits that is 50 percent alcohol at 60 degrees Fahrenheit.

Subd. 24b. Public facility.

"Public facility" is a park, community center, or other accommodation or facility owned or managed by or on behalf of a subdivision of the state, including any county, city, town, township, or independent district of the state.

Subd. 25. Restaurant.

"Restaurant" is an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, and having a minimum seating capacity for guests as prescribed by the appropriate license issuing authority.

Subd. 26. Retail.

"Retail" is sale for consumption.

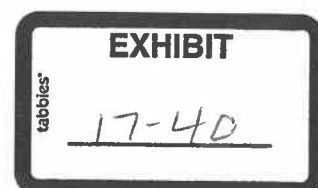
Subd. 27. Table or sparkling wine.

"Table or sparkling wine" is a beverage made without rectification or fortification and containing not more than 25 percent of alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey.

Subd. 27a. Theater.

"Theater" means a building containing an auditorium in which live dramatic, musical, dance, or literary performances are regularly presented to holders of tickets for those performances.

Subd. 28. Wholesaler.



"Wholesaler" is a person who sells alcoholic beverages to persons to whom sale is permitted under section [340A.310](#), from a stock maintained in a warehouse in the state.

Subd. 29.Wine.

"Wine" is 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 one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use. Wine does not include distilled spirits as defined in subdivision 9.

Subd. 30.

MS 2008 [Renumbered subd 10a]

History:

[1985 c 117 s 3](#); [1985 c 305 art 3 s 1](#); [1Sp1985 c 16 art 2 s 3 subd 1](#); [1987 c 152 art 1 s 1](#); [1987 c 381 s 2](#); [1988 c 443 s 1](#); [1990 c 554 s 2,3](#); [1991 c 249 s 31](#); [1992 c 486 s 5,6](#); [1993 c 350 s 4-6](#); [1994 c 611 s 6](#); [1995 c 198 s 1-3](#); [2000 c 440 s 2](#); [2003 c 126 s 1](#); [2006 c 210 s 1,2](#); [2009 c 120 s 1](#); [2011 c 55 s 1,2](#); [2014 c 240 s 3,4](#); [2015 c 9 art 1 s 1](#)

DEPARTMENT OF PUBLIC SAFETY

340A.201 LIQUOR CONTROL AUTHORITY.

Subdivision 1.1976 successor.

The commissioner of public safety is the successor to the commissioner of liquor control with respect to the powers and duties vested in the latter as of February 6, 1976, except for those powers and duties transferred to the commissioner of revenue. Any proceeding, court action, prosecution, or other business undertaken or commenced as of February 6, 1976, by the commissioner of liquor control is assigned to the commissioners of public safety and revenue as appropriate and may be completed by them.

Subd. 2.Delegation; 1996 consolidation; division director.

Effective October 1, 1996, the duties and powers vested previously in the commissioner of public safety and delegated to the department's Division of Liquor Control are delegated and transferred to, and consolidated with, the Division of Alcohol and Gambling Enforcement of the Department of Public Safety, under the supervision of a director appointed by the commissioner and serving in the unclassified service at the pleasure of the commissioner.

History:

[1985 c 305 art 4 s 1](#); [1987 c 152 art 1 s 1](#); [1997 c 129 art 2 s 13](#)



MANUFACTURERS, WHOLESALERS, IMPORTERS

340A.22 MICRODISTILLERIES.

Subdivision 1. Activities.

(a) A microdistillery licensed under this chapter may provide on its premises samples of distilled spirits manufactured on its premises, in an amount not to exceed 15 milliliters per variety per person. No more than 45 milliliters may be sampled under this paragraph by any person on any day.

(b) A microdistillery can sell cocktails to the public, pursuant to subdivision 2.

(c) A microdistillery may not operate a cocktail room under subdivision 2 or conduct sales at off-sale under subdivision 4 unless at least 50 percent of the annual production of the licensee is processed and distilled on premises.

(d) Distilled spirits produced or in production prior to July 1, 2017, are not counted as part of the calculations under paragraph (c).

Subd. 2. Cocktail room license.

(a) A municipality, including a city with a municipal liquor store, may issue the holder of a microdistillery license under this chapter a microdistillery cocktail room license. A microdistillery cocktail room license authorizes on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller. Notwithstanding section 340A.504, subdivision 3, a cocktail room may be open and may conduct on-sale business on Sundays if authorized by the municipality. Nothing in this subdivision precludes the holder of a microdistillery cocktail room license from also holding a license to operate a restaurant at the distillery. Section 340A.409 shall apply to a license issued under this subdivision. All provisions of this chapter that apply to a retail liquor license shall apply to a license issued under this subdivision unless the provision is explicitly inconsistent with this subdivision.

(b) A distiller may only have one cocktail room license under this subdivision, and may not have an ownership interest in a distillery licensed under section 340A.301, subdivision 6, clause (a).

(c) The municipality shall impose a licensing fee on a distiller holding a microdistillery cocktail room license under this subdivision, subject to limitations applicable to license fees under section 340A.408, subdivision 2, paragraph (a).

(d) A municipality shall, within ten days of the issuance of a license under this subdivision, inform the commissioner of the licensee's name and address and trade name, and the effective date and expiration date of the license. The municipality shall also inform the commissioner of a license transfer, cancellation, suspension, or revocation during the license period.

(e) No single entity may hold both a cocktail room and taproom license, and a cocktail room and taproom may not be colocated.

Subd. 3. License; fee.



The commissioner shall establish a fee for licensing microdistilleries that adequately covers the cost of issuing the license and other inspection requirements. The fees shall be deposited in an account in the special revenue fund and are appropriated to the commissioner for the purposes of this subdivision. All other requirements of section [340A.301](#) apply to a license under this section.

Subd. 4.Off-sale license.

A microdistillery may be issued a license by the local licensing authority for off-sale of distilled spirits. The license may allow the sale of one 375 milliliter bottle per customer per day of product manufactured on site, subject to the following requirements:

- (1) off-sale hours of sale must conform to hours of sale for retail off-sale licensees in the licensing municipality; and
- (2) no brand may be sold at the microdistillery unless it is also available for distribution by wholesalers.

History:

[2014 c 240 s 5](#); [2015 c 9 art 1 s 2](#); [art 2 s 1](#); [1Sp2017 c 4 art 5 s 2,3](#)

340A.24 BREW PUBS.

Subdivision 1.On-sale license.

A brew pub may be issued an on-sale intoxicating liquor or 3.2 percent malt liquor license by a municipality for a restaurant operated in the place of manufacture.

Subd. 2.Off-sale license.

Notwithstanding section [340A.405](#), a brew pub that holds an on-sale license issued pursuant to this section may, with the approval of the commissioner, be issued a license by a municipality for off-sale of malt liquor produced and packaged on the licensed premises. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brew pub is located, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores, except that malt liquor in growlers only may be sold at off-sale on Sundays. Sunday sales must be approved by the licensing jurisdiction and hours may be established by those jurisdictions. Packaging of malt liquor for off-sale under this subdivision must comply with section [340A.285](#).

Subd. 3.Total retail sales.

A brew pub's total retail sales at on- or off-sale under this section may not exceed 3,500 barrels per year, provided that off-sales may not total more than 750 barrels.

Subd. 4.Interest in other license.



(a) A brew pub may hold or have an interest in other retail on-sale licenses, but may not have an ownership interest in whole or in part, or be an officer, director, agent, or employee of, any other manufacturer, brewer, importer, or wholesaler, or be an affiliate thereof whether the affiliation is corporate or by management, direction, or control.

(b) Notwithstanding this prohibition, a brew pub may be an affiliate or subsidiary company of a brewer licensed in Minnesota or elsewhere if that brewer's only manufacture of malt liquor is:

(1) manufacture licensed under section [340A.301, subdivision 6](#), clause (d);

(2) manufacture in another state for consumption exclusively in a restaurant located in the place of manufacture; or

(3) manufacture in another state for consumption primarily in a restaurant located in or immediately adjacent to the place of manufacture if the brewer was licensed under section [340A.301, subdivision 6](#), clause (d), on January 1, 1995.

Subd. 5.Prohibition.

A brew pub licensed under this chapter may not be licensed as an importer under section [340A.302](#).

History:

[2015 c 9 art 1 s 3,8](#); [art 2 s 3](#); [1Sp2017 c 4 art 5 s 4](#)

340A.26 BREWER TAPROOMS.

Subdivision 1.Brewer taproom license.

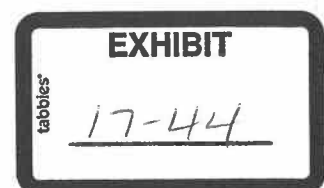
(a) A municipality, including a city with a municipal liquor store, may issue the holder of a brewer's license under section [340A.301](#), subdivision 6, clause (c), (i), or (j), a brewer taproom license. A brewer taproom license authorizes on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. Nothing in this subdivision precludes the holder of a brewer taproom license from also holding a license to operate a restaurant at the brewery. Section [340A.409](#) shall apply to a license issued under this subdivision. All provisions of this chapter that apply to a retail liquor license shall apply to a license issued under this subdivision unless the provision is explicitly inconsistent with this subdivision.

(b) A brewer may only have one taproom license under this subdivision, and may not have an ownership interest in a brew pub.

Subd. 2.Prohibition.

A municipality may not issue a brewer taproom license to a brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually.

Subd. 3.Fee.



The municipality shall impose a licensing fee on a brewer holding a brewer taproom license under this subdivision, subject to limitations applicable to license fees under section 340A.408, subdivision 2, paragraph (a).

Subd. 4.Municipality to inform commissioner.

A municipality shall, within ten days of the issuance of a license under this subdivision, inform the commissioner of the licensee's name and address and trade name, and the effective date and expiration date of the license. The municipality shall also inform the commissioner of a license transfer, cancellation, suspension, or revocation during the license period.

Subd. 5.Sunday on-sale.

Notwithstanding section 340A.504, subdivision 3, a taproom may be open and may conduct on-sale business on Sundays if authorized by the municipality.

History:

2015 c 9 art 1 s 4

340A.28 SMALL BREWER OFF-SALE.

Subdivision 1.License; limitations.

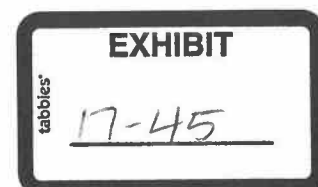
A brewer licensed under section 340A.301, subdivision 6, clause (c), (i), or (j), may be issued a license by a municipality for off-sale of malt liquor at its licensed premises that has been produced and packaged by the brewer. The license must be approved by the commissioner. A brewer may only have one license under this subdivision. The amount of malt liquor sold at off-sale may not exceed 750 barrels annually. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores, except that malt liquor in growlers only may be sold at off-sale on Sundays. Sunday sales must be approved by the licensing jurisdiction and hours may be established by those jurisdictions. Packaging of malt liquor for off-sale under this subdivision must comply with section 340A.285.

Subd. 2.Prohibition.

A municipality may not issue a license under this section to a brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews more than 20,000 barrels of its own brands of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually.

Subd. 3.Fee.

The municipality shall impose a licensing fee on a brewer holding a license under this subdivision, subject to limitations applicable to license fees under section 340A.408, subdivision 3, paragraph (a).



History:

2015 c 9 art 1 s 5,8; art 2 s 2; 1Sp2017 c 4 art 5 s 5

340A.285 GROWLERS.

(a) Malt liquor authorized for off-sale pursuant to section 340A.24 or 340A.28 shall be packaged in 64-ounce containers commonly known as "growlers" or in 750 milliliter bottles. The containers or bottles shall bear a twist-type closure, cork, stopper, or plug. At the time of sale, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extended over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening the container or bottle. The adhesive band, strip, or sleeve shall bear the name and address of the brewer. The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, bear the name and address of the brew pub or brewer selling the malt liquor, and shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise in accordance with the provisions of Minnesota Rules, part 7515.1100.

(b) A brew pub or brewer may, but is not required to, refill any container or bottle with malt liquor for off-sale at the request of the customer. A brew pub or brewer refilling a container or bottle must do so at its licensed premises and the container or bottle must be filled at the tap at the time of sale. A container or bottle refilled under this paragraph must be sealed and labeled in the manner described in paragraph (a).

History:

2015 c 9 art 1 s 6

340A.301 MANUFACTURERS, BREWERS, AND WHOLESALE LICENSES.

Subdivision 1.Licenses required.

No person may directly or indirectly manufacture or sell at wholesale intoxicating liquor, or 3.2 percent malt liquor without obtaining an appropriate license from the commissioner, except where otherwise provided in this chapter. A manufacturer's license includes the right to import. A licensed brewer may sell the brewer's products at wholesale only if the brewer has been issued a wholesaler's license. The commissioner shall issue a wholesaler's license to a brewer only if (1) the commissioner determines that the brewer was selling the brewer's own products at wholesale in Minnesota on January 1, 1991, or (2) the brewer has acquired a wholesaler's business or assets under subdivision 9, paragraph (c) or (d). A licensed wholesaler of intoxicating malt liquor may sell 3.2 percent malt liquor at wholesale without an additional license.

Subd. 2.Persons eligible.

(a) Licenses under this section may be issued only to a person who:

(1) is of good moral character and repute;

(2) is 21 years of age or older;



(3) has not had a license issued under this chapter revoked within five years of the date of license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; and

(4) has not been convicted within five years of the date of license application of a felony, or of a willful violation of a federal or state law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of alcoholic beverages. The Alcohol and Gambling Enforcement Division may require that fingerprints be taken and may forward the fingerprints to the Federal Bureau of Investigation for purposes of a criminal history check.

(b) In order to determine if an individual has a felony or willful violation of federal or state law governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage, the applicant for a license to manufacture or sell at wholesale must provide the commissioner with their signed, written informed consent to conduct a background check. The commissioner may query the Minnesota criminal history repository for records on the applicant. If the commissioner conducts a national criminal history record check, the commissioner must obtain fingerprints from the applicant and forward them and the required fee to the superintendent of the Bureau of Criminal Apprehension. The superintendent may exchange the fingerprints with the Federal Bureau of Investigation for purposes of obtaining the applicant's national criminal history record information. The superintendent shall return the results of the national criminal history records check to the commissioner for the purpose of determining if the applicant is qualified to receive a license.

Subd. 3.Application.

An application for a license under this section must be made to the commissioner on a form the commissioner prescribes and must be accompanied by the fee specified in subdivision 6. If an application is denied, \$100 of the amount of any fee exceeding that amount shall be retained by the commissioner to cover costs of investigation.

Subd. 4.Bond.

The commissioner may not issue a license under this section to a person who has not filed a bond with corporate surety, or cash, or United States government bonds payable to the state. The proof of financial responsibility must be approved by the commissioner before the license is issued. The bond must be conditioned on the licensee obeying all laws governing the business and paying when due all taxes, fees, penalties and other charges, and must provide that it is forfeited to the state on a violation of law. This subdivision does not apply to a Minnesota farm winery, licensed under section 340A.315, that is in existence as of January 1, 2010. Bonds must be in the following amounts:

Manufacturers and wholesalers of intoxicating liquor except as provided in this subdivision	\$ 10,000
Manufacturers and wholesalers of wine up to 25 percent alcohol by weight	\$ 5,000
Manufacturers and wholesalers of beer of more than 3.2 percent alcohol by weight	\$ 1,000
Manufacturers and wholesalers of fewer than 20,000 proof gallons	\$ 2,000
Manufacturers and wholesalers of 20,000 to 40,000 proof gallons	\$ 3,000

Subd. 5.Period of license.

Licenses issued under this section are valid for one year except that to coordinate expiration dates initial licenses may be issued for a shorter period.



Subd. 6.Fees.

The annual fees for licenses under this section are as follows:

(a) Manufacturers (except as provided in clauses (b) and (c))	\$ 30,000
Duplicates	\$ 3,000
(b) Manufacturers of wines of not more than 25 percent alcohol by volume	\$ 500
(c) Brewers who manufacture more than 3,500 barrels of malt liquor in a year	\$ 4,000
(d) Brew pubs. A brew pub licensed under this clause must obtain a separate license for each licensed premises where the brew pub produces malt liquor	\$ 500
(e) Wholesalers (except as provided in clauses (f), (g), and (h))	\$ 15,000
Duplicates	\$ 3,000
(f) Wholesalers of wines of not more than 25 percent alcohol by volume	\$ 3,750
(g) Wholesalers of intoxicating malt liquor	\$ 1,000
Duplicates	\$ 25
(h) Wholesalers of 3.2 percent malt liquor	\$ 10
(i) Brewers who manufacture fewer than 2,000 barrels of malt liquor in a year	\$ 150
(j) Brewers who manufacture 2,000 to 3,500 barrels of malt liquor in a year	\$ 500

If a business licensed under this section is destroyed, or damaged to the extent that it cannot be carried on, or if it ceases because of the death or illness of the licensee, the commissioner may refund the license fee for the balance of the license period to the licensee or to the licensee's estate.

Subd. 6a.

[Renumbered subd 7]

Subd. 6b.

[Repealed by amendment, [2015 c 9 art 1 s 7](#)]

Subd. 6c.

[Repealed by amendment, [2015 c 9 art 1 s 7](#)]

Subd. 6d.

[Repealed by amendment, [2015 c 9 art 1 s 7](#)]

Subd. 7.

[Renumbered subd 8]

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Subd. 7. Permits and identification cards; fees.

Any person engaged in the purchase, sale, or use for any purpose other than personal consumption of intoxicating alcoholic beverages or ethyl alcohol shall obtain the appropriate regulatory permit and identification card from the commissioner as provided in this subdivision. The fee for each permit, other than one issued to a state or federal agency, is \$35 and must be submitted together with the appropriate application form provided by the commissioner. Identification cards and permits must be issued for a period coinciding with that of the appropriate state or municipal license and are not transferable. In instances where there is no annual license period, cards and permits expire one year after the date of issuance. The authority to engage in the purchase, sale, or use granted by the card or permit may be revoked by the commissioner upon evidence of a violation by the holder of such a card or permit of any of the provisions of this chapter or any rule of the commissioner made pursuant to law.

Subd. 7a.

[Renumbered subd 9]

Subd. 8.

[Renumbered subd 10]

Subd. 8. Interest in other business.

(a) Except as provided in this subdivision, a holder of a license as a manufacturer, brewer, importer, or wholesaler may not have any ownership, in whole or in part, in a business holding a retail intoxicating liquor or 3.2 percent malt liquor license. The commissioner may not issue a license under this section to a manufacturer, brewer, importer, or wholesaler if a retailer of intoxicating liquor has a direct or indirect interest in the manufacturer, brewer, importer, or wholesaler. A manufacturer or wholesaler of intoxicating liquor may use or have property rented for retail intoxicating liquor sales only if the manufacturer or wholesaler has owned the property continuously since November 1, 1933. A retailer of intoxicating liquor may not use or have property rented for the manufacture or wholesaling of intoxicating liquor.

(b) Except as provided in subdivision 9, no brewer as defined in subdivision 9 or importer may have any interest, in whole or in part, directly or indirectly, in the license, business, assets, or corporate stock of a licensed malt liquor wholesaler.

Subd. 9.

[Renumbered subd 11]

Subd. 9. Permitted interests in wholesale business.

(a) A brewer may financially assist a wholesaler of malt liquor through participation in a limited partnership in which the brewer is the limited partner and the wholesaler is the general partner. A limited partnership authorized in this paragraph may not exist for more than ten years from the date of its creation, and may not, directly or indirectly, be recreated, renewed, or extended beyond that date.

(b) A brewer may financially assist a malt liquor wholesaler and collateralize the financing by taking a security interest in the inventory and assets, other than the corporate stock, of the wholesaler. A financial agreement

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authorized by this paragraph may not be in effect for more than ten years from the date of its creation and may not be directly or indirectly extended or renewed.

(c) A brewer who, after creation of a financial agreement authorized by paragraph (b), or after creation of a limited partnership authorized in paragraph (a), acquires legal or equitable title to the wholesaler's business which was the subject of the agreement or limited partnership, or to the business assets, must divest the business or its assets within two years of the date of acquiring them. A malt liquor wholesaler whose business or assets are acquired by a brewer as described in this paragraph may not enter into another such financial agreement, or participate in another such limited partnership, for 20 years from the date of the acquisition of the business or assets.

(d) A brewer may have an interest in the business, assets, or corporate stock of a malt liquor wholesaler as a result of (1) a judgment against the wholesaler arising out of a default by the wholesaler or (2) acquisition of title to the business, assets, or corporate stock as a result of a written request of the wholesaler. A brewer may maintain ownership of or an interest in the business, assets, or corporate stock under this paragraph for not more than two years and only for the purpose of facilitating an orderly transfer of the business to an owner not affiliated with the brewer.

(e) A brewer may continue to maintain an ownership interest in a malt liquor wholesaler if it owned the interest on January 1, 1991.

(f) A brewer that was legally selling the brewer's own products at wholesale in Minnesota on January 1, 1991, may continue to sell those products at wholesale in the area where it was selling those products on that date.

(g) A brewer that manufactures no more than 20,000 barrels of malt liquor or its metric equivalent in a calendar year may own or have an interest in a malt liquor wholesaler that sells only the brewer's products, provided that a brewer that manufactures between 20,000 and 25,000 barrels in any calendar year shall be permitted to continue to own or have an interest in a malt liquor wholesaler that sells only the brewer's products if: (1) that malt liquor wholesaler distributes no more than 20,000 barrels per calendar year; and (2) the brewer has not manufactured 25,000 barrels in any calendar year. Notwithstanding the foregoing, a brewer that manufactured between 20,000 and 25,000 barrels in 2012 shall be permitted to continue to own or have an interest in a malt liquor wholesaler that sells only the brewer's products until that brewer manufactures 25,000 barrels in a calendar year.

(h) When the commissioner issues a license to a malt liquor wholesaler described in paragraph (a) or (b), the commissioner may issue the license only to the entity which is actually operating the wholesale business and may not issue the license to a brewer that is a limited partner under paragraph (a) or providing financial assistance under paragraph (b) unless the brewer has acquired a wholesaler's business or assets under paragraph (c) or (d).

(i) For purposes of this subdivision and subdivision 8, paragraph (b), "brewer" means:

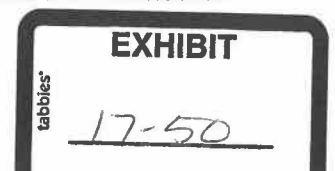
(1) a holder of a license to manufacture malt liquor;

(2) an officer, director, agent, or employee of such a license holder; and

(3) an affiliate of such a license holder, regardless of whether the affiliation is corporate or by management, direction, or control.

Subd. 10. Sales without license.

A licensed brewer or brew pub may without an additional license sell malt liquor to employees or retired former employees, in amounts of not more than 768 fluid ounces in a week for off-premise consumption only. A collector of commemorative bottles, those terms are as defined in section 297G.01, subdivisions 4 and 5, may sell them to another collector without a license. It is also lawful for a collector of beer cans to sell unopened cans of a brand which has not been sold commercially for at least two years to another collector without obtaining a license. The amount sold to any one collector in any one month shall not exceed 768 fluid ounces. A licensed manufacturer of wine containing not more than 25 percent alcohol by volume nor less than 51 percent wine made from Minnesota-



grown agricultural products may sell at on-sale or off-sale wine made on the licensed premises without a further license.

Subd. 11.Unlicensed manufacture.

(a) Nothing in this chapter requires a license for the natural fermentation of fruit juices or brewing of beer in the home for family use.

(b) Naturally fermented fruit juices or beer made under this subdivision may be removed from the premises where made for use at organized affairs, exhibitions, or competitions, including, but not limited to, homemaker's contests, tastings, or judging.

(c) For purposes of this subdivision, "tastings" means an event where the general public may sample unlicensed naturally fermented fruit juices or beer.

(d) Beverages produced pursuant to this subdivision may be sampled or used in tastings provided that the beverage is made and transported in containers and equipment that shall not allow the migration of toxic substances.

(e) Public notice meeting the requirements of this paragraph must be given in writing or signage at any tasting. The notice shall include disclosure that the unlicensed naturally fermented fruit juices or beer being offered is homemade and not subject to state inspection, and may be consumed by persons over the age of 21 at their own risk. The notice must include the name and address of the person who processed and bottled the beverage.

(f) Naturally fermented fruit juices or beer removed under this subdivision may not be sold or offered for sale.

Subd. 12.3.2 percent malt liquor; label.

3.2 percent malt liquor, as defined under section [340A.101, subdivision 19](#), may be sold with a label that states "MAX 3.2% ALC/WT" or equivalent, on the side of the can or bottle, and does not require a similar disclosure on the can top or bottom. The commissioner shall establish standards to implement this requirement.

History:

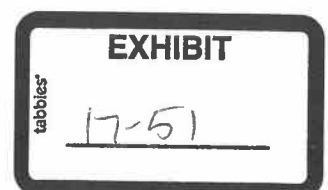
[1985 c 305 art 5 s 1](#); [1985 c 308 s 1](#); [1Sp1985 c 16 art 2 s 3 subd 1](#); [1986 c 330 s 4](#); [1987 c 152 art 1 s 1](#); [1987 c 249 s 1,2](#); [1990 c 554 s 4-6](#); [1991 c 249 s 1,31](#); [1992 c 513 art 3 s 53](#); [1993 c 350 s 7](#); [1994 c 611 s 7-9](#); [1995 c 198 s 4,5](#); [1996 c 418 s 1](#); [1997 c 179 art 2 s 2](#); [2002 c 321 s 5](#); [2003 c 126 s 2,3](#); [1Sp2003 c 2 art 4 s 23](#); [2005 c 25 s 1,2](#); [2005 c 131 s 1,2](#); [2005 c 136 art 8 s 12](#); [2006 c 210 s 3](#); [2007 c 89 s 3](#); [2009 c 120 s 2](#); [2011 c 55 s 3-5](#); [2013 c 42 s 1-5](#); [2013 c 82 s 34](#); [2014 c 240 s 6-10](#); [2015 c 9 art 1 s 7,8](#); [art 2 s 2,3](#); [1Sp2017 c 4 art 5 s 6](#)

340A.302 IMPORTERS.

Subdivision 1.Licenses required.

Except as provided in sections [297G.07, subdivision 2](#), and [340A.301, subdivision 1](#), no retailer or other person may ship or cause to be shipped alcoholic beverages or ethyl alcohol for personal use or to a licensed manufacturer or wholesaler without obtaining an importer's license from the commissioner.

Subd. 2.Terms; application.



Importers' licenses must be applied for on a form the commissioner prescribes. The form must contain, along with information the commissioner requires, an agreement on the part of the applicant to obey all laws relating to the importation and sale of intoxicating liquor.

Subd. 3.Fees.

Annual fees for licenses under this section, which must accompany the application, are as follows:

Importers of distilled spirits, wine, or ethyl alcohol \$ 420

Importers of malt liquor \$ 1,600

If an application is denied, \$100 of the fee shall be retained by the commissioner to cover costs of investigation.

Subd. 4.

[Repealed, [1991 c 326 s 27](#)]

History:

[1985 c 305 art 5 s 2](#); [1987 c 152 art 1 s 1](#); [1987 c 310 s 2](#); [1992 c 513 art 3 s 54](#); [1993 c 350 s 8](#); [1997 c 179 art 2 s 3](#); [2005 c 136 art 8 s 13](#)

340A.3021 IMPORTATION RESTRICTIONS.

Subdivision 1.Delivery to wholesaler only.

(a) No person may consign, ship, or deliver alcoholic beverages to any place in Minnesota except to a licensed wholesaler's warehouse, if the alcoholic beverages:

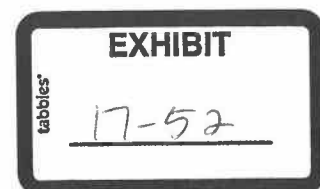
- (1) were manufactured outside Minnesota; and
- (2) have not previously been unloaded into a licensed wholesaler's warehouse in Minnesota.

(b) No person may ship or consign into Minnesota any alcoholic beverages manufactured outside the state unless the alcoholic beverages are continuously in the possession of a motor carrier of property as defined in section [221.012, subdivision 27](#), or a common carrier as defined in section [218.011, subdivision 10](#), or are carried in a motor vehicle owned, leased, or rented by a wholesaler licensed under this chapter, between the time the alcoholic beverages are introduced into Minnesota and the time they are unloaded into a licensed wholesaler's warehouse.

Subd. 2.Exceptions.

Subdivision 1 does not apply to:

- (1) alcoholic beverages passing through Minnesota in interstate commerce;
- (2) alcoholic beverages imported into Minnesota by individuals for personal use in the amounts permitted under section [297G.07, subdivision 2](#), or [340A.417](#); and



(3) a holder of a manufacturer's warehouse permit.

Subd. 3. Conformity with federal and state regulations.

No manufacturer, importer, or wholesaler licensed under this chapter may introduce into Minnesota or sell in Minnesota any bottle or other container containing alcoholic beverages unless the alcoholic beverages are packaged, labeled, and sold in conformity with all applicable federal and state regulations.

Subd. 4. Solicitations prohibited.

No person may send or mail, or cause to be sent or mailed any letter, postcard, circular, catalog, pamphlet, or similar publication for delivery into Minnesota that is intended to solicit an order for alcoholic beverages to be shipped to any location into Minnesota other than a licensed wholesaler's warehouse.

Subd. 5. Cause of action.

In addition to any penalties provided in this chapter, a person who is adversely affected by a violation of this section may bring an action in a court of appropriate jurisdiction to seek damages or injunctive relief. On a finding by the court that a person has violated or is violating this section, the court may enjoin the violation or violations. Any person licensed under this chapter is presumed to be adversely affected by a violation of this section.

History:

[1997 c 129 art 1 s 1](#); [1999 c 86 art 1 s 68](#)

340A.303 TRANSFERS.

A license under section [340A.301](#) or [340A.302](#) may be transferred only with the commissioner's consent. When a licensee is a corporation a change in ownership of more than ten percent of its stock must be reported to the commissioner within ten days of the change.

History:

[1985 c 305 art 5 s 3](#); [1987 c 152 art 1 s 1](#)

340A.304 LICENSE SUSPENSION AND REVOCATION.

The commissioner shall revoke, or suspend for up to 60 days, a license issued under section [340A.301](#) or [340A.302](#), or impose a fine of up to \$2,000 for each violation, on a finding that the licensee has violated a state law or rule of the commissioner relating to the possession, sale, transportation, or importation of alcoholic beverages. A license revocation or suspension under this section is a contested case under sections [14.57](#) to [14.69](#) of the Administrative Procedure Act.

History:

[1985 c 305 art 5 s 4](#); [1985 c 309 s 11](#); [1Sp1985 c 16 art 2 s 3 subd 1](#); [1987 c 152 art 1 s 1](#); [1987 c 384 art 2 s 1](#)

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340A.305 WAREHOUSING.

Subdivision 1.Facilities.

All licensed wholesalers must own or lease warehouse space within the state and must have adequate delivery facilities to perform the function of a wholesaler.

Subd. 2.Unloading.

Except as provided in this chapter alcoholic beverages manufactured outside the state may be shipped into the state only to licensed wholesalers and must be unloaded into the wholesaler's warehouse located in the state. Licensed wholesalers may distribute alcoholic beverages only from the warehouse.

Subd. 3.Reciprocity.

The provisions of this section relating to warehousing do not apply to a wholesaler of malt liquor located in an adjoining state which permits wholesalers licensed in Minnesota to deliver malt liquor to retailers without warehousing in that state.

Subd. 4.Direct shipment.

Notwithstanding the provisions of this section, a manufacturer or United States importer of intoxicating liquor manufactured outside Minnesota may authorize, on a form the commissioner prescribes, a Minnesota-licensed manufacturer or wholesaler to purchase intoxicating liquor for direct shipment to another state, or may appoint a Minnesota-licensed manufacturer or wholesaler as its agent to sell or deliver intoxicating liquor to purchasers in other states from the Minnesota warehouse inventory of the Minnesota manufacturer or wholesaler.

History:

[1985 c 305 art 5 s 5](#); [1987 c 152 art 1 s 1](#)

340A.3055 MANUFACTURER'S WAREHOUSE PERMIT.

Subdivision 1.Permit required.

No brewer, malt liquor manufacturer, or intoxicating liquor manufacturer may import alcoholic beverages to a central warehouse, central distribution center, or holding area in Minnesota that the brewer or manufacturer owns or leases unless the brewer or manufacturer has obtained from the commissioner a manufacturer's warehouse permit for the facility. A manufacturer's warehouse permit allows a brewer or manufacturer to import alcoholic beverages for storage at the facility for which the permit is issued. No person other than a licensed wholesaler, or a motor carrier of property as defined in section [221.012, subdivision 27](#), or a common carrier as defined in section [218.011, subdivision 10](#), acting on behalf of a brewer, malt liquor manufacturer, intoxicating liquor manufacturer, or licensed

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wholesaler, may accept delivery from or pick up alcoholic beverages from the facility. A licensed wholesaler may distribute alcoholic beverages only from the wholesaler's warehouse.

Subd. 2. Eligibility.

A permit under this section may be issued only to a brewer, malt liquor manufacturer, or intoxicating liquor manufacturer:

- (1) whose manufacturing facility or facilities are located outside Minnesota; and
- (2) who holds a valid importer's license under section 340A.302.

Subd. 3. Fee.

The annual fee for a permit under this section is \$1,000.

Subd. 4. Restriction on sale and deliveries.

A holder of a permit under this section may sell alcoholic beverages stored in a facility to which a permit has been issued under this section only to:

- (1) a wholesaler licensed under this chapter;
- (2) a wholesaler licensed in another state; or
- (3) an out-of-state or out-of-country entity that sells alcoholic beverages at wholesale or retail.

Subd. 5. Reports.

A holder of a permit under this section must report monthly to the commissioner of revenue, in a form and at a time the commissioner prescribes:

- (1) all alcoholic beverages imported into Minnesota and delivered to the permit holder's facility; and
- (2) all sales of alcoholic beverages made from the facility.

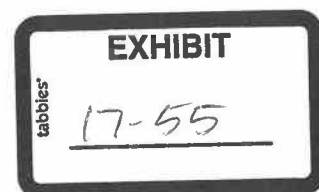
Reports to the commissioner of revenue under this subdivision shall remain confidential unless a manufacturer authorizes the release of a report.

History:

1997 c 129 art 1 s 2

340A.306 FRAUDULENT SHIPMENTS.

(a) It is unlawful for:



- (1) any person to knowingly deliver or cause to be delivered to a common carrier alcoholic beverages under a false title, name, brand, or trademark; or
 - (2) any person, or a common carrier, or an agent of either to knowingly receive a fraudulent shipment under clause (1).
- (b) A peace officer may examine the books and way bills of a common carrier for the purpose of tracing a fraudulent shipment to a shipper or receiver.

History:

1985 c 305 art 5 s 6; 1987 c 152 art 1 s 1

340A.307 UNLAWFUL DISCRIMINATION.

Subdivision 1. Nondiscriminatory sales.

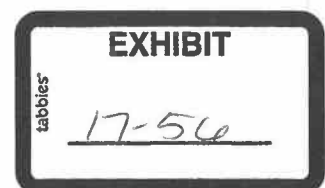
All licensed importers must offer for sale on an equal basis to all licensed wholesalers and manufacturers all intoxicating liquor brought into the state of Minnesota.

Subd. 2. Prohibited practices.

Without limiting subdivision 1, the following are failures to offer intoxicating liquor for sale on an equal basis and are unlawful:

- (1) A refusal to sell to a wholesaler or manufacturer intoxicating liquor offered for sale to any other wholesaler or manufacturer, except when a wholesaler or manufacturer is in arrears on payments for past purchases from the importer who refuses to sell.
- (2) A sale of intoxicating liquor to a wholesaler or manufacturer at a price different from that offered to another wholesaler or manufacturer, exclusive of shipping costs, except that quantity discounts based on actual cost savings may be uniformly offered to all wholesalers and manufacturers.
- (3) A sale of intoxicating liquor to a wholesaler or manufacturer on terms of purchase different from those offered another wholesaler or manufacturer, except that when the importer reasonably believes that a wholesaler or manufacturer will be unable to comply with the existing terms of credit, other terms may be employed, including denial of credit.
- (4) Discrimination among wholesalers and manufacturers in satisfying their respective demands for intoxicating liquor.
- (5) A sale conditioned on an agreement which restricts the wholesaler or manufacturer with respect to customers, area for distribution, or resale price, or which otherwise restrains the wholesaler or manufacturer from competing in trade and commerce.
- (6) For purposes of this subdivision and subdivision 1 only, the term "intoxicating liquor" does not include "pop wines" as they are defined by rule of the commissioner.

Subd. 3.



(5) extending customary commercial credit to a retailer in connection with a sale of nonalcoholic beverages only, or engaging in cooperative advertising agreements with a retailer in connection with the sale of nonalcoholic beverages only; or

(6) in the case of a wholesaler, with the prior written consent of the commissioner, selling beer on consignment to a holder of a temporary license under section [340A.403, subdivision 2](#), or [340A.404, subdivision 10](#).

History:

[1985 c 88 s 1,2](#); [1985 c 201 s 1,2](#); [1985 c 305 art 5 s 8](#); [1Sp1985 c 16 art 2 s 3 subd 1](#); [1987 c 152 art 1 s 1](#); [1987 c 310 s 3](#); [1987 c 328 s 1](#); [1988 c 556 s 1](#); [1991 c 249 s 31](#); [1994 c 611 s 11](#); [2003 c 126 s 4](#)

340A.309 EXCLUSIVE CONTRACTS.

A manufacturer, brewer, or wholesaler may not directly or indirectly make an agreement with a retailer which binds the retailer to purchase the products of one manufacturer or brewer to the exclusion of the products of other manufacturers and brewers. A retailer who is a party to a violation of this section or who receives the benefits of a violation is equally guilty of a violation.

History:

[1985 c 305 art 5 s 9](#); [1987 c 152 art 1 s 1](#)

340A.310 SALES BY WHOLESALERS.

A wholesaler may sell intoxicating liquor or 3.2 percent malt liquor only to municipal liquor stores, government instrumentalities, or holders of alcoholic beverage licenses issued under this chapter.

History:

[1985 c 305 art 5 s 10](#); [1987 c 152 art 1 s 1](#); [1991 c 249 s 31](#)

340A.311 BRAND REGISTRATION.

(a) A brand of intoxicating liquor or 3.2 percent malt liquor may not be manufactured, imported into, or sold in the state unless the brand label has been registered with and approved by the commissioner. A brand registration must be renewed every three years in order to remain in effect. The fee for an initial brand registration is \$40. The fee for brand registration renewal is \$30. The brand label of a brand of intoxicating liquor or 3.2 percent malt liquor for which the brand registration has expired, is conclusively deemed abandoned by the manufacturer or importer.

(b) In this section "brand" and "brand label" include trademarks and designs used in connection with labels.

(c) The label of any brand of wine or intoxicating or nonintoxicating malt beverage may be registered only by the brand owner or authorized agent. No such brand may be imported into the state for sale without the consent of the brand owner or authorized agent. This section does not limit the provisions of section [340A.307](#).

(d) The commissioner shall refuse to register a malt liquor brand label, and shall revoke the registration of a malt liquor brand label already registered, if the brand label states or implies in a false or misleading manner a connection with an actual living or dead American Indian leader. This paragraph does not apply to a brand label registered for the first time in Minnesota before January 1, 1992.



History:

1985 c 305 art 5 s 11; 1987 c 152 art 1 s 1; 1991 c 249 s 2,31; 1992 c 513 art 3 s 55; 1994 c 611 s 12; 2005 c 136 art 8 s 14

NOTE: Paragraph (d) was found unconstitutional in the case of Hornell Brewing Co., Inc. v. Minnesota Department of Public Safety, Liquor Control Division, 553 N.W.2d 713 (Minn. Ct. App. 1996).

340A.312 JOINT PURCHASES; VOLUME PRICES.

Subdivision 1. Joint purchases.

The joint purchase by two or more licensed retailers of up to 300, 1.75 liter or smaller, bottles of distilled spirits or wine for resale to the public is lawful.

Subd. 2. Volume prices.

A variable volume price offered by a wholesaler to a licensed retailer on sales of distilled spirits or wine may not be for a quantity of more than 25 cases.

History:

1985 c 305 art 5 s 12; 1987 c 152 art 1 s 1; 1987 c 310 s 4

340A.313 [Repealed, 1987 c 310 s 14]

340A.314 SUGGESTED RETAIL PRICES.

No wholesaler or other person may communicate in any manner to an off-sale licensee a suggested retail price for the sale of intoxicating liquor.

History:

1985 c 305 art 5 s 14; 1987 c 152 art 1 s 1

340A.315 FARM WINERY LICENSE.

Subdivision 1. Licenses.

The commissioner may issue a farm winery license to the owner or operator of a farm winery located within the state and producing table, sparkling, or fortified wines. Licenses may be issued and renewed for an annual fee of \$50, which is in lieu of all other license fees required by this chapter.

Subd. 2. Sales.



A license authorizes the sale, on the farm winery premises, of table, sparkling, or fortified wines produced by that farm winery at on-sale or off-sale, in retail, or wholesale lots in total quantities not in excess of 75,000 gallons in a calendar year, glassware, wine literature and accessories, cheese and cheese spreads, other wine-related food items, and the dispensing of free samples of the wines offered for sale. Sales at on-sale and off-sale may be made on Sundays between 10:00 a.m. and 12:00 midnight. Labels for each type or brand produced must be registered with the commissioner, without fee prior to sale. A farm winery may provide samples of distilled spirits manufactured pursuant to subdivision 7, on the farm winery premises, but may sell the distilled spirits only through a licensed wholesaler. Samples of distilled spirits may not exceed 15 milliliters per variety.

Subd. 3.Applicability.

Except as otherwise specified in this section, all provisions of this chapter govern the production, sale, possession, and consumption of table, sparkling, or fortified wines produced by a farm winery.

Subd. 4.Minnesota products.

If Minnesota-produced or -grown grapes, grape juice, other fruit bases, or honey is not available in quantities sufficient to constitute a majority of the table, sparkling, or fortified wine produced by a farm winery, the holder of the farm winery license may file an affidavit stating this fact with the commissioner. If the commissioner, after consultation with the commissioner of agriculture, determines this to be true, the farm winery may use imported products and shall continue to be governed by the provisions of this section. The affidavit is effective for a period of one year, after which time the farm winery must use the required amount of Minnesota products as provided by subdivision 1 unless the farm winery holder files a new affidavit with the commissioner.

Subd. 5.

[Repealed, 1985 c 12 s 2]

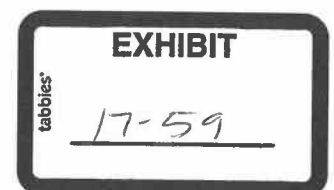
Subd. 6.On-sale licenses allowed.

Nothing in this section or in any other section of law prevents a farm winery from obtaining a separate on-sale license and operating a business establishment that utilizes that license in conjunction with and within the physical facilities of the winery and its buildings.

Subd. 7.Distilled spirits permitted.

Farm wineries licensed under this section are permitted to manufacture distilled spirits as defined under section 340A.101, subdivision 9, which may exceed 25 percent alcohol by volume, made from Minnesota-produced or Minnesota-grown grapes, grape juice, other fruit bases, or honey. The following conditions pertain:

- (1) no farm winery or firm owning multiple farm wineries may manufacture more than 5,000 gallons of distilled spirits in a given year, and this 5,000 gallon limit is part of the 50,000 gallon limit found in subdivision 2;
- (2) a farm winery may not sell at on-sale, off-sale, or wholesale, a distilled spirit that does not qualify as a Minnesota spirit. For purposes of this section, to qualify as a Minnesota spirit, 50 percent of the distilled spirit must be processed and distilled on premises. Distilled spirits produced or in production prior to July 1, 2017, are not counted as part of the calculations under this clause;



(3) farm wineries must pay an additional annual fee of \$50 to the commissioner before beginning production of distilled spirits; and

(4) farm wineries may not sell or produce distilled spirits for direct sale to manufacturers licensed under section [340A.301, subdivision 6](#), paragraph (a).

Subd. 8. Bulk wine.

Farm wineries licensed under this section are permitted to purchase and use bulk wine, provided that:

(1) the quantity of bulk wine in any farm winery's annual production shall not exceed ten percent of that winery's annual production;

(2) the bulk wine under subdivision 4 shall be counted as a portion of the 49 percent of product that need not be Minnesota-grown and may be imported from outside Minnesota; and

(3) the bulk wine must be blended and not directly bottled.

"Bulk wine," as used in this subdivision, means fermented juice from grapes, other fruit bases, or honey.

Subd. 9. Agricultural land.

A farm winery license must be issued for operation of a farm winery on agricultural land, operating under an agricultural classification, zone, or conditional use permit. Farm wineries with licenses issued prior to March 1, 2012, are exempt from this provision.

Subd. 10. Storage.

A farm winery may store finished wine and distilled spirits in a noncontiguous warehouse location, provided that the chosen location complies with Minnesota Rules, part [7515.0300](#), subpart 12, and any other state or federal requirements. Cartage of finished goods between the farm winery and warehouse must be continuously in the possession of a motor carrier of property as defined in section [221.012, subdivision 27](#), or carried in a motor vehicle owned, leased, or rented by the farm winery.

Subd. 11. Bulk wine or distilled spirits.

If no wholesaler is able to provide bulk wine or bulk distilled spirits, a farm winery may purchase either bulk wine or bulk distilled spirits for purposes allowed under this chapter from any available source allowed under federal law.

History:

[1985 c 12 s 1](#); [1985 c 134 s 1](#); [1985 c 305 art 5 s 15](#); [1Sp1985 c 16 art 2 s 3 subd 1](#); [1987 c 152 art 1 s 1](#); [1992 c 513 art 3 s 56](#); [2006 c 210 s 4-7](#); [2007 c 89 s 4](#); [2008 c 311 s 2,3](#); [2009 c 120 s 3,4](#); [2012 c 235 s 1,2](#); [2014 c 240 s 11-13](#); [1Sp2017 c 4 art 5 s 7](#)

340A.316 SACRAMENTAL WINE.



The commissioner may issue a license to a bona fide religious book or supply store for the importation and sale of wine exclusively for sacramental purposes. The holder of a sacramental wine license may sell wine intended by the manufacturer or the wholesaler for sacramental purposes only to a rabbi, priest, or minister of a church, or other established religious organization, if the purchaser certifies in writing that the wine will be used exclusively for sacramental purposes in religious ceremonies. The annual fee for a sacramental wine license is \$50, inclusive of a retail card required under Minnesota Rules, part [7515.0210](#). A seller of sacramental wine does not need insurance required under section [340A.409](#). A rabbi, priest, or minister of a church or other established religious organization may import wine exclusively for sacramental purposes without a license.

History:

[1985 c 305 art 5 s 16](#); [1987 c 152 art 1 s 1](#); [1991 c 326 s 17](#); [1992 c 513 art 3 s 57](#); [1996 c 418 s 2](#); [2014 c 240 s 14](#)

340A.317 LICENSING OF BROKERS.

Subdivision 1. Definition.

"Broker" means a person who represents a distillery, winery, or importer, and is not an employee of the distillery, winery, or importer.

Subd. 2. License required.

All brokers and their employees must obtain a license from the commissioner. The annual license fee for a broker is \$600, for an employee of a broker the license fee is \$20. An application for a broker's license must be accompanied by a written statement from the distillery, winery, or importer the applicant proposes to represent verifying the applicant's contractual arrangement, and must contain a statement that the distillery, winery, or importer is responsible for the actions of the broker. The license shall be issued for one year. The broker, or employee of the broker may promote a vendor's product and may call upon licensed retailers to insure product identification, give advance notice of new products or product changes, and share other pertinent market information. The commissioner may revoke or suspend for up to 60 days a broker's license or the license of an employee of a broker if the broker or employee has violated any provision of this chapter, or a rule of the commissioner relating to alcoholic beverages. The commissioner may suspend for up to 60 days, the importation license of a distillery or winery on a finding by the commissioner that its broker or employee of its broker has violated any provision of this chapter, or rule of the commissioner relating to alcoholic beverages.

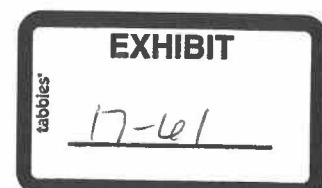
Subd. 3. Reports.

A distillery, winery, or broker must furnish within 60 days after the end of each month a report to the commissioner specifying for that month the type, quantity, date, and licensed retailers who received samples from the distillery, winery, or broker.

History:

[1985 c 308 s 3](#); [1987 c 152 art 1 s 1](#); [1992 c 513 art 3 s 58](#)

340A.318 CREDIT EXTENSIONS RESTRICTED.



Subdivision 1.Restriction.

Except as provided in this section, no retail licensee may accept or receive credit, other than merchandising credit in the ordinary course of business for a period not to exceed 30 days, from a distiller, manufacturer, or wholesaler of distilled spirits or wine, or agent or employee thereof. No distiller, manufacturer or wholesaler may extend the prohibited credit to a retail licensee. No retail licensee delinquent beyond the 30-day period shall solicit, accept or receive credit or purchase or acquire distilled spirits or wine directly or indirectly, and no distiller, manufacturer or wholesaler shall knowingly grant or extend credit nor sell, furnish or supply distilled spirits or wine to a retail licensee who has been posted delinquent under subdivision 3. No right of action shall exist for the collection of any claim based upon credit extended contrary to the provisions of this section.

Subd. 2.Reporting.

Every distiller, manufacturer or wholesaler selling to retailers shall submit to the commissioner in triplicate not later than Thursday of each calendar week a verified list of the names and addresses of each retail licensee purchasing distilled spirits or wine from that distiller, manufacturer, or wholesaler who, on the first day of that calendar week, was delinquent beyond the 30-day period, or a verified statement that no delinquencies exist which are required to be reported. The name and address of each retail licensee who makes payment with a postdated check, or a check that is dishonored on presentment, must also be submitted to the commissioner at that time. If a retail licensee previously reported as delinquent cures the delinquency by payment, the name and address of that licensee shall be submitted in triplicate to the commissioner not later than the close of the second full business day following the day the delinquency was cured.

Subd. 3.Posting; notice.

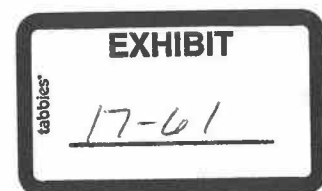
Verified lists or statements required by subdivision 2 shall be posted by the commissioner in offices of the department in places available for public inspection not later than the Monday following receipt. Documents posted shall constitute notice to every distiller, manufacturer, or wholesaler of the information posted. Actual notice, however received, also constitutes notice.

Subd. 4.Miscellaneous provisions.

The 30-day merchandising period allowed by this section shall commence with the day immediately following the date of invoice and shall include all successive days, including Sundays and holidays, to and including the 30th successive day. In addition to other legal methods, payment by check during the period for which merchandising credit may be extended shall be considered payment. All checks received in payment for distilled spirits or wine shall be deposited promptly for collection. A postdated check or a check dishonored on presentation for payment does not constitute payment. A retail licensee shall not be deemed delinquent for any alleged sale in any instance where there exists a bona fide dispute between the licensee and the distiller, manufacturer or wholesaler as to the amount owing as a result of the alleged sale. A delinquent retail licensee who engages in the retail liquor business at two or more locations shall be deemed to be delinquent with respect to each location. A retail licensee who engages in the retail liquor business at two or more locations means "a person or group of persons possessing 50 percent or more ownership in two or more locations."

Subd. 5.License suspension or revocation.

The license of any retail licensee, distiller, manufacturer or wholesaler violating any provision of this section shall be subject to suspension or revocation in the manner provided by this chapter.



History:

[1986 c 465 art 2 s 7](#); [1987 c 152 art 1 s 1](#); [1987 c 310 s 5-7](#); [2003 c 126 s 5](#)

340A.319 REPORTS BY BREWERS.

The commissioner may require a brewer that manufactures 25,000 or fewer barrels of malt liquor in any year to report to the commissioner, on a form and at the frequency the commissioner prescribes, on the total amount of malt liquor brewed by the brewer.

History:

[1994 c 611 s 13](#)

340A.32 [Repealed, [1995 c 198 s 17](#)]

340A.33 BREW ON PREMISES STORE.

Notwithstanding anything in this chapter, the owner of a brew on premises store shall not be considered a brewer, manufacturer, wholesaler, or retailer of intoxicating liquor if the owner complies with this section and with Code of Federal Regulations, title 27, part 25, subpart L, sections 25.205 and 25.206. For purposes of this section, a brew on premises store is a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Alcoholic beverages may not be sold or otherwise provided to customers of a brew on premises store, unless the owner of the brew on premises store holds the appropriate liquor license, except that the tasting of malt liquor that is brewed by a customer or employee at the brew on premises store shall be permitted, if the malt liquor is not sold or offered for sale. Customers using the brew on premises store must be of the minimum age required to purchase intoxicating liquor. Malt liquor brewed by a customer in the store must not be sold and must be used by the customer solely for personal or family use.

History:

[1995 c 198 s 6](#); [2018 c 202 s 1](#)

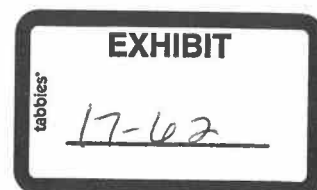
340A.34 WINEMAKING ON PREMISES STORE.

A commercial establishment in which individuals make wine on the premises for personal and family use only and not for resale, using ingredients or materials or both supplied by the establishment, is not required to be licensed under this chapter if the establishment is operated in accordance with Code of Federal Regulations, title 27, section 24.75. No person under the age of 21 years may participate in the making of wine in such an establishment. Alcoholic beverages may not be sold or otherwise provided to customers of an establishment described in this section unless the establishment holds the appropriate license for such sale or provision, except that the tasting of wine that is made by a customer or employee at the winemaking on premises store shall be permitted, if the wine is not sold or offered for sale.

History:

[2000 c 440 s 4](#); [2018 c 202 s 2](#)

RETAIL LICENSES



340A.401 LICENSE REQUIRED.

Except as provided in this chapter, no person may directly or indirectly, on any pretense or by any device, sell, barter, keep for sale, charge for possession, or otherwise dispose of alcoholic beverages as part of a commercial transaction without having obtained the required license or permit. Rental of or permission to use a public facility is not a commercial transaction for the purposes of this chapter.

History:

1985 c 305 art 6 s 1; 1987 c 152 art 1 s 1; 1995 c 198 s 7; 1996 c 418 s 3; 2009 c 120 s 5

340A.4011 BED AND BREAKFAST FACILITIES; WHEN LICENSE NOT REQUIRED.

Subdivision 1. Definition.

For purposes of this section, "bed and breakfast facility" means a place of lodging that:

- (1) provides not more than eight rooms for rent to no more than 20 guests at a time;
- (2) is located on the same property as the owner's personal residence;
- (3) provides no meals, other than breakfast served to persons who rent rooms; and
- (4) was originally built and occupied as, or was converted to, a single-family residence prior to being used as a place of lodging.

Subd. 2. License not required.

(a) Notwithstanding section 340A.401, no license under this chapter is required for a bed and breakfast facility to provide at no additional charge to a person renting a room at the facility not more than two glasses per day each containing not more than four fluid ounces of wine, or not more than one glass per day containing not more than 12 ounces of Minnesota-produced beer. Wine or beer so furnished may be consumed only on the premises of the bed and breakfast facility.

(b) A bed and breakfast facility may furnish wine or beer under paragraph (a) only if the facility is registered with the commissioner. Application for such registration must be on a form the commissioner provides. The commissioner may revoke registration under this paragraph for any violation of this chapter or a rule adopted under this chapter.

History:

1996 c 418 s 4; 2011 c 55 s 6

340A.402 PERSONS ELIGIBLE.



Subdivision 1. Disqualifiers.

No retail license may be issued to:

- (1) a person under 21 years of age;
- (2) a person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;
- (3) a person not of good moral character and repute; or
- (4) a person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.

In addition, no new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage. The Alcohol and Gambling Enforcement Division or licensing authority may require that fingerprints be taken and forwarded to the Federal Bureau of Investigation for purposes of a criminal history check.

Subd. 2. Background check.

(a) A retail liquor license may be issued by a city, a county, or the commissioner. The chief of police is responsible for the background checks prior to a city issuing a retail liquor license. A county sheriff is responsible for the background checks prior to the county issuing a retail liquor license and for those cities that do not have a police department. The commissioner is responsible for the background checks prior to the state issuing a retail liquor license.

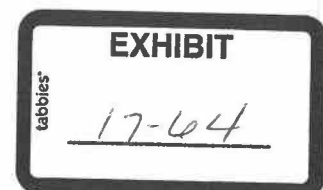
(b) The applicant for a retail license must provide the appropriate authority with the applicant's signed, written informed consent to conduct a background check. The appropriate authority is authorized to query the Minnesota criminal history repository for records on the applicant. If the appropriate authority conducts a national criminal history records check, the appropriate authority must obtain fingerprints from the applicant and forward the fingerprints and the required fee to the superintendent of the Bureau of Criminal Apprehension. The superintendent may exchange the fingerprints with the Federal Bureau of Investigation for purposes of obtaining the applicant's national criminal history record information. The superintendent shall return the results of the national criminal history records check to the appropriate authority for the purpose of determining if the applicant is qualified to receive a license.

History:

1985 c 305 art 6 s 2; 1986 c 330 s 5; 1987 c 152 art 1 s 1; 1989 c 49 s 1; 1991 c 249 s 3; 1993 c 350 s 9; 1994 c 611 s 15; 1996 c 323 s 4; 2002 c 321 s 6; 2013 c 82 s 35

340A.403 3.2 PERCENT MALT LIQUOR LICENSES.

Subdivision 1. Issuance by county or city.



The governing body of a city or county may issue off-sale or on-sale licenses for the sale of 3.2 percent malt liquor within their respective jurisdictions.

Subd. 2. Temporary licenses.

- (a) A club or charitable, religious, or nonprofit organization may be issued a temporary on-sale license for the sale of 3.2 percent malt liquor.
- (b) The temporary license may authorize the sale of 3.2 percent malt liquor in any school or school buildings.
- (c) Temporary licenses are subject to the terms set by the issuing county or city.

Subd. 3. Exemption.

- (a) Any person licensed to sell intoxicating liquor at on-sale shall not be required to obtain an on-sale license under this section, and may sell nonintoxicating malt beverages at on-sale without further license.
- (b) Any person licensed to sell intoxicating liquor at off-sale shall not be required to obtain an off-sale license under this section, and may sell nonintoxicating malt beverages at off-sale without further license.

Subd. 4. Notice to commissioner.

Within ten days of the issuance of a license under this section, a municipality shall inform the commissioner, on a form the commissioner prescribes, of the licensee's name and address and trade name, the effective date and expiration date of the license, and any other information on the license the commissioner requires.

History:

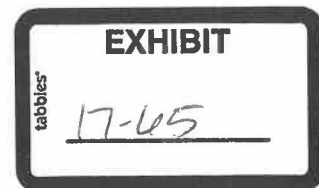
1985 c 117 s 1,2; 1985 c 305 art 6 s 3; 1Sp1985 c 16 art 2 s 3 subd 1; 1987 c 152 art 1 s 1; 1991 c 249 s 31; 1Sp2003 c 19 art 2 s 57,79

340A.404 INTOXICATING LIQUOR; ON-SALE LICENSES.

Subdivision 1. Cities.

(a) A city may issue an on-sale intoxicating liquor license to the following establishments located within its jurisdiction:

- (1) hotels;
- (2) restaurants;
- (3) bowling centers;



(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 and liquor sales will only be to members and bona fide guests, except that a club may permit the general public to participate in a wine tasting conducted at the club under section 340A.419;

(5) sports facilities, restaurants, clubs, or bars located on land owned or leased by the Minnesota Sports Facilities Authority;

(6) sports facilities located on land owned by the Metropolitan Sports Commission; and

(7) exclusive liquor stores.

(b) A city may issue an on-sale intoxicating liquor license, an on-sale wine license, or an on-sale malt liquor license to a theater within the city, notwithstanding any law, local ordinance, or charter provision. A license issued under this paragraph authorizes sales on all days of the week to persons attending events at the theater.

(c) A city may issue an on-sale intoxicating liquor license, an on-sale wine license, or an on-sale malt liquor license to a convention center within the city, notwithstanding any law, local ordinance, or charter provision. A license issued under this paragraph authorizes sales on all days of the week to persons attending events at the convention center. This paragraph does not apply to convention centers located in the seven-county metropolitan area.

(d) A city may issue an on-sale wine license and an on-sale malt liquor license to a person who is the owner of a summer collegiate league baseball team, or to a person holding a concessions or management contract with the owner, for beverage sales at a ballpark or stadium located within the city for the purposes of summer collegiate league baseball games at the ballpark or stadium, notwithstanding any law, local ordinance, or charter provision. A license issued under this paragraph authorizes sales on all days of the week to persons attending baseball games at the ballpark or stadium.

Subd. 1a.Cities; auto racing facilities.

A city may issue an on-sale intoxicating liquor license to an auto racing facility located in the city. The license may authorize sales both to persons attending any and all events at the facility, and sales in a restaurant, bar, or banquet facility located on the premises of the auto racing facility. The license authorizes sales on all days of the week. The license may be issued for a space that is not compact and contiguous, provided that the licensed premises may include only the space within a defined area as described in the application for the license.

Subd. 2.Special provision; city of Minneapolis.

(a) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theater, the Cricket Theatre, the Orpheum Theatre, the State Theatre, and the Historic Pantages Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The licenses authorize sales on all days of the week to holders of tickets for performances presented by the theaters and to members of the nonprofit corporations holding the licenses and to their guests.

(b) The city of Minneapolis may issue an intoxicating liquor license to 510 Groveland Associates, a Minnesota cooperative, for use by a restaurant on the premises owned by 510 Groveland Associates, notwithstanding limitations of law, or local ordinance, or charter provision.

(c) The city of Minneapolis may issue an on-sale intoxicating liquor license to Zuhrah Shrine Temple for use on the premises owned by Zuhrah Shrine Temple at 2540 Park Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provision relating to zoning or school or church distances.

(d) The city of Minneapolis may issue an on-sale intoxicating liquor license to the American Association of University Women, Minneapolis branch, for use on the premises owned by the American Association of University Women,

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Minneapolis branch, at 2115 Stevens Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provisions relating to zoning or school or church distances.

(e) The city of Minneapolis may issue an on-sale wine license and an on-sale 3.2 percent malt liquor license to a restaurant located at 5000 Penn Avenue South, and an on-sale wine license and an on-sale malt liquor license to a restaurant located at 1931 Nicollet Avenue South, notwithstanding any law or local ordinance or charter provision.

(f) The city of Minneapolis may issue an on-sale wine license and an on-sale malt liquor license to the Brave New Workshop Theatre located at 3001 Hennepin Avenue South, the Theatre de la Jeune Lune, the Illusion Theatre located at 528 Hennepin Avenue South, the Hollywood Theatre located at 2815 Johnson Street Northeast, the Loring Playhouse located at 1633 Hennepin Avenue South, the Jungle Theater located at 2951 Lyndale Avenue South, Brave New Institute located at 2605 Hennepin Avenue South, the Guthrie Lab located at 700 North First Street, and the Southern Theatre located at 1420 Washington Avenue South, notwithstanding any law or local ordinance or charter provision. The license authorizes sales on all days of the week.

(g) The city of Minneapolis may issue an on-sale intoxicating liquor license to University Gateway Corporation, a Minnesota nonprofit corporation, for use by a restaurant or catering operator at the building owned and operated by the University Gateway Corporation on the University of Minnesota campus, notwithstanding limitations of law, or local ordinance or charter provision. The license authorizes sales on all days of the week.

(h) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Walker Art Center's concessionaire or operator, for a restaurant and catering operator on the premises of the Walker Art Center, notwithstanding limitations of law, or local ordinance or charter provisions. The license authorizes sales on all days of the week.

(i) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theater's concessionaire or operator for a restaurant and catering operator on the premises of the Guthrie Theater, notwithstanding limitations of law, local ordinance, or charter provisions. The license authorizes sales on all days of the week.

(j) The city of Minneapolis may issue an on-sale wine license and an on-sale malt liquor license to the Minnesota Book and Literary Arts Building, Inc.'s concessionaire or operator for a restaurant and catering operator on the premises of the Minnesota Book and Literary Arts Building, Inc. (dba Open Book), notwithstanding limitations of law, or local ordinance or charter provision. The license authorizes sales on all days of the week.

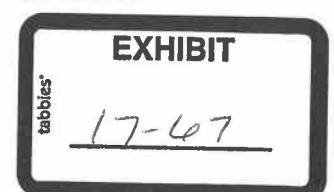
(k) The city of Minneapolis may issue an on-sale intoxicating liquor license to a restaurant located at 5411 Penn Avenue South, notwithstanding any law or local ordinance or charter provision.

(l) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Museum of Russian Art's concessionaire or operator for a restaurant and catering operator on the premises of the Museum of Russian Art located at 5500 Stevens Avenue South, notwithstanding any law or local ordinance or charter provision.

(m) The city of Minneapolis may issue an on-sale intoxicating liquor license to the American Swedish Institute or to its concessionaire or operator for use on the premises owned by the American Swedish Institute at 2600 Park Avenue South, notwithstanding limitations of law, or local ordinances, or charter provision relating to zoning or school or church distances.

(n) Notwithstanding any other law, local ordinance, or charter provision, the city of Minneapolis may issue one or more on-sale intoxicating liquor licenses to the Minneapolis Society of Fine Arts (dba Minneapolis Institute of Arts), or to an entity holding a concessions or catering contract with the Minneapolis Institute of Arts for use on the premises of the Minneapolis Institute of Arts. The licenses authorized by this subdivision may be issued for space that is not compact and contiguous, provided that all such space is included in the description of the licensed premises on the approved license application. The licenses authorize sales on all days of the week.

(o) The city of Minneapolis may issue an on-sale intoxicating liquor license to Norway House or to its concessionaire or operator for use on the premises owned by Norway House at 913 East Franklin Avenue, notwithstanding limitations of law, or local ordinances, or charter provision relating to zoning or school or church distances.



Subd. 2a. City of Minneapolis; arena.

(a) Notwithstanding any other law, local ordinance, or charter provision, the city of Minneapolis may issue one or more on-sale or combination on-sale and off-sale intoxicating liquor licenses to the owner of the sports arena located at 600 First Avenue North in Minneapolis, or to an entity holding a concessions contract with the owner for use on the premises of that sports arena.

(b) The license authorizes sales on all days of the week to holders of tickets for events at the sports arena and to the owners of the sports arena and the owners' guests.

(c) The licensee may not dispense intoxicating liquor to any person attending or participating in an amateur athletic event held on the premises unless such dispensing is authorized by the city. The city may not authorize the dispensing of intoxicating liquor at any event held under the auspices of the Minnesota State High School League.

(d) The license authorized by this subdivision may be issued for space that is not compact and contiguous, provided that all such space is within the sports arena building and is included in the description of the licensed premises on the approved license application.

(e) Notwithstanding any law or rule to the contrary, a person licensed to make off-sales within the sports arena building may deliver alcoholic beverages to rooms and suites within the sports arena building (1) between midnight and 8:00 a.m. on Monday through Thursday, and (2) between midnight and 8:00 a.m. and between 10:00 p.m. and midnight on Friday through Sunday. No delivery authorized by this paragraph may be made to a room or suite within the building at any time when an event utilizing the room or suite is in progress.

(f) The holder of a license issued under this subdivision may dispense intoxicating liquor in miniature bottles if the intoxicating liquor is poured from the miniature bottles, mixed into another beverage, and dispensed on the premises by employees of the licensee.

Subd. 2b. Special provision; city of St. Paul.

The city of St. Paul may issue an on-sale intoxicating liquor license to the Fitzgerald Theatre, the Great American History Theater at 30 East 10th Street, and the Brave New Workshop at the Palace Theater at 17 West Seventh Place, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The license authorizes sales on all days of the week to holders of tickets for performances presented by the theatre and to members of the nonprofit corporation holding the license and to their guests.

Subd. 3. Notice to commissioner.

A city shall within ten days of the issuance of a license under subdivision 1 or 5, inform the commissioner of the licensee's name and address and trade name, and the effective date and expiration date of the license. The city shall also inform the commissioner of a license transfer, cancellation, suspension, or revocation during the license period.

Subd. 4. Special provisions; sports, conventions, or cultural facilities; community festivals.

(a) The governing body of a municipality may authorize a holder of a retail on-sale intoxicating liquor license issued by the municipality or by an adjacent municipality to dispense intoxicating liquor at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports, convention, or cultural facility owned by

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the municipality or instrumentality thereof having independent policy-making and appropriating authority and located within the municipality. The licensee must be engaged to dispense intoxicating liquor at an event held by a person or organization permitted to use the premises, and may dispense intoxicating liquor only to persons attending the event. The licensee may not dispense intoxicating liquor to any person attending or participating in a youth amateur athletic event, for persons 18 years of age or younger, held on the premises.

(b) The governing body of a municipality may authorize a holder of a retail on-sale intoxicating liquor license issued by the municipality to dispense intoxicating liquor off premises at a community festival held within the municipality. The authorization shall specify the area in which the intoxicating liquor must be dispensed and consumed, and shall not be issued unless the licensee demonstrates that it has liability insurance as prescribed by section 340A.409 to cover the event.

Subd. 4a. Publicly owned recreation; entertainment facilities.

(a) Notwithstanding any other law, local ordinance, or charter provision, the commissioner may issue on-sale intoxicating liquor licenses:

(1) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Giants Ridge Recreation Area building or recreational improvement area owned by the state in the city of Biwabik, St. Louis County;

(2) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Ironworld Discovery Center building or facility owned by the state at Chisholm;

(3) to the Board of Regents of the University of Minnesota for events at Northrop Auditorium, the intercollegiate football stadium, including any games played by the Minnesota Vikings at the stadium, and at no more than seven other locations within the boundaries of the University of Minnesota, provided that the Board of Regents has approved an application for a license for the specified location and provided that a license for an intercollegiate football stadium is void unless it meets the conditions of paragraph (b). It is solely within the discretion of the Board of Regents to choose the manner in which to carry out these conditions consistent with the requirements of paragraph (b); and

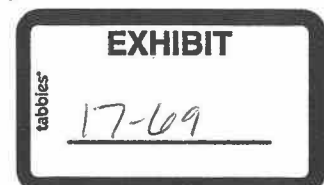
(4) to the Duluth Entertainment and Convention Center Authority for beverage sales on the premises of the Duluth Entertainment and Convention Center Arena during intercollegiate hockey games.

The commissioner shall charge a fee for licenses issued under this subdivision in an amount comparable to the fee for comparable licenses issued in surrounding cities.

(b) No alcoholic beverage may be sold or served at TCF Bank Stadium unless the Board of Regents holds an on-sale intoxicating liquor license for the stadium as provided in paragraph (a), clause (3), that provides for the sale of intoxicating liquor at a location in the stadium that is convenient to the general public attending an intercollegiate football game at the stadium. On-sale liquor sales to the general public must be available at that location through half-time of an intercollegiate football game at TCF Bank Stadium, and sales at the stadium must comply with section 340A.909.

Subd. 5. Wine licenses.

(a) A municipality may issue an on-sale wine license with the approval of the commissioner to a restaurant having facilities for seating at least 25 guests at one time. A wine license permits the sale of wine of up to 24 percent alcohol by volume for consumption. A wine license authorizes the sale of wine on all days of the week unless the issuing authority restricts the license's authorization to the sale of wine on all days except Sundays.



(b) The governing body of a municipality may by ordinance authorize a holder of an on-sale wine license issued pursuant to paragraph (a) who is also licensed to sell 3.2 percent malt liquors at on-sale pursuant to section 340A.411, to sell intoxicating malt liquors at on-sale without an additional license.

(c) A municipality may issue an on-sale wine license with the approval of the commissioner to a licensed bed and breakfast facility. A license under this paragraph authorizes a bed and breakfast facility to furnish wine only to registered guests of the facility and, if the facility contains a licensed commercial kitchen, also to guests attending private events at the facility.

(d) The State Agricultural Society may issue an on-sale wine license to the holder of a state fair concession contract pursuant to section 37.21, subdivision 2.

Subd. 5a.

MS 2012 [Renumbered 340A.4175]

Subd. 6.Counties.

(a) A county board may issue an annual on-sale intoxicating liquor license within the area of the county that is unorganized or unincorporated to a bowling center, restaurant, club, or hotel with the approval of the commissioner.

(b) A county board may also with the approval of the commissioner issue up to ten seasonal on-sale licenses to restaurants and clubs for the sale of intoxicating liquor within the area of the county that is unorganized or unincorporated. Notwithstanding section 340A.412, subdivision 8, a seasonal license is valid for a period specified by the board, not to exceed nine months. Not more than one license may be issued for any one premises during any consecutive 12-month period.

Subd. 6a.

[Repealed, 1991 c 249 s 33]

Subd. 7.Airports commission.

On-sale licenses may be issued by the Metropolitan Airports Commission for the sale of intoxicating liquor in major airports owned by the Metropolitan Airports Commission and used as terminals for regularly scheduled air passenger service. Notwithstanding any other law, the license authorized by this subdivision may be issued for space that is not compact and contiguous.

Subd. 8.Lake Superior, St. Croix River, and Mississippi River tour boats.

(a) The commissioner may issue an on-sale intoxicating liquor license to a person regularly engaged, on an annual or seasonal basis, in the business of offering tours by boat on Lake Superior and adjacent bays, the St. Croix River, and the Mississippi River. The license shall authorize the sale of intoxicating liquor between May 1 and November 1 for consumption on the boat while underway or attached to a dock or other mooring. No license may be issued unless each boat used in the tour business regularly sells meals in the place where intoxicating liquor is sold.



(b) All sales of intoxicating liquor made on a boat while it is attached to a dock or other mooring are subject to any restrictions on the sale of liquor prescribed by the governing body of the city where the boat is attached, or of a county when it is attached outside a city. A governing body may prohibit liquor sales within its jurisdiction but may not require an additional license, or require a fee or occupation tax, for the sales.

Subd. 9. Military bases and installations.

The commissioner may issue an on-sale license for the sale of intoxicating liquor within the boundaries of a military base or installation under the jurisdiction of the adjutant general with the approval of the adjutant general. No municipal or county license is required for the sale of intoxicating liquor under this subdivision.

Subd. 10. Temporary on-sale licenses.

(a) The governing body of a municipality may issue to (1) a club or charitable, religious, or other nonprofit organization in existence for at least three years, (2) a political committee registered under section 10A.14, or (3) a state university, a temporary license for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the licensee. 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 premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full-year on-sale intoxicating liquor license issued by any municipality. The licenses are subject to the terms, including a license fee, imposed by the issuing municipality. Licenses issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except sections 340A.409 and 340A.504, subdivision 3, paragraph (d), and those laws and ordinances which by their nature are not applicable. Licenses under this subdivision are not valid unless first approved by the commissioner of public safety.

(b) A county under this section may issue a temporary license only to a premises located in the unincorporated or unorganized territory of the county.

(c) The governing body of a municipality may issue to a brewer who manufactures fewer than 3,500 barrels of malt liquor in a year or a microdistillery a temporary license for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the brewer or microdistillery. The terms and conditions specified for temporary licenses under paragraph (a) shall apply to a license issued under this paragraph, except that the requirements of section 340A.409, subdivisions 1 to 3a, shall apply to the license.

Subd. 10a. Temporary on-sale licenses; farm winery.

The governing body of a municipality may issue to a farm winery licensed under section 340A.315 a temporary license for the on-sale at a county fair located within the municipality of intoxicating liquor produced by the farm winery. The licenses are subject to the terms, including a license fee, imposed by the issuing municipality and all laws and ordinances governing the sale of intoxicating liquor not inconsistent with this section. Licenses under this subdivision are not valid unless first approved by the commissioner of public safety.

Subd. 11. Removal of wine from restaurant.

A restaurant licensed to sell intoxicating liquor or wine at on-sale under this section may permit a person purchasing a full bottle of wine in conjunction with the purchase of a meal to remove the bottle on leaving the licensed premises provided that the bottle has been opened and the contents partially consumed. A removal of a bottle under the conditions described in this subdivision is not an off-sale of intoxicating liquor and may be permitted without additional license.



Subd. 12.Caterer's permit.

The commissioner may issue a caterer's permit to a restaurant that holds an on-sale intoxicating liquor license issued by any municipality. The holder of a caterer's permit may sell intoxicating liquor as an incidental part of a food service that serves prepared meals at a place other than the premises for which the holder's on-sale intoxicating liquor license is issued.

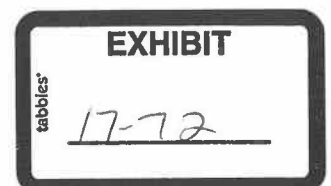
- (a) A caterer's permit is auxiliary to the primary on-sale license held by the licensee.
- (b) The restrictions and regulations which apply to the sale of intoxicating liquor on the licensed premises also apply to the sale under the authority of a caterer's permit, and any act that is prohibited on the licensed premises is also prohibited when the licensee is operating other than on the licensed premises under a caterer's permit.
- (c) Any act, which if done on the licensed premises would be grounds for cancellation or suspension of the on-sale licensee, is grounds for cancellation of both the on-sale license and the caterer's permit if done when the permittee is operating away from the licensed premises under the authority of the caterer's permit.
- (d) The permittee shall notify prior to any catered event:
 - (1) the police chief of the city where the event will take place, if the event will take place within the corporate limits of a city; or
 - (2) the county sheriff of the county where the event will take place, if the event will be outside the corporate limits of any city.
- (e) If the primary license ceases to be valid for any reason, the caterer's permit ceases to be valid.
- (f) Permits issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except those laws and ordinances which by their nature are not applicable.
- (g) The annual state fee for a caterer's permit is \$300.

Subd. 13.Holders of multiple on-sale licenses; uniform licensing periods.

Notwithstanding any local ordinance or other law, a local government unit may adjust the licensing period for any holder of multiple on-sale alcoholic beverage licenses in the state, upon request of the licensee. The local government unit may charge a fee for an adjustment of the licensing period.

Subd. 14.Private college.

Notwithstanding any other law, local ordinance, or charter provision, the governing body of a municipality may issue an on-sale intoxicating liquor license to a private, nonprofit college located within the municipality, or to any entity holding a caterer's permit and a contract with the private, nonprofit college for catering on the premises of the private, nonprofit college, or for any portion of the premises as described in the approved license application. The license authorized by this subdivision may be issued for space that is not compact and contiguous, provided that all such space is included in the description of the licensed premises on the approved license application. The license authorizes sales on all days of the week to persons attending events at the private, nonprofit college. All other provisions of this chapter not inconsistent with this section apply to the license authorized under this section.



History:

1985 c 201 s 3; 1985 c 305 art 6 s 4; 1Sp1985 c 16 art 2 s 3 subd 1; 1Sp1986 c 3 art 1 s 37; 1987 c 5 s 1,2; 1987 c 27 s 1; 1987 c 29 s 1; 1987 c 152 art 1 s 1; 1987 c 310 s 8; 1987 c 328 s 2; 1989 c 40 s 1; 1990 c 554 s 7-10; 1991 c 249 s 4-7,31; 1992 c 486 s 7; 1994 c 611 s 16,17; 1995 c 42 s 1; 1995 c 198 s 8,9; 1996 c 418 s 5,6; 1997 c 129 art 1 s 3,4; 1998 c 364 s 3,4; 1999 c 202 s 1-4; 2000 c 440 s 3; 2001 c 193 s 1,2; 2003 c 126 s 6,7; 2005 c 24 s 1; 2005 c 25 s 3; 2005 c 131 s 3; 2005 c 136 art 8 s 15; 2006 c 210 s 8,9; 2006 c 247 s 14; 2007 c 89 s 5; 2009 c 95 art 2 s 37; 2009 c 120 s 6-8; 2010 c 255 s 2,3; 2010 c 384 s 95; 2011 c 16 s 1; 2011 c 55 s 7-11; 2012 c 235 s 3,4,11,12; 2012 c 299 art 1 s 7; 2014 c 240 s 15,16,26; 2014 c 312 art 6 s 7; 2014 c 313 s 2; 2015 c 9 art 2 s 4,5

340A.4041 CULINARY CLASSES; ON-SALE LICENSE.

Subdivision 1. License authorized.

A city or county may issue a limited on-sale intoxicating liquor license to a business establishment: (1) not otherwise eligible for an on-sale intoxicating liquor license; and (2) that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. The license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six ounces of wine or 12 ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premises only.

Subd. 2. Fee.

The issuing authority shall set the fee for a license under this section, subject to section 340A.408, subdivision 2, paragraph (a).

Subd. 3. Application of other law.

All provisions of this chapter that apply to on-sale intoxicating liquor licenses, other than provisions inconsistent with this section, apply to licenses issued under this section, except that section 340A.409 shall not apply.

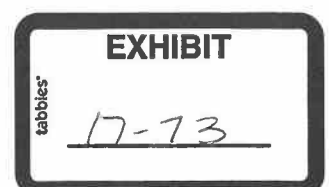
History:

2006 c 210 s 10

340A.4042 WINE OR MALT LIQUOR EDUCATOR; ON-SALE LICENSE.

Subdivision 1. Wine educator license.

The commissioner may issue an on-sale license to a person meeting the requirements specified in sections 340A.402 and 340A.409, at an annual cost of \$250 per license to a wine educator and \$50 per permit for each employee of the wine educator that will be pouring wine, under the following conditions:



- (1) the license may be used to purchase wine at retail and serve wine for educational purposes in any part of the state, unless a political subdivision adopts an ordinance prohibiting wine education;
- (2) all events conducted pursuant to this license must be conducted through advance registration, and no walk-in access to the general public is permitted;
- (3) licensees must possess certification that is satisfactory to the commissioner, including, but not limited to, a certified specialist of wine or certified wine educator status as conferred by the Society of Wine Educators, a Wine and Spirits Education Trust Diploma, status as a certified sommelier, or the completion of a wine industry program at a technical college or culinary school. A wine educator must also complete Training for Intervention Procedures (TIPS) or other certified alcohol training programs and have a valid certificate on file with the commissioner;
- (4) a license holder shall not sell alcohol for off-premises consumption and no orders may be taken for future sales;
- (5) classes shall not be conducted at retail businesses that do not have a liquor license during business hours; and
- (6) prior to providing a class authorized under this section, the licensee shall notify the police chief of the city where the class will take place, if the event will take place within the corporate limits of a city. If the city has no police department, the licensee shall notify the city's clerk. If the class will take place outside the corporate limits of any city, the licensee shall notify the sheriff of the county where the class will take place.

Subd. 2.Malt liquor educator license.

The commissioner may issue an on-sale license to a person meeting the requirements specified in sections 340A.402 and 340A.409, at an annual cost of \$250 per license to a malt liquor educator and \$50 per permit for each employee of the malt liquor educator that will be pouring malt liquor, under the following conditions:

- (1) the license may be used to purchase malt liquor at retail and serve malt liquor for educational purposes in any part of the state, unless a political subdivision adopts an ordinance prohibiting malt liquor education;
- (2) all events conducted pursuant to this license must be conducted through advance registration, and no walk-in access to the general public is permitted;
- (3) licensees must possess certification that is satisfactory to the commissioner, including, but not limited to, certification as a cicerone, completion of coursework from the Master Brewers Association of the Americas, or other brewer or brewing certification program acceptable to the commissioner. A malt liquor educator must also complete Training for Intervention Procedures (TIPS) or other certified alcohol training programs and have a valid certificate on file with the commissioner;
- (4) a license holder shall not sell alcohol for off-premises consumption and no orders may be taken for future sales;
- (5) classes shall not be conducted at retail businesses that do not have a liquor license during business hours; and
- (6) prior to providing a class authorized under this section, the licensee shall notify the police chief of the city where the class will take place, if the event will take place within the corporate limits of a city. If the city has no police department, the licensee shall notify the city's clerk. If the class will take place outside the corporate limits of any city, the licensee shall notify the sheriff of the county where the class will take place.

History:

2012 c 235 s 5; 2013 c 42 s 6



340A.405 INTOXICATING LIQUOR; OFF-SALE LICENSES.

Subdivision 1.Cities.

(a) A city other than a city of the first class may issue with the approval of the commissioner, an off-sale intoxicating liquor license to an exclusive liquor store, or to a drugstore to which an off-sale license had been issued on or prior to May 1, 1994.

(b) A city of the first class may issue an off-sale license to an exclusive liquor store, a general food store to which an off-sale license had been issued on August 1, 1989, or a drugstore to which an off-sale license had been issued on or prior to May 1, 1994.

Subd. 2.Counties.

(a) A county may issue an off-sale intoxicating license with the approval of the commissioner to exclusive liquor stores located within unorganized territory of the county.

(b) A county board of any county except Ramsey County containing a town exercising powers under section [368.01, subdivision 1](#), may issue an off-sale license to an exclusive liquor store within that town with the approval of the commissioner. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(c) A county board of any county except Ramsey County containing a town that may not exercise powers under section [368.01, subdivision 1](#), may issue an off-sale license to an exclusive liquor store within that town, or a combination off-sale and on-sale license to a restaurant within that town, with the approval of the commissioner pursuant to section [340A.404, subdivision 6](#). No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(d) No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises proposed to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, the character and reputation of the applicant, and the propriety of the location. Any hearing held under this paragraph is not subject to chapter 14.

(e) A county board may not issue a license under this subdivision to a person for an establishment located less than one mile by the most direct route from the boundary of any statutory or home rule city that had established a municipal liquor store before August 1, 1991, provided, that a county board may not issue a new license under this subdivision to a person for an establishment located less than three miles by the most direct route from the boundary of a city that (1) is located outside the metropolitan area as defined in section [473.121, subdivision 2](#), (2) has a population over 5,000 according to the most recent federal decennial census, and (3) had established a municipal liquor store before August 1, 1991.

(f) The town board may impose an additional license fee in an amount not to exceed 20 percent of the county license fee.

(g) Notwithstanding any provision of this subdivision or Laws 1973, chapter 566, as amended by Laws 1974, chapter 200, a county board may transfer or renew a license that was issued by a town board under Minnesota Statutes 1984, section [340.11, subdivision 10b](#), prior to January 1, 1985.



Subd. 3.Towns.

The town board of a town within Ramsey County exercising powers under section [368.01, subdivision 1](#), within Ramsey County may issue an off-sale intoxicating liquor license with the approval of the commissioner to an exclusive liquor store located within the town.

Subd. 4.Temporary off-sale licenses; wine auctions.

(a) The governing body of a city or county may issue a temporary license for the off-sale of wine at an auction with the approval of the commissioner. A license issued under this subdivision authorizes the sale of only vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than 600 cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by the issuing city or county. Licenses issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except section [340A.409](#) and those laws and ordinances which by their nature are not applicable.

(b) As used in the subdivision, "vintage wine" means bottled wine which is at least five years old.

Subd. 5.

[Repealed, [1990 c 554 s 22](#)]

Subd. 6.Airports commission.

The Metropolitan Airports Commission may with the approval of the commissioner issue licenses for the off-sale of wine at the Minneapolis-St. Paul International Airport.

History:

[1985 c 263 s 1,2](#); [1985 c 305 art 6 s 5](#); [1Sp1985 c 16 art 2 s 3 subd 1](#); [1987 c 152 art 1 s 1](#); [1987 c 310 s 9,10](#); [1987 c 328 s 3](#); [1987 c 381 s 3](#); [1987 c 402 s 1](#); [1989 c 49 s 2](#); [1990 c 545 s 1](#); [1990 c 554 s 11,12](#); [1991 c 249 s 8,9](#); [1994 c 611 s 18-20](#)

340A.4055 LICENSES IN INDIAN COUNTRY.

Notwithstanding any law to the contrary, on-sale or off-sale licenses for the sale of intoxicating liquor or 3.2 percent malt liquor issued by the governing body of an Indian tribe in accordance with United States Code, title 18, section 1161, to an Indian tribal member or Indian tribal entity for an establishment located within Indian country as defined under United States Code, title 18, section 1154, are valid. When a license is issued under this section, the issuing authority shall notify the commissioner of public safety of the name and address of the licensee. Upon receipt of the notice, the commissioner shall issue a retailer's identification card to the licensee to permit the licensee to purchase distilled spirits, wine, or malt beverages. An establishment issued a license under this section is not required to obtain a license from any municipality, county, or town.

History:

[1985 c 308 s 2](#); [1Sp1985 c 16 art 2 s 3 subd 1](#); [1987 c 152 art 1 s 1](#); [1991 c 249 s 10,31](#); [1992 c 464 art 1 s 37](#)

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340A.406 INTOXICATING LIQUOR; COMBINATION LICENSES.

A city of the fourth class or a statutory city of 10,000 or fewer population may issue an off-sale and on-sale intoxicating liquor license to the same licensee or, in lieu of issuing on-sale and off-sale licenses separately to a licensee, may issue a combination on-sale and off-sale license. A city may continue to issue licenses under this subdivision when the population of the city exceeds 10,000 population.

History:

1985 c 305 art 6 s 6; 1987 c 152 art 1 s 1

340A.407 COMMON CARRIERS.

The commissioner may issue an on-sale license to a person certificated by either the state or the United States of America, or an agency thereof, as a common carrier engaged in the business of transporting persons for hire in interstate or intrastate commerce to sell intoxicating or 3.2 percent malt liquor in a place where meals are sold. A license issued under this subdivision only authorizes the sale of intoxicating or 3.2 percent malt liquor to a bona fide passenger who is actually being transported in interstate or intrastate commerce.

History:

1985 c 305 art 6 s 7; 1987 c 152 art 1 s 1; 1991 c 249 s 31

340A.408 RETAIL LICENSE FEES.

Subdivision 1.3.2 percent malt liquor.

(a) The license fee for an on-sale and off-sale 3.2 percent malt liquor license is the fee set by the county or city issuing the license.

(b) One-half of the license fee received by a county for a retail license to sell 3.2 percent malt liquor within any town in the county shall be paid to the town board where the business is located.

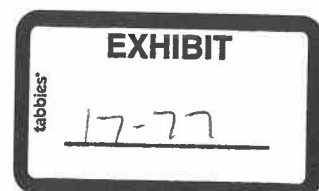
Subd. 2.Intoxicating liquor; on-sale.

(a) The license fee for a retail on-sale intoxicating liquor license is the fee set by the city or county issuing the license subject to the limitations imposed under this subdivision. The license fee is intended to cover the costs of issuing and inspecting and other directly related costs of enforcement.

(b) The annual license fee for an on-sale intoxicating liquor license issued by a municipality to a club must be no greater than:

(1) \$300 for a club with under 200 members;

(2) \$500 for a club with between 201 and 500 members;



- (3) \$650 for a club with between 501 and 1,000 members;
- (4) \$800 for a club with between 1,001 and 2,000 members;
- (5) \$1,000 for a club with between 2,001 and 4,000 members;
- (6) \$2,000 for a club with between 4,001 and 6,000 members; or
- (7) \$3,000 for a club with over 6,000 members.

(c) The license fee for the issuance of a wine license may not exceed one-half of the license fee charged for an on-sale intoxicating liquor license, or \$2,000, whichever is less.

(d) The town board of a town in which an on-sale establishment has been licensed by a county may impose an additional license fee on each such establishment in an amount not to exceed 20 percent of the county license fee.

Subd. 3. Intoxicating liquor; off-sale.

(a) The annual license fee for an off-sale intoxicating liquor license issued by a city, when combined with any occupation tax imposed by the city, may not exceed the following limits:

- (1) \$1,500 for cities of the first class;
- (2) \$560 for cities over 10,000 population located outside of the seven-county metropolitan area other than cities of the first class;
- (3) \$380 for cities over 10,000 population other than cities of the first class or cities described in clause (2);
- (4) \$310 for cities of between 5,000 and 10,000 population; and
- (5) \$240 for cities with less than 5,000 population.

(b) The annual license fee for an off-sale intoxicating liquor license issued by a county or town shall not exceed \$800.

(c) The fee set by the jurisdiction issuing the license shall be reduced by \$100 if the following conditions are met:

- (1) the licensee agrees to have a private vendor train all employees within 60 days of hire and annually thereafter in laws pertaining to the sale of alcohol, the rules for identification checks, and the responsibilities of establishments serving intoxicating liquors;
- (2) the licensee agrees to post a policy requiring identification checks for all persons appearing to be 30 years old or less; and
- (3) a cash award and incentive program is established by the licensee, to award employees who catch underage drinkers, and a penalty program is established to punish employees in the event of a failed compliance check.

(d) Population for purposes of this subdivision shall be as determined by the state demographer.

Subd. 3a. Fee increases; notice, hearing.



No city, town, or county shall increase the fee for a liquor license governed by subdivision 1, 2, or 3, except after notice and hearing on the proposed increase. Notice of the proposed increase must be mailed to all affected licensees at least 30 days before the date set for the hearing. This subdivision supersedes any inconsistent provision of law or charter.

Subd. 4. Lake Superior, St. Croix River, and Mississippi River tour boats; common carriers.

(a) The annual license fee for licensing of Lake Superior, St. Croix River, and Mississippi River tour boats under section [340A.404, subdivision 8](#), shall be \$1,500. The commissioner shall transmit one-half of this fee to the governing body of the city that is the home port of the tour boat or to the county in which the home port is located if the home port is outside a city.

(b) The annual license fee for common carriers licensed under section [340A.407](#) is:

- (1) \$50 for 3.2 percent malt liquor, and \$20 for a duplicate license; and
- (2) \$250 for intoxicating liquor, and \$30 for a duplicate license.

Subd. 5. Refunds.

A pro rata share of an annual license fee for a retail license to sell intoxicating or 3.2 percent malt liquor, either on-sale or off-sale, may be refunded to the licensee or to the licensee's estate if:

- (1) the business ceases to operate because of destruction or damage;
- (2) the licensee dies;
- (3) the business ceases to be lawful for a reason other than a license revocation; or
- (4) the licensee ceases to carry on the licensed business under the license.

History:

[1985 c 305 art 6 s 8](#); [1987 c 152 art 1 s 1](#); [1989 c 104 s 1](#); [1991 c 249 s 11,31](#); [1992 c 486 s 8](#); [1992 c 513 art 3 s 59](#); [1996 c 418 s 7](#); [2005 c 136 art 8 s 16](#); [2007 c 89 s 6](#)

340A.409 LIABILITY INSURANCE.

Subdivision 1. Insurance required.

(a) No retail license may be issued, maintained or renewed unless the applicant demonstrates proof of financial responsibility with regard to liability imposed by section [340A.801](#). The issuing authority must submit to the commissioner the applicant's proof of financial responsibility. This subdivision does not prohibit a local unit of government from requiring higher insurance or bond coverages, or a larger deposit of cash or securities. The minimum requirement for proof of financial responsibility may be given by filing:



(1) a certificate that there is in effect for the license period an insurance policy issued by an insurer required to be licensed under section 60A.07, subdivision 4, or by an insurer recognized as an eligible surplus lines carrier pursuant to section 60A.206 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 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, \$100,000 for loss of means of support of two or more persons in any one occurrence, \$50,000 for other pecuniary loss of any one person in any one occurrence, and \$100,000 for other pecuniary loss of two or more persons in any one occurrence;

(2) a bond of a surety company with minimum coverages as provided in clause (1); or

(3) a certificate of the commissioner of management and budget that the licensee has deposited with the commissioner of management and budget \$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.

(b) This subdivision does not prohibit an insurer from providing the coverage required by this subdivision in combination with other insurance coverage.

(c) An annual aggregate policy limit for dram shop insurance of not less than \$310,000 per policy year may be included in the policy provisions.

(d) A liability insurance policy 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 60 days' notice in writing to the insured 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 insured of intent to cancel the policy.

(e) In the event of a policy cancellation, the insurer will send notice to the issuing authority at the same time that a cancellation request is received from or a notice is sent to the insured.

(f) All insurance policies which provide coverage with regard to any liability imposed by section 340A.801 must contain at least the minimum coverage required by this section.

Subd. 2. Market assistance.

The market assistance plan of the Minnesota Joint Underwriting Association shall assist licensees in obtaining insurance coverage.

Subd. 3. Minnesota Joint Underwriting Association.

(a) The Minnesota Joint Underwriting Association shall provide coverage required by subdivision 1 to persons rejected under this subdivision.

(b) A liquor vendor shall be denied or terminated from coverage through the Minnesota Joint Underwriting Association if the liquor vendor disregards safety standards, laws, rules, or ordinances pertaining to the offer, sale, or other distribution of liquor.

Subd. 3a. Notification by insurer of status of claim.



Upon the request of the insured, an insurer who is providing coverage required by subdivision 1 shall inform the insured of the status of any claims made under the policy. The information must include:

- (1) the employees of the insured that may be involved and the nature of their involvement;
- (2) any amount the insurer is holding in reserve for payment of a claim or has paid in the disposition of the claim; and
- (3) any amount paid in the defense of the claim.

This subdivision does not require disclosure of otherwise nondiscoverable information to an adverse party in litigation.

Subd. 4. Insurance not required.

Subdivision 1 does not apply to licensees who by affidavit establish that:

- (1) they are on-sale 3.2 percent malt liquor licensees with sales of less than \$25,000 of 3.2 percent malt liquor for the preceding year;
- (2) they are off-sale 3.2 percent malt liquor licensees with sales of less than \$50,000 of 3.2 percent malt liquor for the preceding year;
- (3) they are holders of on-sale wine licenses with sales of less than \$25,000 for wine for the preceding year;
- (4) they are holders of temporary wine licenses issued under law; or
- (5) they are wholesalers who donate wine to an organization for a wine tasting conducted under section [340A.418](#) or [340A.419](#).

History:

[1985 c 200 s 2](#); [1985 c 305 art 6 s 9](#); [1985 c 309 s 7-9](#); [1Sp1985 c 16 art 2 s 3 subd 1](#); [1Sp1986 c 3 art 1 s 38](#); [1987 c 107 s 1](#); [1987 c 152 art 1 s 1](#); [1988 c 534 s 1](#); [1991 c 249 s 31](#); [1994 c 485 s 61,62](#); [1997 c 129 art 1 s 5,6](#); [2003 c 112 art 2 s 50](#); [2009 c 101 art 2 s 109](#); [2010 c 255 s 4,5](#); [2010 c 384 s 96](#); [2017 c 40 art 1 s 110](#)

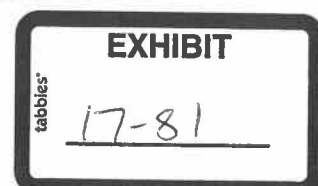
340A.410 LICENSE RESTRICTIONS; GENERAL.

Subdivision 1. Counties; town consent.

A county may not issue a retail license to sell any alcoholic beverage within an organized town unless the governing body of the town has consented to the issuance of the license.

Subd. 2. Counties; recommendation and review of applicants.

(a) No county may issue or renew a retail license to sell any alcoholic beverage until the county board has received a written recommendation from the sheriff and county attorney stating that to the best of their knowledge that the applicant is eligible to be licensed under section [340A.402](#). A copy of the statements must be given to the town board if a town's consent is required for issuance of the license under subdivision 3.



(b) The county board shall consider the recommendations of the sheriff and county attorney, the character and reputation of the applicant, and the nature and location of the business prior to issuance of any license.

Subd. 3. License extension; death of licensee.

In the case of the death of a retail licensee to sell alcoholic beverages, the personal representative is authorized to continue operation of the business for not more than 90 days after the death of the licensee.

Subd. 4. License posting.

A retail license to sell alcoholic beverages must be posted in a conspicuous place in the premises for which it is used.

Subd. 4a.

[Repealed, 1996 c 418 s 18]

Subd. 4b. Notice posting.

(a) A premises licensed for the retail sale of alcoholic beverages and a municipal liquor store must post and maintain in a conspicuous place within the licensed premises clearly visible to consumers: one sign 14-1/2 inches wide by 8 inches high as designed by the commissioners of health and public safety, which incorporates the following information:

- (1) the penalties of driving while under the influence of alcohol;
- (2) penalties for serving alcoholic beverages to a person who is obviously intoxicated or under 21 years of age; and
- (3) a warning statement regarding drinking alcohol while pregnant.

(b) The commissioners of health and public safety shall design a sign that complies with this subdivision and shall make the sign available for reproduction. A retail licensee or municipal liquor store may not modify the sign design but may modify the color.

Subd. 5. Gambling prohibited.

(a) Except as otherwise provided in this subdivision, no retail establishment licensed to sell alcoholic beverages may keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice or any gambling device as defined in section 349.30, or permit gambling therein.

(b) Gambling equipment may be kept or operated and raffles conducted on licensed premises and adjoining rooms when the use of the gambling equipment is authorized by (1) chapter 349, (2) a tribal ordinance in conformity with the Indian Gaming Regulatory Act, Public Law 100-497, or (3) a tribal-state compact authorized under section 3.9221.

(c) Lottery tickets may be purchased and sold within the licensed premises as authorized by the director of the lottery under chapter 349A.

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(d) Dice may be kept and used on licensed premises and adjoining rooms as authorized by section [609.761, subdivision 4](#).

Subd. 6. Racial discrimination; clubs.

No retail license to sell alcoholic beverages may be issued or renewed by a municipality or county to a club which discriminates against members or applicants for membership or guests of members on the basis of race.

Subd. 7. License limited to space specified.

A licensing authority may issue a retail alcoholic beverage license only for a space that is compact and contiguous. A retail alcoholic beverage license is only effective for the licensed premises specified in the approved license application.

Subd. 8. Copy of summons.

Every application for the issuance or renewal of intoxicating or 3.2 percent malt liquor licenses must include a copy of each summons received by the applicant under section [340A.802](#) during the preceding year.

Subd. 9. Coin-operated devices.

Coin-operated amusement devices may not be made available in establishments licensed solely for the off-sale of intoxicating liquor or municipal stores which sell only at off-sale. An establishment holding a combination on-sale and off-sale license or a municipal liquor store which sells at on-sale and off-sale which makes coin-operated devices available shall keep such devices to the greatest extent practicable in that area of the establishment where on-sales are made.

Subd. 10. Temporary licenses; restrictions.

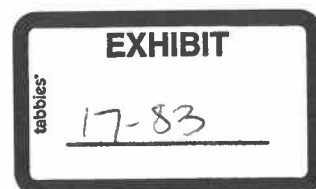
(a) A municipality may not issue more than three four-day, four three-day, six two-day, or 12 one-day temporary licenses, in any combination not to exceed 12 days per year, under section [340A.404, subdivision 10](#), for the sale of alcoholic beverages to any one organization or registered political committee, or for any one location, within a 12-month period.

(b) A municipality may not issue more than one temporary license under section [340A.404, subdivision 10](#), for the sale of alcoholic beverages to any one organization or registered political committee, or for any one location, within any 30-day period unless the licenses are issued in connection with an event officially designated a community festival by the municipality.

This restriction does not apply to a municipality with a population of 5,000 or fewer people.

(c) A municipality that issues separate temporary wine and liquor licenses may separately apply the limitations contained in paragraphs (a) and (b) to the issuance of such licenses to any one organization or registered political committee, or for any one location.

History:



1985 c 305 art 6 s 10; 1Sp1986 c 3 art 1 s 39; 1987 c 152 art 1 s 1; 1987 c 381 s 4; 1989 c 334 art 6 s 5; 1991 c 178 s 1; 1991 c 249 s 12; 1993 c 350 s 10; 1994 c 611 s 21; 1995 c 42 s 2; 1996 c 323 s 1,4; 1996 c 418 s 8; 1998 c 364 s 5; 1999 c 187 s 1

340A.411 LICENSE RESTRICTIONS; 3.2 PERCENT MALT LIQUOR LICENSES.

Subdivision 1. On-sale licenses.

On-sale 3.2 percent malt liquor licenses may only be issued to drugstores, restaurants, hotels, clubs, bowling centers, golf courses, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks.

Subd. 2. License duration.

All retail 3.2 percent malt liquor licenses must be issued for one year, except that for the purpose of coordinating the time of expiration of licenses in general, licenses may be issued for a shorter time, in which case a pro rata license fee must be charged.

Subd. 3. Terminology.

A political subdivision may not issue a 3.2 percent malt liquor license that includes the term "nonintoxicating liquor."

History:

1985 c 305 art 6 s 11; 1987 c 5 s 3; 1987 c 152 art 1 s 1; 1991 c 249 s 31; 1996 c 323 s 2,3; 2003 c 126 s 8

340A.412 LICENSE RESTRICTIONS; INTOXICATING LIQUOR LICENSES.

Subdivision 1.

[Repealed, 1989 c 49 s 8]

Subd. 2. Investigation of on-sale licenses.

(a) The city or county having jurisdiction over on-sale licenses to sell intoxicating liquor shall on initial application for an on-sale license or on application for a transfer of an existing license conduct a preliminary background and financial investigation of the applicant. The application must be in the form prescribed by the commissioner and with any additional information as the governing body of the city or county having jurisdiction over the license requires. If the governing body of the city or county having jurisdiction determines or if the commissioner on the commissioner's own initiative determines that a comprehensive background and investigation of the applicant is necessary, the

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governing body may conduct the investigation itself or contract with the commissioner for the investigation. In addition, an investigation may be required prior to renewal of an existing on-sale license when the governing body of the city or county deems it in the public interest. An investigation fee not to exceed \$500 shall be charged an applicant by the city or county if the investigation is conducted within the state, or the actual cost not to exceed \$10,000 if the investigation is required outside the state.

(b) No license may be issued, transferred, or renewed if the results of the investigation show, to the satisfaction of the governing body, that issuance, transfer, or renewal would not be in the public interest.

Subd. 3. Limitations on issuance of licenses to one person or place.

(a) A municipality may not issue more than one off-sale intoxicating liquor license to any one person or for any one place.

(b) A municipality may not allow the same business name to be used by more than one of its off-sale intoxicating liquor licensees.

(c) For purposes of this subdivision, "person" means:

(1) a holder of an off-sale intoxicating liquor license;

(2) an officer, director, agent, or employee of a holder of an off-sale intoxicating liquor license; or

(3) an affiliate of a holder of an off-sale intoxicating liquor license, regardless of whether the affiliation is corporate or by management, direction, or control.

Subd. 4. Licenses prohibited in certain areas.

(a) No license to sell intoxicating liquor may be issued within the following areas:

(1) where restricted against commercial use through zoning ordinances and other proceedings or legal processes regularly had for that purpose, except licenses may be issued to restaurants in areas which were restricted against commercial uses after the establishment of the restaurant;

(2) within the Capitol or on the Capitol grounds, except as provided under Laws 1983, chapter 259, section 9, or Laws 1999, chapter 202, section 13;

(3) on the State Fairgrounds, except as provided under section 37.21, subdivision 2;

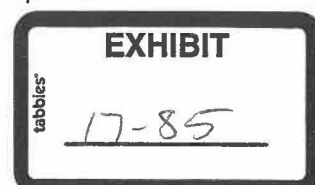
(4) on the campus of the College of Agriculture of the University of Minnesota;

(5) within 1,000 feet of a state hospital, training school, reformatory, prison, or other institution under the supervision or control, in whole or in part, of the commissioner of human services or the commissioner of corrections;

(6) in a town or municipality in which a majority of votes at the last election at which the question of license was voted upon were not in favor of license under section 340A.416, or within one-half mile of any such town or municipality, except that intoxicating liquor manufactured within this radius may be sold to be consumed outside it; and

(7) within 1,500 feet of any public school that is not within a city.

(b) The restrictions of this subdivision do not apply to a manufacturer or wholesaler of intoxicating liquor or to a drugstore or to a person who had a license originally issued lawfully prior to July 1, 1967.



Subd. 5.Licenses in connection with premises of another.

An intoxicating liquor license may not be issued to a person in connection with the premises of another to whom a license could not be issued under the provisions of this chapter. This subdivision does not prevent the granting of a license to a proper lessee because the person has leased the premises of a minor, a noncitizen who is not a resident alien, or a person who has been convicted of a crime other than a violation of this chapter.

Subd. 6.Off-sale licenses where 3.2 percent malt liquor is sold.

An off-sale intoxicating liquor license may not be issued to a place where 3.2 percent malt liquor is sold for consumption on the premises. This subdivision does not apply to those places where both an on-sale and off-sale license or a combination license have been issued under section 340A.406.

Subd. 7. Drugstores.

No intoxicating liquor license may be issued to a person operating a drugstore unless the person has operated it for at least two years or has purchased a drugstore that has been in continuous operation for two or more years.

Subd. 8.Expiration date.

All intoxicating liquor licenses issued by a county or a city, other than cities of the first class, must expire on the same date.

Subd. 9.License transfer.

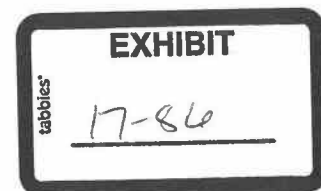
A license may be transferred with the consent of the issuing authority, provided that a license issued to a location at a racetrack licensed under chapter 240 may not be transferred. Where a license is held by a corporation, a change in ownership of ten percent or more of the stock of the corporation must be reported in writing to the authority who issued the license within ten days of the transfer.

Subd. 10.Employment of minors.

No person under 18 years of age may serve or sell intoxicating liquor in a retail intoxicating liquor establishment.

Subd. 11.Reissuance of licenses in certain cities.

A city having territory in which the sale of intoxicating liquor has been prohibited by law or charter and in which real property taken for a public purpose by negotiation or eminent domain proceedings was, immediately prior to the taking, actually and lawfully used for the sale of intoxicating liquor, may reissue the license previously issued to the location at any otherwise lawful location in the city. A change of location due to taking after July 1, 1972, must have been accomplished by July 1, 1976, but these licenses may be renewed, reissued, transferred, or relocated after that date.



Subd. 12. Off-site storage prohibition.

A holder of a retail intoxicating liquor license or a municipal liquor store may not store any intoxicating liquor at any location other than the licensed premises except with the written permission of the commissioner.

Subd. 13. First class cities; renewal of inactive licenses prohibited.

A city of the first class may not renew an on-sale intoxicating liquor license if the holder of the license has not made on-sales authorized by the license at any time during the one-year period immediately prior to the date of renewal.

Subd. 14. Exclusive liquor stores.

(a) Except as otherwise provided in this subdivision, an exclusive liquor store may sell only the following items:

- (1) alcoholic beverages;
- (2) tobacco products;
- (3) ice;
- (4) beverages, either liquid or powder, specifically designated for mixing with intoxicating liquor;
- (5) soft drinks;
- (6) liqueur-filled candies;
- (7) food products that contain more than one-half of one percent alcohol by volume;
- (8) cork extraction devices;
- (9) books and videos on the use of alcoholic beverages;
- (10) magazines and other publications published primarily for information and education on alcoholic beverages;
- (11) multiple-use bags designed to carry purchased items;
- (12) devices designed to ensure safe storage and monitoring of alcohol in the home, to prevent access by underage drinkers;
- (13) home brewing equipment; and
- (14) clothing marked with the specific name, brand, or identifying logo of the exclusive liquor store, and bearing no other name, brand, or identifying logo.

(b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale license may sell food for on-premise consumption when authorized by the municipality issuing the license.

(c) An exclusive liquor store may offer live or recorded entertainment.

History:



1985 c 305 art 6 s 12; 1985 c 309 s 10; 1Sp1985 c 16 art 2 s 3 subd 1; 1Sp1986 c 3 art 1 s 40,41; 1987 c 152 art 1 s 1; 1987 c 310 s 11; 1991 c 249 s 13-15,31; 1992 c 486 s 9; 1994 c 611 s 22; 1995 c 198 s 10; 1998 c 364 s 6; 1999 c 202 s 5; 2001 c 193 s 3; 2002 c 318 s 1; 2005 c 3 s 1; 2005 c 131 s 4; 2006 c 210 s 11; 2007 c 89 s 7; 2008 c 311 s 4; 2009 c 120 s 9; 2011 c 55 s 12; 2012 c 235 s 6

340A.413 RESTRICTIONS ON NUMBER OF INTOXICATING LIQUOR LICENSES THAT MAY BE ISSUED.

Subdivision 1. On-sale licenses.

No on-sale intoxicating liquor license may be issued in any city except as provided in this section in excess of the following limits:

- (1) in cities of the first class, one license for every 1,500 population, up to 200 licenses;
- (2) in cities of the second class, not more than 18 licenses plus one for every 2,500 population over 45,000;
- (3) in cities of the third class, not more than 12 licenses;
- (4) in cities of the fourth class, including cities whose acts of incorporation were repealed by Laws 1973, chapter 123, article V, section 5, not more than seven licenses;
- (5) in statutory cities of 5,000 to 10,000 population, not more than six licenses;
- (6) in statutory cities of 2,500 to 5,000 population, not more than five licenses;
- (7) in statutory cities of 500 to 2,500 population, not more than four licenses; and
- (8) in statutory cities under 500 population, not more than three licenses.

Subd. 2. Additional on-sale licenses permitted for cities in St. Louis County.

For cities in St. Louis County no on-sale liquor license may be issued in excess of the following limits, without the approval of the commissioner:

- (1) in cities of the third class, not more than 15 licenses;
- (2) in cities of the fourth class, not more than nine licenses; and
- (3) in statutory cities of 2,500 to 5,000 population, not more than six licenses.

Subd. 3. Referendum for additional on-sale licenses.



(a) The governing body of a city may issue on-sale intoxicating liquor licenses over the number permitted under subdivision 1 when authorized by the voters of the city at a general or special election.

(b) The governing body may direct that either of the following questions be placed on the ballot:

(1) "Shall the city council be allowed to issue 'on-sale' licenses for the sale of intoxicating liquor at retail in excess of the number permitted by law?"

Yes .

No . "

(2) "Shall the city council be allowed to issue (a number to be determined by the governing body) 'on-sale' licenses for the sale of intoxicating liquor at retail in excess of the number now permitted by law?"

Yes .

No . "

(c) If a majority of voters voting on the question in clause (1) vote yes, the governing body may issue an unlimited number of on-sale licenses. If a majority of voters voting on the question in clause (2) vote yes, the governing body may issue additional on-sale licenses in the number stated in the question.

Subd. 4. Exclusions from license limits.

On-sale intoxicating liquor licenses may be issued to the following entities by a city, in addition to the number authorized by this section:

(1) clubs, or congressionally chartered veterans organizations;

(2) restaurants;

(3) establishments that are issued licenses to sell wine under section [340A.404, subdivision 5](#);

(4) theaters that are issued licenses under section [340A.404](#);

(5) hotels; and

(6) bowling centers.

Subd. 5. Off-sale licenses.

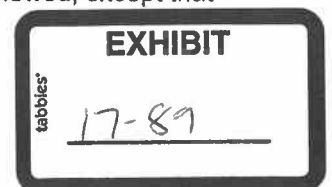
No off-sale intoxicating liquor license may be issued in any city, except as provided in this section, in excess of the following limits:

(1) in cities of the first class, not more than one off-sale license for each 5,000 population; and

(2) in all other cities the limit shall be determined by the governing body of the city.

Subd. 6. Area that has been annexed or consolidated.

A license validly issued within the number prescribed in this section is not rendered invalid or illegal by reason of the consolidation or annexation of territory to a city and may continue to remain in effect and be renewed, except that the limitations as to ownership under section [340A.412, subdivision 2](#).



History:

1985 c 305 art 6 s 13; 1987 c 152 art 1 s 1; 1990 c 554 s 13; 1991 c 249 s 16; 1996 c 418 s 9; 2003 c 126 s 9

340A.414 CONSUMPTION AND DISPLAY PERMITS.

Subdivision 1. Permit required.

No business establishment or club which does not hold an on-sale intoxicating liquor license may directly or indirectly allow the consumption and display of alcoholic beverages or knowingly serve any liquid for the purpose of mixing with intoxicating liquor without first having obtained a permit from the commissioner. Rental of a public facility does not make a subdivision or the facility a "business establishment" for the purposes of this chapter.

Subd. 1a. Additional authorization.

A holder of a consumption and display permit under this section who wishes to allow the consumption and display of intoxicating liquor between the hours of 1:00 a.m. and 2:00 a.m. must obtain authorization to do so from the commissioner. The authorization may be provided in a document issued to the permit holder by the commissioner, or by a notation on the permit holder's permit. Authorizations are valid for one year from the date of issuance. The annual fee for obtaining authorization is \$200. The commissioner shall deposit all fees received under this subdivision in the alcohol enforcement account in the special revenue fund. A person who holds a consumption and display permit and who also holds a license to sell alcoholic beverages at on-sale at the same location is not required to obtain an authorization under this subdivision.

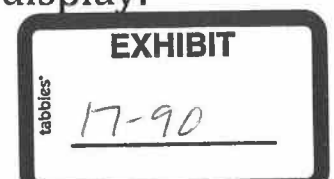
Subd. 2. Eligibility for permit.

(a) The commissioner may issue a permit under this section only to:

- (1) an applicant who has not, within five years prior to the application, been convicted of a felony or of violating any provision of this chapter or rule adopted under this chapter;
- (2) a restaurant;
- (3) a hotel;
- (4) an establishment licensed for the sale of 3.2 percent malt liquor;
- (5) a resort as defined in section 157.15;
- (6) a club as defined in section 340A.101, subdivision 7, or an unincorporated club otherwise meeting that definition; and
- (7) a bed and breakfast facility as defined in section 340A.4011, subdivision 1.

(b) The commissioner may not issue a permit to a club holding an on-sale intoxicating liquor license.

Subd. 3. Only authorized to permit the consumption and display.



A permit issued under this section authorizes the establishment to permit the consumption and display of intoxicating liquor on the premises. The permit does not authorize the sale of intoxicating liquor.

Subd. 4. Permit expiration.

All permits issued under this section expire on March 31 of each year.

Subd. 5. Local consent required.

A permit issued under this section is not effective until approved by the governing body of the city or county where the establishment is located.

Subd. 6. Permit fees.

The annual fee for issuance of a permit under this section is \$250. The governing body of a city or county where the establishment is located may impose an additional fee of not more than \$300.

Subd. 7. Inspection.

An establishment holding a permit under this section is open for inspection by the commissioner and the commissioner's representative and by peace officers, who may enter and inspect during reasonable hours. Intoxicating liquor sold, served, or displayed in violation of law may be seized and may be disposed of under section [297G.20](#).

Subd. 8. Lockers.

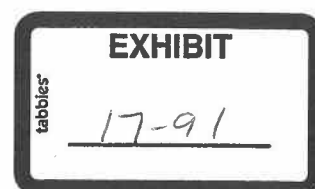
A club issued a permit under this section may allow members to bring and keep a personal supply of intoxicating liquor in lockers on the club's premises. All bottles kept on the premises must have attached to it a label signed by the member. No person under 21 years of age may keep a supply of intoxicating liquor on club premises.

Subd. 9. One-day city permits.

A city may issue a one-day permit for the consumption and display of intoxicating liquor under this section to a nonprofit organization in conjunction with a social activity in the city sponsored by the organization. The permit must be approved by the commissioner and is valid only for the day indicated on the permit. The fee for the permit may not exceed \$25. A city may not issue more than ten permits under this section in any one year.

History:

[1985 c 305 art 6 s 14](#); [1Sp1985 c 16 art 2 s 3 subd 1](#); [1987 c 152 art 1 s 1](#); [1989 c 209 art 1 s 34](#); [1991 c 249 s 17,18,31](#); [1995 c 198 s 11](#); [1995 c 207 art 9 s 60](#); [1997 c 179 art 2 s 4](#); [1Sp2003 c 19 art 2 s 58,79](#); [2005 c 136 art 8 s 17](#); [2006 c 210 s 12](#); [2007 c 13 art 3 s 24](#); [2009 c 120 s 10](#)



340A.415 LICENSE REVOCATION OR SUSPENSION; CIVIL PENALTY.

On a finding that the license or permit holder has (1) sold alcoholic beverages to another retail licensee for the purpose of resale, (2) purchased alcoholic beverages from another retail licensee for the purpose of resale, (3) conducted or permitted the conduct of gambling on the licensed premises in violation of the law, (4) failed to remove or dispose of alcoholic beverages when ordered by the commissioner to do so under section [340A.508, subdivision 3](#), or (5) failed to comply with an applicable statute, rule, or ordinance relating to alcoholic beverages or the operation of the licensed establishment, or failed to comply with a lawful license condition duly imposed by the authority issuing the license or permit or agreed to by the license or permit holder, the commissioner or the authority issuing a retail license or permit under this chapter may revoke the license or permit, suspend the license or permit for up to 60 days, impose a civil penalty of up to \$2,000 for each violation, or impose any combination of these sanctions. No suspension or revocation takes effect until the license or permit holder has been given an opportunity for a hearing under sections [14.57](#) to [14.69](#) of the Administrative Procedure Act. This section does not require a political subdivision to conduct the hearing before an employee of the Office of Administrative Hearings. Imposition of a penalty or suspension by either the issuing authority or the commissioner does not preclude imposition of an additional penalty or suspension by the other so long as the total penalty or suspension does not exceed the stated maximum. Nothing in this section shall be construed to limit the applicability of section [340A.509](#), except that a local authority may not charge a penalty greater than that allowed in this section.

History:

[1985 c 248 s 70](#); [1985 c 305 art 6 s 15](#); [1985 c 309 s 11](#); [1Sp1985 c 16 art 2 s 3 subd 1](#); [1Sp1986 c 3 art 1 s 42](#); [1987 c 152 art 1 s 1](#); [1987 c 310 s 12](#); [1988 c 534 s 2](#); [1991 c 249 s 19](#); [1993 c 350 s 11](#); [1994 c 611 s 23](#); [2014 c 240 s 17](#)

340A.416 LOCAL OPTION ELECTION.

Subdivision 1.Petition.

Upon receipt of a petition signed by 30 percent of the persons voting at the last city election or 200 registered voters residing in the city, whichever is less, a statutory city or home rule charter city of the fourth class shall place before the voters of the city the question of whether the city will issue intoxicating liquor licenses.

Subd. 2.Ballot question.

The form of the question of the referendum under this section must be either "Shall the city issue ... intoxicating liquor licenses?" or "Shall the city discontinue issuing intoxicating liquor licenses?".

Subd. 3.Effect of election results.

If a majority of persons voting on the referendum question vote to discontinue issuing licenses, the city may not issue intoxicating liquor licenses until the results of the referendum have been reversed at a subsequent election where the question has been submitted as provided in this section.

Subd. 4.Certification.

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The clerk or recorder must certify results of a referendum held under this section within ten days of the election.

Subd. 5.Challenge of election.

Where the results of a referendum under this section are challenged by any voter, the county attorney of the county where the election was held must appear in defense of the validity of the election.

History:

1985 c 305 art 6 s 16; 1987 c 152 art 1 s 1; 1994 c 611 s 24; 2004 c 251 s 18; 2013 c 131 art 2 s 76,77

340A.417 SHIPMENTS INTO MINNESOTA.

(a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter, a winery licensed in a state other than Minnesota, or a winery located in Minnesota, may ship, for personal use and not for resale, not more than two cases of wine, containing a maximum of nine liters per case, in any calendar year to any resident of Minnesota age 21 or over. Delivery of a shipment under this section may not be deemed a sale in this state.

(b) The shipping container of any wine sent under this section must be clearly marked "Alcoholic Beverages: adult signature (over 21 years of age) required."

(c) It is not the intent of this section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

(d) No criminal penalty may be imposed on a person for a violation of this section other than a violation described in paragraph (e) or (f). Whenever it appears to the commissioner that any person has engaged in any act or practice constituting a violation of this section, and the violation is not within two years of any previous violation of this section, the commissioner shall issue and cause to be served upon the person an order requiring the person to cease and desist from violating this section. The order must give reasonable notice of the rights of the person to request a hearing and must state the reason for the entry of the order. Unless otherwise agreed between the parties, a hearing shall be held not later than seven days after the request for the hearing is received by the commissioner after which and within 20 days after the receipt of the administrative law judge's report and subsequent exceptions and argument, the commissioner shall issue an order vacating the cease and desist order, modifying it, or making it permanent as the facts require. If no hearing is requested within 30 days of the service of the order, the order becomes final and remains in effect until modified or vacated by the commissioner. All hearings shall be conducted in accordance with the provisions of chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against the person upon consideration of the cease and desist order, the allegations of which may be deemed to be true.

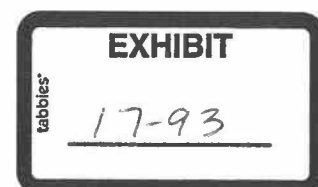
(e) Any person who violates this section within two years of a violation for which a cease and desist order was issued under paragraph (d), is guilty of a misdemeanor.

(f) Any person who commits a third or subsequent violation of this section within any subsequent two-year period is guilty of a gross misdemeanor.

History:

1993 c 350 s 12; 1997 c 129 art 1 s 7; 1997 c 179 art 2 s 5; 1999 c 202 s 6; 2005 c 131 s 5; 2009 c 120 s 11

340A.4175 WINE FESTIVAL.



A municipality with the approval of the commissioner may issue a temporary license to a bona fide association of owners and operators of wineries sponsoring an annual festival to showcase wines produced by members of the association. The commissioner may only approve one temporary license in a calendar year for each qualified association under this subdivision. The license issued under this subdivision authorizes the sale of table, sparkling, or fortified wines produced by the wineries at on-sale by the glass, provided that no more than two glasses per customer may be sold, and off-sale by the bottle, provided that no more than six bottles in total per customer may be sold. The license also authorizes the dispensing of free samples of the wines offered for sale within designated premises of the festival. A license issued under this subdivision is subject to all laws and ordinances governing the sale, possession, and consumption of table, sparkling, or fortified wines. For purposes of this subdivision, a "bona fide association of owners and operators of wineries" means an association of more than ten wineries that has been in existence for more than two years at the time of application for the temporary license.

History:

2011 c 55 s 8; 2012 c 235 s 4,12

340A.418 ALCOHOLIC BEVERAGE TASTINGS.

Subdivision 1. Definition.

For purposes of this section, an "alcoholic beverage tasting" or "tasting" means an event at which persons pay a fee or donation to participate, and are allowed to consume wine, malt liquor, or both, by the glass without paying a separate charge for each glass.

Subd. 2. Tastings authorized.

(a) A charitable, religious, or other nonprofit organization may conduct a tasting of not more than four hours duration on premises the organization owns or leases or has use donated to it, or on the licensed premises of a holder of an on-sale intoxicating liquor license that is not a temporary license, if the organization holds a temporary on-sale intoxicating liquor license under section 340A.404, subdivision 10, and complies with this section. An organization holding a temporary license may be assisted in conducting the tasting by another nonprofit organization.

(b) An organization that conducts a tasting under this section may use the net proceeds from the tasting only for:

(1) the organization's primary nonprofit purpose; or

(2) donation to another nonprofit organization assisting in the tasting, if the other nonprofit organization uses the donation only for that organization's primary nonprofit purpose.

(c) No wine or malt liquor at a tasting under this section may be sold, or orders taken, for off-premises consumption.

(d) Notwithstanding any other law, an organization may purchase or otherwise obtain wine or malt liquor for a tasting conducted under this section from a wholesaler licensed to sell wine or malt liquor, and the wholesaler may sell or give wine or malt liquor to an organization for a tasting conducted under this section and may provide personnel to assist in the tasting. A wholesaler who sells or gives wine or malt liquor to an organization for a tasting under this section must deliver the wine or malt liquor directly to the location where the tasting is conducted.

(e) This section does not prohibit or restrict a tasting that is:

(1) located on on-sale premises where no charitable organization is participating; or

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(2) located on on-sale premises where the proceeds are for a designated charity but where the tasting is primarily for educational purposes.

(f) The four-hour limitation specified in paragraph (a) shall not apply to a tasting at a convention of fine wine, malt liquor, and gourmet food exhibitors, provided the convention has at least 100 exhibitors and takes place over not more than three days.

History:

[1994 c 611 s 25](#); [1996 c 418 s 10](#); [2005 c 131 s 6](#); [2013 c 42 s 7](#)

340A.419 TASTINGS CONDUCTED BY EXCLUSIVE LIQUOR STORE.

Subdivision 1. Definition.

For purposes of this section, a "tasting" is an event of not more than four hours' duration at which persons pay a fee to participate and are allowed to consume wine, malt liquor, or spirits by the glass without paying a separate charge for each glass.

Subd. 2. Tastings.

(a) Notwithstanding any other law, an exclusive liquor store may conduct a wine, malt liquor, or spirits tasting on the premises of a holder of an on-sale intoxicating liquor license that is not a temporary license or on the premises of a holder of a wine license under section 340A.404, subdivision 5, if the exclusive liquor store complies with this section.

(b) No wine, malt liquor, or spirits authorized for use under this section may be sold for off-premises consumption. A participant in the tasting may fill out a form indicating preferences for wine, malt liquor, or spirits. The form may be held on the premises of the exclusive liquor store to assist the participant in making an off-sale purchase at a later date.

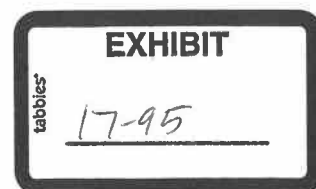
(c) Notwithstanding any other law, an exclusive liquor store may purchase or otherwise obtain wine or spirits for a tasting conducted under this section from a wholesaler licensed to sell wine or spirits. The wholesaler may sell or give wine or spirits to an exclusive liquor store for a tasting conducted under this section and may provide personnel to assist in the tasting.

(d) An exclusive liquor store that conducts a tasting under this section must use any fees collected from participants in the tasting only to defray the cost of conducting the tasting.

(e) Notwithstanding section [340A.409, subdivision 4](#), the premises on which a tasting is conducted must be insured as required by section [340A.409, subdivision 1](#).

(f) Exclusive liquor stores may conduct classes for a fee and allow tastings in the conduct of those classes, provided that the amount served at a class is limited to the amount authorized under section [340A.4041](#).

Subd. 3. Malt liquor tastings.



An exclusive liquor store conducting a malt liquor tasting under this section must also comply with the requirements of section [340A.510](#), subdivision 2.

History:

[2000 c 440 s 5](#); [2009 c 120 s 12](#); [2010 c 255 s 6](#); [2012 c 235 s 7](#)

340A.425 SERVICE AT CAPITOL.

Notwithstanding section [340A.412, subdivision 4](#), paragraph (a), clause (2), the city of St. Paul may issue an on-sale wine and malt liquor license for the premises known as the State Capitol, including the Capitol cafeteria. The commissioner of administration must specify those areas where service is being requested. The Department of Administration shall enter into an agreement with a food service vendor or another vendor on all matters related to the sale of wine and malt liquor in the Capitol. Section [16B.275](#) does not apply to the sale of wine and malt liquor in the Capitol and all fees charged or profits earned by the Department of Administration from the sale of wine and malt liquor in the Capitol must be deposited in a capitol revenues account in the special revenue fund and are appropriated to the commissioner for capitol preservation and programming. The Capitol must sell wine and malt liquor that are made in Minnesota.

History:

[1Sp2017 c 4 art 5 s 8](#)

RETAIL SALES REGULATIONS

340A.501 RESPONSIBILITY OF LICENSEE.

Every licensee is responsible for the conduct in the licensed establishment and any sale of alcoholic beverage by any employee authorized to sell alcoholic beverages in the establishment is the act of the licensee for the purposes of all provisions of this chapter except sections [340A.701](#), [340A.702](#), and [340A.703](#).

History:

[1985 c 305 art 7 s 1](#); [1987 c 152 art 1 s 1](#); art 2 s 2

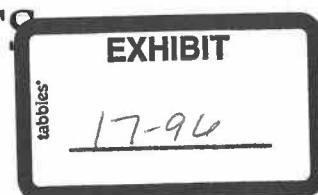
340A.502 SALES TO OBVIOUSLY INTOXICATED PERSONS.

No person may sell, give, furnish, or in any way procure for another alcoholic beverages for the use of an obviously intoxicated person.

History:

[1985 c 305 art 7 s 2](#); [1987 c 152 art 1 s 1](#)

340A.503 PERSONS UNDER 21; ILLEGAL ACTS



Subdivision 1. Consumption.

(a) It is unlawful for any:

(1) retail intoxicating liquor or 3.2 percent malt liquor licensee, municipal liquor store, or bottle club permit holder under section 340A.414, to permit any person under the age of 21 years to drink alcoholic beverages on the licensed premises or within the municipal liquor store; or

(2) person under the age of 21 years to consume any alcoholic beverages. If proven by a preponderance of the evidence, it is an affirmative defense to a violation of this clause that the defendant consumed the alcoholic beverage in the household of the defendant's parent or guardian and with the consent of the parent or guardian.

(b) An offense under paragraph (a), clause (2), may be prosecuted either in the jurisdiction where consumption occurs or the jurisdiction where evidence of consumption is observed.

(c) As used in this subdivision, "consume" includes the ingestion of an alcoholic beverage and the physical condition of having ingested an alcoholic beverage.

Subd. 2. Purchasing.

It is unlawful for any person:

(1) to sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age;

(2) under the age of 21 years to purchase or attempt to purchase any alcoholic beverage unless under the supervision of a responsible person over the age of 21 for training, education, or research purposes. Prior notification of the licensing authority is required unless the supervised alcohol purchase attempt is for professional research conducted by postsecondary educational institutions or state, county, or local health departments; or

(3) to induce a person under the age of 21 years to purchase or procure any alcoholic beverage, or to lend or knowingly permit the use of the person's driver's license, permit, Minnesota identification card, or other form of identification by a person under the age of 21 years for the purpose of purchasing or attempting to purchase an alcoholic beverage.

If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of clause (1) that the defendant is the parent or guardian of the person under 21 years of age and that the defendant gave or furnished the alcoholic beverage to that person solely for consumption in the defendant's household.

Subd. 3. Possession.

It is unlawful for a person under the age of 21 years to possess any alcoholic beverage with the intent to consume it at a place other than the household of the person's parent or guardian. Possession at a place other than the household of the parent or guardian creates a rebuttable presumption of intent to consume it at a place other than the household of the parent or guardian. This presumption may be rebutted by a preponderance of the evidence.

Subd. 4. Entering licensed premises.

(a) It is unlawful for a person under the age of 21 years to enter an establishment licensed for the sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing or having served or delivered any alcoholic beverage.

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(b) Notwithstanding section 340A.509, no ordinance enacted by a statutory or home rule charter city may prohibit a person 18, 19, or 20 years old from entering an establishment licensed under this chapter to:

(1) perform work for the establishment, including the serving of alcoholic beverages, unless otherwise prohibited by section 340A.412, subdivision 10;

(2) consume meals; and

(3) attend social functions that are held in a portion of the establishment where liquor is not sold.

Subd. 5. Misrepresentation of age.

It is unlawful for a person under the age of 21 years to claim to be 21 years old or older for the purpose of purchasing alcoholic beverages.

Subd. 5a. Attainment of age.

With respect to purchasing, possessing, consuming, selling, furnishing, and serving alcoholic beverages, a person is not 21 years of age until 8:00 a.m. on the day of that person's 21st birthday.

Subd. 6. Proof of age; defense; seizure of false identification.

(a) Proof of age for purchasing or consuming alcoholic beverages may be established only by one of the following:

(1) a valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person;

(2) a valid military identification card issued by the United States Department of Defense;

(3) a valid passport issued by the United States;

(4) a valid instructional permit issued under section 171.05 to a person of legal age to purchase alcohol which includes a photograph and the date of birth of the person issued the permit; or

(5) in the case of a foreign national, by a valid passport.

(b) In a prosecution under subdivision 2, clause (1), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in paragraph (a) in selling, bartering, furnishing, or giving the alcoholic beverage.

(c) A licensed retailer or municipal liquor store may seize a form of identification listed under paragraph (a) if the retailer or municipal liquor store has reasonable grounds to believe that the form of identification has been altered or falsified or is being used to violate any law. A retailer or municipal liquor store that seizes a form of identification as authorized under this paragraph must deliver it to a law enforcement agency, within 24 hours of seizing it.

Subd. 7.

[Repealed, 1989 c 351 s 19]

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Subd. 8. Prosecution; immunity.

(a) A person is not subject to prosecution under subdivision 1, paragraph (a), clause (2), or subdivision 3, if the person contacts a 911 operator to report that the person or another person is in need of medical assistance for an immediate health or safety concern, provided that the person who initiates contact is the first person to make such a report, provides a name and contact information, remains on the scene until assistance arrives, and cooperates with the authorities at the scene.

(b) The person who receives medical assistance shall also be immune from prosecution under paragraph (a).

(c) Paragraph (a) also applies to one or two persons acting in concert with the person initiating contact provided that all the requirements of paragraph (a) are met.

History:

1985 c 305 art 7 s 3; 1986 c 330 s 6; 1986 c 444; 1987 c 152 art 1 s 1; 1989 c 301 s 13,14; 1990 c 602 art 5 s 2-4; 1991 c 68 s 1; 1991 c 249 s 20; 1993 c 347 s 21; 1993 c 350 s 13; 1994 c 615 s 21; 1995 c 185 s 7; 1995 c 186 s 67; 1996 c 323 s 4; 1996 c 442 s 24; 1Sp1997 c 2 s 57; 1999 c 202 s 7; 2000 c 472 s 3; 2005 c 131 s 7; 2013 c 112 s 1; 2015 c 9 art 2 s 6

340A.504 HOURS AND DAYS OF SALE.

Subdivision 1.3.2 percent malt liquor.

No sale of 3.2 percent malt 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.

Subd. 2. Intoxicating liquor; on-sale.

No sale of intoxicating liquor for consumption on the licensed premises may be made:

(1) between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;

(2) after 2:00 a.m. on Sundays, except as provided by subdivision 3.

Subd. 2a. Certain dispensing exempt.

Where a hotel possessing an on-sale intoxicating liquor license places containers of intoxicating liquor in cabinets in hotel rooms for the use of guests staying in those hotel rooms, and a charge is made for withdrawals from those cabinets, the dispensing of intoxicating liquor from those cabinets does not constitute a sale for purposes of subdivision 2.

Subd. 3. Intoxicating liquor; Sunday sales; on-sale.



(a) A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 8:00 a.m. on Sundays and 2:00 a.m. on Mondays.

(b) An establishment serving intoxicating liquor on Sundays must obtain a Sunday license. The license must be issued by the governing body of the municipality for a period of one year, and the fee for the license may not exceed \$200.

(c) A city may issue a Sunday intoxicating liquor license only if authorized to do so by the voters of the city voting on the question at a general or special election. A county may issue a Sunday intoxicating liquor license in a town only if authorized to do so by the voters of the town as provided in paragraph (d). A county may issue a Sunday intoxicating liquor license in unorganized territory only if authorized to do so by the voters of the election precinct that contains the licensed premises, voting on the question at a general or special election.

(d) An election conducted in a town on the question of the issuance by the county of Sunday sales licenses to establishments located in the town must be held on the day of the annual election of town officers.

(e) Voter approval is not required for licenses issued by the Metropolitan Airports Commission or common carrier licenses issued by the commissioner. Common carriers serving intoxicating liquor on Sunday must obtain a Sunday license from the commissioner at an annual fee of \$75, plus \$30 for each duplicate.

Subd. 4. Intoxicating liquor; off-sale.

(a) No sale of intoxicating liquor may be made by an off-sale licensee:

(1) on Sundays, except between the hours of 11:00 a.m. and 6:00 p.m.;

(2) before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;

(3) on Thanksgiving Day;

(4) on Christmas Day, December 25; or

(5) after 8:00 p.m. on Christmas Eve, December 24.

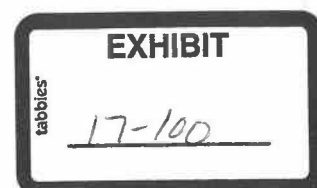
(b) No delivery of alcohol to an off-sale licensee may be made by a wholesaler or accepted by an off-sale licensee on a Sunday. No order solicitation or merchandising may be made by a wholesaler on a Sunday.

Subd. 5. Bottle clubs.

No establishment licensed under section 340A.414, may permit a person to consume or display intoxicating liquor, and no person may consume or display intoxicating liquor between 1:00 a.m. and 12:00 noon on Sundays, and between 1:00 a.m. and 8:00 a.m. on Monday through Saturday.

Subd. 6. Municipalities may limit hours.

A municipality may further limit the days or hours of on and off sales of alcoholic beverages, provided that further restricted on-sale hours for intoxicating liquor must apply equally to on-sale hours of 3.2 percent malt liquor. A city may not permit the sale of alcoholic beverages during hours when the sale is prohibited by this section.



Subd. 7.Sales after 1:00 a.m.; permit fee.

(a) No licensee may sell intoxicating liquor or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the commissioner. Application for the permit must be on a form the commissioner prescribes. Permits are effective for one year from date of issuance. For retailers of intoxicating liquor, the fee for the permit is based on the licensee's gross receipts from on-sales of alcoholic beverages in the 12 months prior to the month in which the permit is issued, and is at the following rates:

- (1) up to \$100,000 in gross receipts, \$300;
- (2) over \$100,000 but not over \$500,000 in gross receipts, \$750; and
- (3) over \$500,000 in gross receipts, \$1,000.

For a licensed retailer of intoxicating liquor who did not sell intoxicating liquor at on-sale for a full 12 months prior to the month in which the permit is issued, the fee is \$200. For a retailer of 3.2 percent malt liquor, the fee is \$200.

(b) The commissioner shall deposit all permit fees received under this subdivision in the alcohol enforcement account in the special revenue fund.

(c) Notwithstanding any law to the contrary, the commissioner of revenue may furnish to the commissioner the information necessary to administer and enforce this subdivision.

History:

1985 c 139 s 1; 1985 c 305 art 7 s 4; 1Sp1985 c 16 art 2 s 3 subd 1; 1987 c 5 s 4; 1987 c 152 art 1 s 1; 1988 c 420 s 1; 1989 c 49 s 3-5; 1990 c 554 s 14; 1991 c 249 s 21,22,31; 1992 c 513 art 3 s 60; 1994 c 611 s 26; 1997 c 129 art 1 s 8; 2002 c 318 s 2; 2003 c 126 s 10-12; 1Sp2003 c 19 art 2 s 59,79; 2005 c 131 s 8-10; 2005 c 136 art 8 s 18,19; 2006 c 210 s 13; 2015 c 9 art 2 s 7; 2017 c 6 s 1; 1Sp2017 c 4 art 5 s 9

340A.5041 AIRPORT COMMISSION; EXTENDED HOURS.

Notwithstanding any law, rule, or ordinance to the contrary, the Metropolitan Airports Commission may allow extended hours of sale at on-sale locations within the security areas of the Lindbergh and Humphrey Terminals. Extended hours are allowed for sales during the hours between 6:00 a.m. and 2:00 a.m. Monday through Sunday.

History:

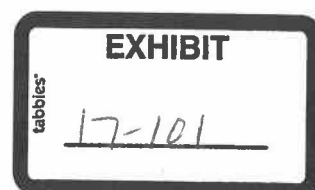
2009 c 120 s 13

340A.505 LICENSEE MAY NOT SELL FOR RESALE.

A retail licensee may not sell alcoholic beverages to any person for the purpose of resale or to any person whom the licensee has reason to believe intends to resell the alcoholic beverage without written approval of the commissioner.

History:

1985 c 305 art 7 s 5; 1987 c 152 art 1 s 1



340A.506 SALES OF ETHYL ALCOHOL AND NEUTRAL SPIRITS PROHIBITED.

Subdivision 1. Ethyl alcohol; neutral spirits.

No person may sell at retail for beverage purposes ethyl alcohol or neutral spirits, or substitutes thereof, possessing the taste, aroma, and characteristics generally attributed to ethyl alcohol or neutral spirits. Nothing in this section prohibits the manufacture or sale of other products obtained by use of ethyl alcohol or neutral spirits as defined in United States Treasury Department, Bureau of Internal Revenue, Regulations 125, Article II, Standards of Identity for Distilled Spirits.

Subd. 2. Maximum alcohol content.

No person may sell for beverage purposes any spirits, distilled from grain or corn, with an alcohol content of 80 percent or more, which equals 160 proof or more, unless such spirits have been aged in wood casks for not less than two years.

History:

1985 c 305 art 7 s 6; 1987 c 152 art 1 s 1; 1991 c 249 s 23

340A.507 REGULATION OF ADVERTISING.

Subdivision 1. Rules.

The commissioner may by rule regulate the advertising of alcoholic beverages. Rules must be adopted under chapter 14.

Subd. 2. Wine catalogs.

No rule may be construed as prohibiting the advertising of wines by off-sale licensees or municipal liquor stores by means of catalogs distributed by direct mail listing not less than 25 varieties of wine and the price of each.

Subd. 3. Border cities.

No rule may prohibit the advertising of intoxicating liquor prices by an off-sale licensee in a newspaper of general circulation published in an adjoining state if it is the primary newspaper of general circulation in the licensee's area.

Subd. 4. Campus contests restricted.

No manufacturer, wholesaler, or retailer of alcoholic beverages, whether holding a license in Minnesota or not, may conduct, sponsor, or contribute financially to events or activities that are held on the campuses or other property of a

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postsecondary institution of learning, and involve the consumption or sale of alcoholic beverages. This subdivision does not affect on-campus, licensed retailers of alcoholic beverages.

History:

1985 c 305 art 7 s 7; 1986 c 330 s 7; 1987 c 152 art 1 s 1

340A.5071 COUPONS PROHIBITED.

A retailer of alcoholic beverages may not accept as full or partial payment for any product any coupons that are redeemed directly or indirectly from a manufacturer or wholesaler of alcoholic beverages.

History:

1994 c 611 s 27

340A.508 TAMPERING OR REFILLING BOTTLES.

Subdivision 1. Refilling bottles.

It is unlawful for a person to sell, offer for sale, or keep for sale alcoholic beverages in a package or bottle which has been refilled or partly refilled.

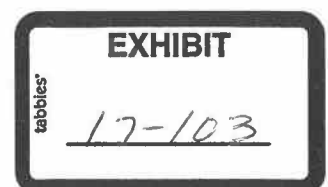
Subd. 2. Tampering or diluting contents.

It is unlawful for a person holding a retail intoxicating liquor license or a 3.2 percent malt liquor license, directly or indirectly through an agent, employee, or other person, to dilute or in any manner tamper with the contents of an original package or bottle so as to change its composition or alcoholic content while the contents are in the original package or bottle. Possession on the premises by a licensee of alcoholic beverages in the original package or bottle, differing in composition or alcoholic content from when it was received from the manufacturer or wholesaler from whom it was purchased, is prima facie evidence that the contents of the original package or bottle has been diluted, changed, or tampered with in violation of this section.

Subd. 3. Purity of contents.

The commissioner may examine the contents of any container of alcoholic beverages on the premises of any licensee under this chapter or any municipal liquor store, for the purpose of determining the purity of the alcoholic beverages. The commissioner may remove any container, or remove all or part of the contents thereof, for the purpose of conducting tests of purity. The commissioner may order the removal from inventory of any container the contents of which fail to meet standards of purity established by rules adopted under this subdivision, and may order the disposal of the contents. The commissioner may adopt rules that (1) provide standards of purity for alcoholic beverages and procedures for testing for purity, and (2) govern the removal from inventory and disposal of alcoholic beverages that do not meet the commissioner's standards of purity.

Subd. 4. Premix and dispensing machines.



Nothing in this section prohibits use by an on-sale intoxicating liquor licensee of a machine to premix and dispense frozen or iced cocktails, provided that the machine is emptied on a daily basis. A machine described in this subdivision need not be visible to the consuming public.

Subd. 5.Mixed drinks or cocktails.

Mixed drinks or cocktails mixed on the premises that are not for immediate consumption may be consumed on the licensed premises subject to the requirements of this subdivision. For purposes of this subdivision, a "mixed drink" includes drinks commonly referred to as cocktails, and "infused beverages" are alcoholic beverages flavored through infusion with added ingredients. This subdivision requires that:

- (1) the mixed drinks or cocktails be stored, for no longer than 72 hours, in a labeled container in a quantity that does not exceed five gallons;
- (2) infused beverages may be stored in containers in a quantity not to exceed five gallons;
- (3) added flavors and other nonbeverage ingredients included in the mixed drinks or infused beverages shall not include hallucinogenic substances or added pure or supplemental caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine; and
- (4) the licensee keep records as to when the contents in a particular container were mixed and the recipe, including brand names, used for that mixture.

History:

1985 c 305 art 7 s 8; 1987 c 152 art 1 s 1; 1991 c 249 s 24; 1996 c 323 s 4; 2001 c 193 s 4; 2014 c 240 s 18

340A.509 LOCAL RESTRICTIONS.

A local authority may impose further restrictions and regulations on the sale and possession of alcoholic beverages within its limits.

History:

1985 c 305 art 7 s 9; 1987 c 152 art 1 s 1

340A.510 SAMPLES.

Subdivision 1.Samples for other than malt liquor authorized.

On- or off-sale retail licensees and municipal liquor stores may provide, or permit a licensed manufacturer or a wholesaler or its agents to provide on the premises of the retail licensee or municipal liquor store, samples of wine, liqueurs, cordials, and distilled spirits which the retail licensee or municipal liquor store currently has in stock and is offering for sale to the general public without obtaining an additional license, provided the wine, liqueur, cordial, and distilled spirits samples are dispensed at no charge and consumed on the licensed premises during the permitted hours of sale in a quantity less than 50 milliliters of wine per variety per customer, 25 milliliters of liqueur or cordial, and 15 milliliters of distilled spirits per variety per customer.

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Subd. 2.Malt liquor samples authorized.

(a) Notwithstanding section 340A.308, a brewer may purchase from or furnish at no cost to a licensed retailer malt liquor the brewer manufactures if:

- (1) the malt liquor is dispensed by the retailer only for samples in a quantity of less than 100 milliliters of malt liquor per variety per customer;
 - (2) where the brewer furnishes the malt liquor, the retailer makes available for return to the brewer any unused malt liquor and empty containers;
 - (3) the samples are dispensed by an employee of the retailer or brewer or by a sampling service retained by the retailer or brewer and not affiliated directly or indirectly with a malt liquor wholesaler;
 - (4) not more than three cases of malt liquor are purchased from or furnished to the retailer by the brewer for each sampling;
 - (5) each sampling continues for not more than eight hours;
 - (6) the brewer has furnished malt liquor for not more than 12 samplings for any retailer in any calendar year;
 - (7) where the brewer furnishes the malt liquor, the brewer delivers the malt liquor for the sampling to its exclusive wholesaler for that malt liquor;
 - (8) the brewer has at least seven days before the sampling filed with the commissioner, on a form the commissioner prescribes, written notice of intent to furnish malt liquor for the sampling, which contains (i) the name and address of the retailer conducting the sampling, (ii) the maximum amount of malt liquor to be furnished or purchased by the brewer, (iii) the number of times the brewer has furnished malt liquor to the retailer in the calendar year in which the notice is filed, (iv) the date and time of the sampling, (v) where the brewer furnishes the malt liquor, the exclusive wholesaler to whom the brewer will deliver the malt liquor, and (vi) a statement by the brewer to the effect that to the brewer's knowledge all requirements of this section have been or will be complied with; and
 - (9) the commissioner has not notified the brewer filing the notice under clause (8) that the commissioner disapproves the notice.
- (b) For purposes of this subdivision, "licensed retailer" means a licensed on-sale or off-sale retailer of alcoholic beverages and a municipal liquor store.

History:

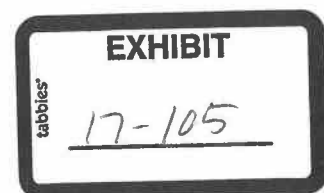
1Sp1986 c 3 art 1 s 43; 1987 c 152 art 1 s 1; 1989 c 49 s 6; 1996 c 418 s 11; 1998 c 364 s 7; 2003 c 126 s 13,14; 2014 c 240 s 19

340A.511 CERTAIN SIZES MAY BE SOLD.

- (a) An off-sale retailer of intoxicating liquor may sell distilled spirits in bottles of 50 milliliters.
- (b) An on-sale intoxicating liquor licensee whose licensed premises includes a golf course or who is a common carrier may dispense distilled spirits from 50-milliliter bottles.

History:

1996 c 418 s 12; 2003 c 126 s 15



340A.512 CONTAINERS BROUGHT INTO PREMISES.

A licensed retailer of alcoholic beverages may prohibit any person from bringing into the licensed premises any container of alcoholic beverages, or from consuming from such a container on the licensed premises, without the licensee's permission.

History:

1996 c 418 s 13

340A.513 SALE OF BEER KEGS.

Subdivision 1. Definitions.

For purposes of this section:

- (a) "Beer keg" means any brewery-sealed, single container that contains not less than seven gallons of malt liquor.
- (b) "Off-sale retailer" means a holder of a license under this chapter to sell alcoholic beverages at off-sale or a municipal liquor store.

Subd. 2. Standards.

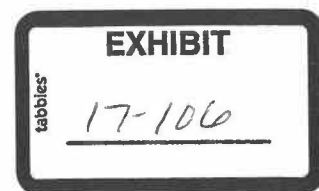
No off-sale retailer shall sell beer kegs unless that retailer affixes an identification label or tag to each beer keg. An identification label or tag shall consist of paper, plastic, metal, or another durable material that is not easily damaged or destroyed. Identification labels used may contain a nonpermanent adhesive material in order to apply the label directly to an outside surface of a beer keg at the time of sale. Identification tags shall be attached to beer kegs at the time of sale with nylon ties or cording, wire ties or other metal attachment devices, or another durable means of tying or attachment of the tag to the beer keg. The identification information contained on the label or tag shall include the licensed off-sale retailer's name, address, and telephone number; a unique beer keg number assigned by the retailer; and a prominently visible warning that intentional removal or defacement of the label or tag is a criminal offense. Upon return of a beer keg to the off-sale retailer that sold the beer keg and attached the identification label or tag, the off-sale retailer shall be responsible for the complete and thorough removal of the entire identification label or tag, and any adhesive or attachment devices of the label or tag. The identification label or tag must be kept on file with the retailer for not less than 90 days from the date of return.

Subd. 3. Identification required.

An off-sale retailer may not sell a beer keg unless the beer keg has attached an identification label or tag complying with the standards established under subdivision 2.

Subd. 4. Retailers to keep records.

- (a) An off-sale retailer who sells a beer keg must at the time of the sale record:



(1) the number of the purchaser's driver's license, Minnesota identification card, military identification card, or valid United States or foreign passport;

(2) the date and time of the purchase;

(3) the beer keg identification number required under subdivision 3; and

(4) the purchaser's signature.

(b) The record must be retained for not less than 90 days after the date of the sale.

Subd. 5. Access to records.

An off-sale retailer required to retain records under subdivision 4 must make the records available during regular business hours for inspection by a peace officer, the commissioner, or an agent of the commissioner.

Subd. 6. Violations.

(a) A person required to record information under subdivision 4 may not knowingly make a materially false entry in the book or register required under subdivision 4. In a prosecution under this subdivision, it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon the identification provided by the purchaser of a beer keg.

(b) No person other than an off-sale retailer, a licensed wholesaler of malt beverages, a peace officer, the commissioner, or an agent of the commissioner may intentionally remove identification placed on a beer keg in compliance with subdivision 3. No person may intentionally deface or damage the identification on a beer keg to make it unreadable.

History:

2002 c 232 s 1

MUNICIPAL LIQUOR STORES

340A.601 ESTABLISHMENT OF MUNICIPAL LIQUOR STORES.

Subdivision 1. Authority.

A city having a population of not more than 10,000 may establish, own, and operate a municipal liquor store which may sell at retail alcoholic beverages and (1) in the case of a municipal liquor store that sells at off-sale only, all items that may lawfully be sold in an exclusive liquor store under section 340A.412, subdivision 14, or (2) in the case of a municipal liquor store that sells at on-sale only, or at on- and off-sale, any item that may lawfully be sold in an establishment with an on-sale intoxicating liquor license. A municipal liquor store may also offer recorded or live entertainment and make available coin-operated amusement devices.

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Subd. 2. Population change.

A city which has established a municipal liquor store may continue to operate it notwithstanding a subsequent change in population.

Subd. 3. Scope and application.

A city which established a liquor store prior to July 1, 1967, may continue to own and operate it.

Subd. 4. Newly formed municipalities; municipal liquor stores; liquor licenses.

A city may not establish or operate a municipal liquor store or issue an on-sale or off-sale liquor license until two years after its incorporation. This restriction does not apply to a newly incorporated statutory city which had formerly been a town or is made up of a major geographic portion of what had formerly been a town, which town had the powers of a statutory city under section 368.01.

Subd. 5. Issuance of licenses to private persons.

A city owning and operating a municipal liquor store may issue on-sale liquor licenses to hotels, clubs, and restaurants. A city issuing on-sale licenses under this subdivision may continue to operate the municipal liquor store or may resume operation of a municipal liquor store previously discontinued.

The number of on-sale licenses issued under this section by a city is governed by section 340A.413.

A city may not issue licenses under this section, other than a license issued to a club under section 340A.404, subdivision 1, clause (4), until authorized by the voters of the city voting on the question at a special election called for that purpose.

Subd. 6. Municipalities; certain on-sale licenses.

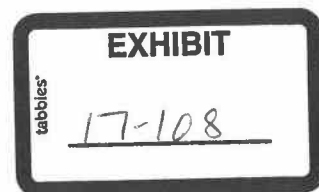
A city which did not permit the sale of intoxicating liquor within its boundaries as of June 30, 1969, or was incorporated after that date may issue on-sale licenses for the sale of intoxicating liquor in accordance with subdivision 5.

Subd. 7. Notice of intent.

A city which has issued retail intoxicating liquor licenses may not establish a municipal liquor store until one year after publishing a notice of its intention in the city's legal newspaper. The city must provide in the notice if the municipality will be engaging in the sale of intoxicating liquor to the exclusion of all private interests.

History:

1985 c 305 art 8 s 1; 1987 c 152 art 1 s 1; 1990 c 554 s 15; 1991 c 249 s 25,31; 1996 c 418 s 14



340A.602 CONTINUATION.

In any city in which the report of the operations of a municipal liquor store has shown a net loss prior to interfund transfer in any two of three consecutive years, the city council shall, not more than 45 days prior to the end of the fiscal year following the three-year period, hold a public hearing on the question of whether the city shall continue to operate a municipal liquor store. Two weeks' notice, written in clear and easily understandable language, of the hearing must be printed in the city's official newspaper. Following the hearing the city council may on its own motion or shall upon petition of five percent or more of the registered voters of the city, submit to the voters at a general or special municipal election the question of whether the city shall continue or discontinue municipal liquor store operations by a date which the city council shall designate. The date designated by the city council must not be more than 30 months following the date of the election. The form of the question shall be: "Shall the city of (name) discontinue operating the municipal liquor store on (Month xx, 2xxx)?".

History:

[1985 c 305 art 8 s 2](#); [1987 c 152 art 1 s 1](#); [1992 c 486 s 10](#); [1993 c 315 s 7](#); [2013 c 131 art 2 s 78](#)

340A.603 FINANCIAL RESPONSIBILITY.

Every municipal liquor store must demonstrate proof of financial responsibility required of licensees under section [340A.409](#). Proof of financial responsibility must be filed by January 15 of each year. The commissioner may suspend the operation of a municipal liquor store failing to demonstrate proof of financial responsibility until the commissioner is satisfied that the municipal liquor store is in compliance with section [340A.409](#). The commissioner must notify in writing the municipality operating the store of the effective date of the suspension. A suspension under this subdivision is a contested case under the Administrative Procedure Act.

History:

[1985 c 305 art 8 s 3](#); [1987 c 152 art 1 s 1](#)

340A.604 SUSPENSION OF OPERATION.

A court shall notify the commissioner in writing within ten days whenever a municipal officer or employee has been convicted of any of the following offenses committed in a municipal liquor store:

- (1) selling alcoholic beverages to persons or at times prohibited by law;
- (2) selling alcoholic beverages for resale;
- (3) selling alcoholic beverages on which state taxes have not been paid; or
- (4) violating the provisions of section [340A.410, subdivision 5](#), relating to gambling and gambling devices.

On receiving the notice of conviction the commissioner may suspend for up to 30 days the operation of the municipal liquor store where the offense occurred. The commissioner must notify in writing the municipality operating the store of the effective dates of the suspension. An appeal of the suspension is a contested case under sections [14.57](#) to [14.69](#) of the Administrative Procedure Act.

History:



VIOLATIONS AND PENALTIES

340A.701 FELONIES.

Subdivision 1.Unlawful acts.

It is a felony:

(1) to manufacture alcoholic beverages in violation of this chapter;

(2) to transport or import alcoholic beverages into the state in violation of this chapter for purposes of resale; or

(3) to sell or give away for beverage purposes poisonous alcohol, methyl alcohol, denatured alcohol, denaturing material, or any other alcoholic substance capable of causing serious physical or mental injuries to a person consuming it; or

(4) for a person other than a licensed retailer of alcoholic beverages, a bottle club permit holder, a municipal liquor store, or an employee or agent of any of these who is acting within the scope of employment, to violate the provisions of section [340A.503, subdivision 2](#), clause (1), by selling, bartering, furnishing, or giving alcoholic beverages to a person under 21 years of age if that person becomes intoxicated and causes or suffers death or great bodily harm as a result of the intoxication.

Subd. 2.Presumptive sentence.

In determining an appropriate disposition for a violation of subdivision 1, clause (4), the court shall presume that a stay of execution with a 90-day period of incarceration as a condition of probation shall be imposed unless the defendant's criminal history score determined according to the Sentencing Guidelines indicates a presumptive executed sentence, in which case the presumptive executed sentence shall be imposed unless the court departs from the Sentencing Guidelines under section [244.10](#). A stay of imposition of sentence may be granted only if accompanied by a statement on the record of the reasons for it.

History:

[1985 c 305 art 9 s 1](#); [1987 c 152 art 1 s 1](#); [1989 c 290 art 7 s 1](#); [1999 c 207 s 1](#)

340A.702 GROSS MISDEMEANORS.

It is a gross misdemeanor:

(1) to sell an alcoholic beverage without a license authorizing the sale;

(2) for a licensee to refuse or neglect to obey a lawful direction or order of the commissioner or the commissioner's agent, withhold information or a document the commissioner calls for examination, obstruct or mislead the commissioner in the execution of the commissioner's duties or swear falsely under oath;

(3) to violate the provisions of sections [340A.301](#) to [340A.312](#);

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(4) to violate the provisions of section [340A.508](#);

(5) for any person, partnership, or corporation to knowingly have or possess direct or indirect interest in more than one off-sale intoxicating liquor license in a municipality in violation of section [340A.412, subdivision 3](#);

(6) to sell or otherwise dispose of intoxicating liquor within 1,000 feet of a state hospital, training school, reformatory, prison, or other institution under the supervision and control, in whole or in part, of the commissioner of human services or the commissioner of corrections;

(7) to violate the provisions of section [340A.502](#);

(8) except as otherwise provided in section [340A.701](#), to violate the provisions of section [340A.503, subdivision 2](#), clause (1) or (3);

(9) to withhold any information, book, paper, or other thing called for by the commissioner for the purpose of an examination;

(10) to obstruct or mislead the commissioner in the execution of the commissioner's duties;

(11) to swear falsely concerning any matter stated under oath; or

(12) to violate the provisions of section [340A.503, subdivision 5](#), after having been convicted previously of violating section [340A.503, subdivision 5](#).

History:

[1985 c 305 art 9 s 2](#); [1Sp1986 c 3 art 1 s 45](#); [1987 c 152 art 1 s 1](#); [1989 c 209 art 2 s 1](#); [1989 c 290 art 7 s 2](#); [2000 c 472 s 4](#)

340A.703 MISDEMEANORS.

Where no other penalty is specified a violation of any provision of this chapter is a misdemeanor. A minimum fine of \$100 must be assessed against a person under the age of 21 years who violates section [340A.503](#).

History:

[1985 c 305 art 9 s 3](#); [1987 c 152 art 1 s 1](#); [1999 c 216 art 3 s 1](#)

340A.7035 CONSUMER IMPORTATION; ILLEGAL ACTS.

A person who enters Minnesota from another state and who imports or possesses alcoholic beverages in excess of the tax-exempt quantities provided for in section [297G.07, subdivision 2](#), paragraphs (a), (b), and (c), is guilty of a misdemeanor. A person who enters Minnesota from a foreign country who imports or possesses alcoholic beverages on which the excise tax imposed by chapter 297G has not been paid, other than the tax-exempt quantities provided for in section [297G.07, subdivision 2](#), paragraphs (a), (b), and (c), is guilty of a misdemeanor. A peace officer, the commissioner of public safety, and employees designated by the commissioner of public safety may seize alcoholic beverages imported or possessed in violation of this section. This section does not apply to the consignments of alcoholic beverages shipped into this state by holders of Minnesota import licenses or Minnesota manufacturers and wholesalers when licensed by the commissioner of public safety or to common carriers with

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licenses to sell alcoholic beverages in more than one state when licensed by the commissioner of public safety to sell alcoholic beverages in this state.

History:

[1995 c 264 art 14 s 17](#); [1997 c 179 art 2 s 6](#)

340A.704 SEARCH WARRANTS.

Search warrants may be issued in connection with violation of this chapter or other laws relating to sale, taxation, transportation, manufacture, or possession of alcoholic beverages in accordance with chapter 626.

History:

[1985 c 305 art 9 s 4](#); [1987 c 152 art 1 s 1](#)

340A.705 PRIMA FACIE EVIDENCE.

The finding of an unauthorized still is prima facie evidence of possession for the purpose of unlawful manufacture of alcoholic beverages.

History:

[1985 c 305 art 9 s 5](#); [1987 c 152 art 1 s 1](#)

340A.706 ALCOHOL WITHOUT LIQUID DEVICES PROHIBITED.

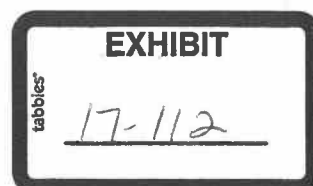
Subdivision 1. Definition.

For purposes of this section, an "alcohol without liquid device" is a device, machine, apparatus, or appliance that mixes an alcoholic beverage with pure or diluted oxygen to produce an alcohol vapor that may be inhaled by an individual. An "alcohol without liquid device" does not include an inhaler, nebulizer, atomizer, or other device that is designed and intended specifically for medical purposes to dispense prescribed or over-the-counter medications.

Subd. 2. Prohibition.

Except as provided in subdivision 3, it is unlawful for any person or business establishment to possess, purchase, sell, offer to sell, or use an alcohol without liquid device.

Subd. 3. Research exemption.



This section does not apply to a hospital that operates primarily for the purpose of conducting scientific research, a state institution conducting bona fide research, a private college or university conducting bona fide research, or a pharmaceutical company or biotechnology company conducting bona fide research.

Subd. 4. Penalty.

Except as provided in subdivision 3, it is unlawful for any person or business establishment to utilize a nebulizer, inhaler, or atomizer or other device as described in subdivision 1, for the purposes of inhaling alcoholic beverages.

History:

2006 c 210 s 14; 2006 c 260 art 1 s 4

CHARITABLE AUCTION

340A.707 AUCTION OR RAFFLE FOR CHARITABLE PURPOSES.

Notwithstanding sections 340A.401, 340A.414, and 340A.505, a nonprofit organization conducting a silent auction, raffle, or other fund-raising event may conduct live, on premises auctions or raffles of wine, beer, or intoxicating liquors, provided that funds from the auction or raffle are dedicated to the charitable purposes of the nonprofit organization, such auctions or raffles are limited to not more than six occasions per year, and the alcohol may only be auctioned or raffled to persons who demonstrate that they are 21 years of age or older and do not show signs of obvious intoxication. Nothing in this section authorizes on-premises consumption of alcohol.

History:

2007 c 89 s 8

CIVIL LIABILITY

340A.801 CIVIL ACTIONS.

Subdivision 1. Right of action.

A spouse, child, parent, guardian, employer, or other person injured in person, property, or means of support, or who incurs other pecuniary loss by an intoxicated person or by the intoxication of another person, has a right of action in the person's own name for all damages sustained against a person who caused the intoxication of that person by illegally selling alcoholic beverages. All damages recovered by a minor under this section must be paid either to the minor or to the minor's parent, guardian, or next friend as the court directs.

Subd. 2. Actions.



All suits for damages under this section must be by civil action in a court of this state having jurisdiction.

Subd. 3. Comparative negligence.

Actions under this section are governed by section [604.01](#).

Subd. 3a. Defense.

The defense described in section [340A.503, subdivision 6](#), applies to actions under this section.

Subd. 4. Subrogation claims denied.

There shall be no recovery by any insurance company against any liquor vendor under subrogation clauses of the uninsured, underinsured, collision, or other first party coverages of a motor vehicle insurance policy as a result of payments made by the company to persons who have claims that arise in whole or part under this section. The provisions of section [65B.53, subdivision 3](#), do not apply to actions under this section.

Subd. 5.

[Repealed, [1987 c 152 art 2 s 5](#)]

Subd. 6. Common law claims.

Nothing in this chapter precludes common law tort claims against any person 21 years old or older who knowingly provides or furnishes alcoholic beverages to a person under the age of 21 years.

History:

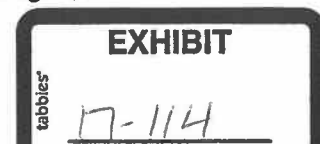
[1985 c 305 art 10 s 1](#); [1985 c 309 s 12](#); [1Sp1985 c 16 art 2 s 3 subd 1](#); [1987 c 152 art 1 s 1](#); [art 2 s 3](#); [1989 c 301 s 15](#); [1990 c 555 s 10](#)

340A.802 NOTICE OF INJURY; DISCOVERY BEFORE ACTIONS.

Subdivision 1. Notice of injury.

A person who claims damages and a person or insurer who claims contribution or indemnity from a licensed retailer of alcoholic beverages or municipal liquor store for or because of an injury within the scope of section [340A.801](#) must give a written notice to the licensee or municipality stating:

- (1) the time and date when and person to whom the alcoholic beverages were sold or bartered;
- (2) the name and address of the person or persons who were injured or whose property was damaged; and



(3) the approximate time and date, and the place where the injury to person or property occurred.

A licensee or municipality who claims contribution or indemnification from another licensee or municipality must give a written notice to the other licensee or municipality in the form and manner specified in this section.

An error or omission in the notice does not void the notice's effect if the notice is otherwise valid unless the error or omission is of a substantially material nature.

Subd. 2.Limitations; content.

In the case of a claim for damages, the notice must be served by the claimant's attorney within 240 days of the date of entering an attorney-client relationship with the person in regard to the claim. In the case of claims for contribution or indemnity, the notice must be served within 120 days after the injury occurs or within 60 days after receiving written notice of a claim for contribution or indemnity, whichever is applicable. No action for damage or for contribution or indemnity may be maintained unless the notice has been given. If requested to do so, a municipality or licensee receiving a notice shall promptly furnish claimant's attorney the names and addresses of other municipalities or licensees who sold or bartered liquor to the person identified in the notice, if known. Actual notice of sufficient facts reasonably to put the licensee or governing body of the municipality on notice of a possible claim complies with the notice requirement.

No action may be maintained under section [340A.801](#) unless commenced within two years after the injury.

Subd. 3.Bad faith notice.

A claimant who in bad faith gives notice to a licensee who did not sell or barter liquor to the alleged intoxicated person is subject to liability for actual damages, which shall include the reasonable out-of-pocket attorney fees incurred by the licensee in the defense of the bad faith notice.

History:

[1985 c 305 art 10 s 2](#); [1985 c 309 s 13](#); [1Sp1985 c 16 art 2 s 3 subd 1](#); [1Sp1986 c 3 art 1 s 44](#); [1987 c 152 art 1 s 1](#); [1993 c 347 s 22](#)

SOCIAL HOST LIABILITY

340A.90 CIVIL ACTION; INTOXICATION OF PERSON UNDER AGE 21.

Subdivision 1.Right of action.

(a) A spouse, child, parent, guardian, employer, or other person injured in person, property, or means of support, or who incurs other pecuniary loss, by an intoxicated person under 21 years of age or by the intoxication of another person under 21 years of age, has for all damages sustained a right of action in the person's own name against a person who is 21 years or older who:



(1) had control over the premises and, being in a reasonable position to prevent the consumption of alcoholic beverages by that person, knowingly or recklessly permitted that consumption and the consumption caused the intoxication of that person; or

(2) sold, bartered, furnished or gave to, or purchased for a person under the age of 21 years alcoholic beverages that caused the intoxication of that person.

This paragraph does not apply to sales licensed under this chapter.

(b) All damages recovered by a minor under this section must be paid either to the minor or to the minor's parent, guardian, or next friend as the court directs.

(c) An intoxicated person under the age of 21 years who caused the injury has no right of action under this section.

Subd. 2. Subrogation claims denied.

There shall be no recovery by any insurance company for any subrogation claim pursuant to any subrogation clause of the uninsured, underinsured, collision, or other first-party coverages of a motor vehicle insurance policy as a result of payments made by the company to persons who have claims that arise in whole or in part under this section.

Subd. 3.

[Expired]

History:

2000 c 423 s 1

MISCELLANEOUS PROVISIONS

340A.901 CITATION.

This chapter may be cited as the "Liquor Act."

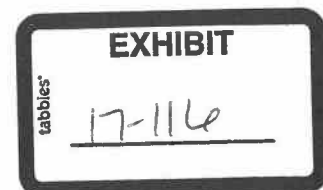
History:

1985 c 305 art 11 s 1; 1987 c 152 art 1 s 1

340A.902 DRUNKENNESS NOT A CRIME.

No person may be charged with or convicted of the offense of drunkenness or public drunkenness. Nothing herein prevents the prosecution and conviction of an intoxicated person for offenses other than drunkenness or public drunkenness nor does this section relieve a person from civil liability for an injury to persons or property caused by the person while intoxicated.

History:



[1985 c 305 art 11 s 2](#); [1987 c 152 art 1 s 1](#)

340A.903 [Repealed, [1993 c 350 s 27](#)]

340A.904 SEIZED LIQUOR.

Subdivision 1. Disposal alternatives.

Contingent on the final determination of any action pending in a court, the commissioner shall dispose of alcoholic beverages, material, apparatus, or vehicle seized by inspectors or employees of the department by:

- (1) delivering alcoholic beverages to the Bureau of Criminal Apprehension or State Patrol for use in chemical testing programs;
- (2) delivering on written requests of the commissioner of administration any material, apparatus, or vehicle for use by a state department;
- (3) selling intoxicating liquor to licensed retailers within the state;
- (4) selling any material, apparatus, or vehicle;
- (5) destroying alcoholic beverages or contraband articles that have no lawful use; or
- (6) donation to a charity registered under section [309.52](#).

Subd. 2. Sale procedure.

A sale of intoxicating liquor, materials, apparatus, or vehicles may be made only with the written approval of the commissioner of administration and after notice of the sale is published in one issue of a legal newspaper published in St. Paul. Sealed bids must be publicly opened in the office of the commissioner of public safety on a date stated in the notice, which may not be less than 15 days or more than 30 days after its publication. The net proceeds from the sale of alcoholic beverages or articles must, after the deduction of the expense of seizure or sale, be deposited by the commissioner of public safety with the commissioner of management and budget and credited to the general fund.

Subd. 3. Tax exemption.

Sales of alcoholic beverages made by the commissioner are exempt from the state excise tax if stamps evidencing the payment of the excise tax have not been placed thereon prior to the seizure if before resale proper excise stamps are attached to all containers.

History:

[1985 c 305 art 11 s 4](#); [1987 c 152 art 1 s 1](#); [1993 c 350 s 14](#); [2003 c 112 art 2 s 50](#); [2009 c 101 art 2 s 109](#)

340A.905 NOTICE OF VIOLATION.

When any municipal liquor store or licensed dealer in alcoholic beverages or agent or employee thereof is convicted of a violation of any provision of this chapter or any law or ordinance regulating the sale of alcoholic beverages or



any violation of law or ordinance in the operation of the licensed premises, the court administrator shall, within ten days after the conviction, mail a written notice of the conviction to the clerk of the municipality or county auditor of the county having jurisdiction to issue alcoholic beverage licenses for the premises. A copy of the notice must be mailed to the commissioner of public safety.

History:

[1985 c 305 art 11 s 5](#); [1Sp1986 c 3 art 1 s 82](#); [1987 c 152 art 1 s 1](#)

340A.906 NONAPPLICABILITY.

This chapter does not apply to:

- (1) medicines intended for therapeutic purposes and not intended as a beverage;
- (2) industrial alcohol designed for mechanical, chemical, scientific, pharmaceutical, or industrial purposes; or
- (3) nonpotable compounds or preparations containing alcohol.

History:

[1985 c 305 art 11 s 6](#); [1987 c 152 art 1 s 1](#)

340A.907 INSPECTION.

The commissioner of public safety or any duly authorized employee may, at all reasonable hours, enter in and upon the premises of any licensee or permit holder under this chapter to inspect the premises and examine the books, papers, and records of a manufacturer, wholesaler, importer, or retailer for the purpose of determining whether the provisions of this chapter are being complied with. If the commissioner or any duly authorized employee is denied free access or is hindered or interfered with in making an inspection or examination, the licensee or permit holder is subject to revocation pursuant to section [340A.304](#) in the case of a wholesaler, manufacturer, or importer, and section [340A.415](#) in the case of a retailer. For a holder of a temporary license under section [340A.403, subdivision 2](#), or [340A.404, subdivision 10](#), the commissioner's authority under this section extends for two years beyond the expiration of the temporary license or the permit.

History:

[1987 c 310 s 13](#); [1994 c 611 s 28](#)

340A.908 LIQUEUR-FILLED CANDY.

Liqueur-filled candy may only be sold in an exclusive liquor store.

History:

[1990 c 554 s 16](#)

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340A.909 SALE OF MINNESOTA BEER AT PUBLIC FACILITIES.

Subdivision 1. Minnesota-produced beer; required availability.

At any permanent or temporary building or structure owned or operated by the state, a political subdivision, or an instrumentality thereof, where beer is sold for on-premise consumption, the entity owning or operating the building or structure must insure that a Minnesota-produced beer is available for purchase at each station where beer is sold. This section applies to all such permanent or temporary buildings or structures without regard to whether sales of beer are made by the owning or operating government entity or employees thereof or by a person holding a lease or concession contract with the government entity.

Subd. 2. Exceptions.

This section does not apply to:

- (1) municipal liquor stores; or
- (2) persons holding an event on property owned by a government entity where (a) the event is conducted under a temporary permit from that government entity, and (b) alcoholic beverages are provided to persons attending the event, at no cost to those persons.

History:

1990 c 554 s 17

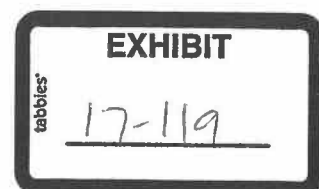
340A.910 SEVERABILITY.

In the event that a court of competent jurisdiction holds that any section of this chapter is unconstitutional or otherwise invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable.

History:

2005 c 25 s 4

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License Requirements and Application Forms

City of Saint Paul

Pre-licensing checklist for On Sale Intoxicating Liquor

Pre-licensing checklist for On Sale Wine

On Sale Intoxicating Liquor License application requirements

Pre-licensing checklist for Off Sale Intoxicating Liquor

Off Sale Intoxicating Liquor License application requirements

Extended Service Hours application and requirements

Liquor - Outdoor Service Area (Patio) application requirements

Liquor - Outdoor Service Area (Sidewalk) application requirements

City of Saint Paul On Sale / Off Sale License application forms

2:00 AM Closing Letter

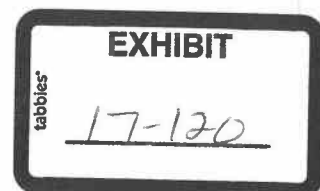
Temporary / Liquor Extension of Service Area

Temporary / Liquor license application requirements

Temporary / Liquor license application forms

Special Event Food Review and License application form

Liquor Catering application requirements





ON-SALE INTOXICATING LIQUOR
PRE-LICENSING CHECKLIST

CITY OF SAINT PAUL
Department of Safety
and Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
(651) 266-9090 fax (651) 266-9124

LICENSES ARE NOT TRANSFERABLE
PAYMENT MUST BE RECEIVED WITH EACH APPLICATION

_____ Will this application be for a new on-sale intoxicating liquor license or change in ownership with an existing on-sale intoxicating liquor establishment

_____ If **new**, is there an on-sale intoxicating liquor license available in the ward

_____ If **new**, is the business located in any *Development District*

Downtown business district	249 7 th Street West
University / Dale	2431 7 th Street West
Selby	2728 Gannon Road
Midway / I-94	2082 Ford Parkway
Amtrak Station	1003 Arcade Street
Energy Park	

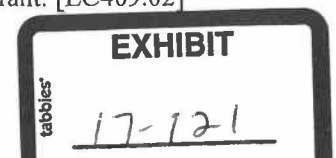
Note: In the downtown business district, and in all commercial development districts, on-sale intoxicating liquor licenses shall be issued only to hotels, clubs, restaurants and establishments for the sale of on-sale liquors exclusively. [LC409.03(a)]

_____ If **new**, in *all other areas of the city*, on-sale intoxicating liquor licenses shall be issued only to hotels and restaurants, provided however, that establishments holding licenses on the effective date of this section [C.F. No. 95-28] shall not be affected by this limitation, but shall be entitled to have such licenses renewed so long as they are in compliance with all other requirements of law and there exist no grounds for adverse actions against such licenses. [LC409.03(a)]

_____ If **new**, does the business meet the definition of

Restaurant shall mean an establishment other than a hotel, whose food and liquor services are under the control of a single proprietor or manager, having appropriate facilities for the serving of meals for no fewer than fifty (50) guests at one (1) time, having a full service kitchen and a menu, offering meals and full menu service on a daily basis to at least 11:00 p.m. or to the closing time of the entire establishment, and whose gross receipts are at least sixty (60) percent attributable to the sale of food during each and every calendar month. A full service kitchen for the purpose of this chapter shall include at the least a cooking line with mechanical ventilation, having two (2) or more ovens and ranges; food preparation areas having sinks, cutting boards, and facilities and equipment for the preparation, holding at safe temperatures, and processing of food on site; refrigerators and/or coolers for the safe storage of food; and mechanical dishwashing facilities and equipment; all of the foregoing meeting the requirements of Chapter 331 of the Legislative Code and NSF International standards. [LC409.02]

Or *Hotel* shall mean an establishment with resident proprietor or manager, where, for payment, food and lodging are regularly furnished to transients, and which maintains, for use of its guests, no fewer than fifty (50) guest rooms with bedding and other suitable and necessary furnishings in each room, and which has a main entrance with suitable lobby, desk and office for the registration of guests on the ground floor and which employs an adequate staff to provide suitable and usual service, and which maintains, under the same management and control as the rest of the establishment and as an integral part thereof, a dining room with appropriate facilities for seating not less than thirty (30) guests at one (1) time, where the general public is, in consideration of payment, served with meals at tables, whose gross receipts from the sales of food and liquor are at least sixty (60) percent attributable to the sale of food during each and every calendar month, and having a full service kitchen and a menu, offering meals and full menu service on a daily basis to at least 11:00 p.m. or to the closing time of the entire establishment. A full-service kitchen shall meet the definition of full service kitchen under the definition of restaurant. [LC409.02]



On Sale Intoxicating Liquor Pre-licensing checklist

- _____ A **new** on-sale intoxicating liquor license may be issued for a location in such other areas of the city if there had previously been an on-sale intoxicating liquor license issued for that location, unless the previous license (1) had been revoked by the council or (2) had terminated or expired more than two (2) years before the new license had been first applied for. [LC409.03(a)]

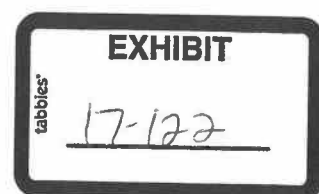
- _____ **New** on-sale intoxicating liquor license near church or school [LC409.06(n)]
No on-sale intoxicating liquor license shall be issued for any premises located within three hundred (300) feet from any public or parochial school, church or synagogue, said three hundred (300) feet being calculated and computed as the distance measured from the property line of the premises or building proposed as the location for the liquor license to the property line of any school, church or synagogue in the area for which the license is sought.
_____ Waiver: Upon written petition signed on behalf of the school, church or synagogue 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 church, school or synagogue of a proposed license is concerned.

- _____ Prepare a business plan
The business plan should include information such as hours of operation, food menu/inventory, equipment specifications, wall/floor/ceiling final finishes, work experience, plans of operation, entertainment (karaoke, live bands, DJ, dancing, etc.), pool tables, video games, pulltabs, retail sales, cigarette/tobacco sales, outdoor service areas (patio/sidewalk), etc.

- _____ Prepare a proposed site plan
The site plan should include lot dimensions, off-street parking, landscaping, streets/alleys/driveways, outdoor seating area, etc. It must be drawn to scale, and showing all dimensions.

- _____ Prepare a proposed floor plan
The floor plan should include information such as floor/room dimensions, dining areas, bars, kitchens/food preparation areas, walk-in coolers, shelving, storage areas, entertainment (dance floor and/or stage), basements and upper levels, staircases/elevators, entrance and exits, office/employee space, handicap accessible restrooms, etc. It must be drawn to scale and showing all dimensions.

- _____ Make an appointment for a Project Review with a DSI Project Facilitator (651-266-9103). Issues/requirements that will be addressed: life/safety, ventilation, sanitation, license, zoning / parking / building uses / site plan, environmental health (kitchen/food prep/storage areas), change of occupancy requires architectural plans and code analysis, Service Availability Charge, signage,





ON-SALE WINE
PRE-LICENSING CHECKLIST

CITY OF SAINT PAUL
Department of Safety
and Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
(651) 266-9090 fax (651) 266-9124

LICENSES ARE NOT TRANSFERABLE
PAYMENT MUST BE RECEIVED WITH EACH APPLICATION

_____ 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.** [LC409.15(a)(2)]

_____ The sale of Wine On Sale and Malt On Sale (Strong) will take place only in conjunction with the sale and service of food (Menu item only). Copies of gross / revenue receipts from the sales of food, wine and beer, showing at least sixty (60) percent attributable to the sale of food, shall be made available for review upon request of the director of the Department of Safety and Inspections or his/her designated representative. [LC409.15]

_____ Will this application be for a new on-sale wine license or change in ownership with an existing on-sale wine establishment

_____ If **new**, in *all areas of the city*, on-sale wine licenses shall be issued only to hotels and restaurants [LC409.15(b)]

_____ If **new**, does the business meet the definition of *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 therefore, 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. [LC409.15(a)(1)]

Or *Hotel* shall mean an establishment with resident proprietor or manager, where, for payment, food and lodging are regularly furnished to transients, and which maintains, for use of its guests, no fewer than fifty (50) guest rooms with bedding and other suitable and necessary furnishings in each room, and which has a main entrance with suitable lobby, desk and office for the registration of guests on the ground floor and which employs an adequate staff to provide suitable and usual service, and which maintains, under the same management and control as the rest of the establishment and as an integral part thereof, a dining room with appropriate facilities for seating not less than thirty (30) guests at one (1) time, where the general public is, in consideration of payment, served with meals at tables, whose gross receipts from the sales of food and liquor are at least sixty (60) percent attributable to the sale of food during each and every calendar month, and having a full service kitchen and a menu, offering meals and full menu service on a daily basis to at least 11:00 p.m. or to the closing time of the entire establishment. A full-service kitchen shall meet the definition of full service kitchen under the definition of restaurant. [LC409.02]

_____ A Malt On Sale (Strong) license may only be issued in conjunction with an On-sale Wine license.
On-sale wine and intoxicating malt liquor (i.e., Malt On Sale (Strong)) license must be issued to a restaurant.

On Sale Wine Pre-licensing checklist

_____ Prepare a business plan

The business plan should include information such as hours of operation, food menu/inventory, equipment specifications, wall/floor/ceiling final finishes, work experience, plans of operation, entertainment, pool tables, video games, pulltabs, retail sales, etc.

_____ Prepare a proposed site plan

The site plan should include lot dimensions, off-street parking, landscaping, streets/alleys/driveways, etc.

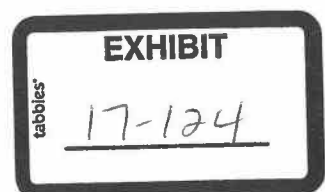
_____ Prepare a proposed floor plan

The floor plan should include information such as floor/room dimensions, dining areas, bars, kitchens/food preparation areas, walk-in coolers, shelving, storage areas, entertainment (dance floor and/or stage), basements and upper levels, staircases/elevators, entrance and exits, office/employee space, handicap accessible restrooms, etc.

_____ Make an appointment for a Project Review with a DSI Project Facilitator (651-266-9103)

Issues/requirements that will be addressed: live/safety, ventilation, sanitation, license, zoning / parking / building uses / site plan, environmental health (kitchen/food prep/storage areas), change of occupancy requires architectural plans and code analysis, Service Availability Charge, signage, etc.

_____ Entertainment: A separate entertainment license is required to provide entertainment. Per Legislative Code 411.04(f), only establishments holding on sale intoxicating liquor licenses are eligible for a Class B Entertainment license. A holder of a wine and/or intoxicating malt liquor license may only obtain a Class A Entertainment license. An Entertainment A License would permit amplified or non-amplified music and/or singing by performers without limitation as to number, and group singing participated in by patrons of the establishment (includes karaoke) only.





LICENSE APPLICATION REQUIREMENTS
THIS APPLICATION IS SUBJECT TO REVIEW BY THE PUBLIC

CITY OF SAINT PAUL
Department of Safety
and Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
(651) 266-9090 fax (651) 266-9124

LICENSES ARE NOT TRANSFERABLE
PAYMENT MUST BE RECEIVED WITH EACH APPLICATION

THIS LIST REFLECTS 2009 LICENSE FEES AND REQUIREMENTS

APPLICATION REQUIREMENTS for Liquor On Sale – 291 or more seats	\$5,767.00
Liquor On Sale – 181-290 seats	\$5,688.00
Liquor On Sale – 101-180 seats	\$5,310.00
Liquor On Sale – 100 seats or less	\$4,795.00
Wine On Sale	\$1,976.00
Malt On Sale (Strong)	\$635.00
Malt On Sale (3.2)	\$636.00
Liquor On Sale Sunday	\$200.00
Liquor On Sale 2 am closing	\$53.00 (state fee varies)
Entertainment A	\$248.00
Entertainment B	\$601.00
Entertainment C	\$2854.00
Catering Add On	\$250.00
Gambling Location	\$75.00
Cigarette/Tobacco	\$478.00
Alarm Permit	\$38.00

Note: Additional licenses and / or permits (not listed) may be required depending on your proposed business plan and location. Your license application can comprise of any variation of license types.

1. The Class N License Application must be completed by the sole owner, by each partner, and/or by each person who has interest in excess of 5% in the corporation and/or association in which the name of the license will be issued. When completing your application, please use each person(s) full name (no initials).

Per Legislative Code 409.06(a)(11)d. Licensing requirements.

The application shall contain a list of all persons who, singly or together with any other person, own or control an interest in said corporation or association in excess of five (5) percent or who are officers of said corporation or association, together with their addresses and all information as is required of a single applicant.

2. Complete the enclosed State of Minnesota Liquor application form. Upon completion, this form must be submitted with your completed City of Saint Paul liquor application.



License application requirements

3. If you plan on providing entertainment:

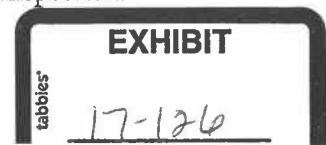
Entertainment (A) - Definition: Amplified or non-amplified music and/or singing by performers without limitation as to number, and group singing participated in by patrons of the establishment. (Includes karaoke)

Entertainment (B) - Definition: All activities allowed in Class A, plus dancing by patrons to live, taped or electronically produced music, and which may also permit volleyball and broomball participated in by patrons or guests of the licensed establishment plus stage shows, theater, and contests. In all of the activities in Classes A and B, all of the participants, including patrons, shall be fully clothed at all times.

Entertainment (B) - Required supporting documentation: Petition of 60%-90% of private residences, dwellings and apartment houses within 350 feet

Note: When adding entertainment to your license application request, off-street parking requirements are recalculated/assessed, and will increase parking requirements. Please contact Zoning at 651-266-9008 for more information. Additionally, Per Legislative Code 411.04(f), only establishments holding on sale intoxicating liquor licenses are eligible for a Class B Entertainment license. A holder of a wine and/or intoxicating malt liquor license may only obtain a Class A Entertainment license.

4. Provide a cover letter / business plan explaining your desire and intent for obtaining / operating the proposed business.
5. Provide a copy of your executed (signed) rental lease and/or assignment, as well as a letter of permission from the landlord, to allow this type of business operation on the premises unless specified in the lease. Or, provide a copy of your Purchase Agreement and/or Bill of Sale of the property.
6. Provide a copy of your executed (signed) business purchase agreement.
7. If incorporated or partnership, provide a copy of your company's Articles of Incorporation, as well as minutes of the first corporate meeting, elections of officers, and desire of corporation to enter into business involving the sale and service of liquor. The first corporate meeting minutes should include the distribution / allocation of corporate shares.
8. Submit a copy of Individual - Federal and State Income Tax Returns for the past (3) years - 2001, 2002, 2003. The sole owner, each partner / officer / shareholder, and/or each person who has interest in excess of 5% in the corporation and/or association is required to submit individual Federal and State Income Tax Returns for the past (3) years.
9. Provide the following required information per Legislative Code 409.06(a)(14) Licensing requirements. The amount of the investment that the applicant has in the business, building, premises, fixtures, furniture, stock-in-trade, and any other asset, and proof of the source of such money.
10. Provide the following required information per Legislative Code 409.06(a)(15) Licensing requirements. The names and addresses of all persons, other than the applicant, who have any financial interest in the business, buildings, premises, fixtures, furniture and stock-in-trade; the nature of such interest, amount thereof, terms for payment or other reimbursement. This shall include, but not be limited to, any lessees, mortgagees, mortgagors, lenders, lien holders, trustees, trustors and persons who have cosigned notes or otherwise loaned, pledged or extended security for any indebtedness of the applicant.
11. Complete a Zoning Summary/Review form. Supporting documents such as the floor plan and site plan are required (include detailed dimensions / square footage). A change in ownership or existing location does not exempt you from this requirement. Please contact Zoning at 651-266-9008 to schedule an appointment for inspection.



License application requirements

12. Provide a copy of proof of Liquor Liability (Dram Shop) Insurance. Requirements: According to Minnesota Statutes 340.409, an applicant must provide the City of Saint Paul with a certificate of insurance with liability limits of at least:

- \$50,000 of coverage because of bodily injury to any one person in any one occurrence
- \$100,000 of coverage because of bodily injury to two or more persons in any one occurrence
- \$10,000 of coverage because of injury to or destruction of property of others in any one occurrence
- \$50,000 of coverage for loss of means of support of any one person in any one occurrence
- \$100,000 of coverage for loss of means of support of two or more persons in any one occurrence

A liability insurance policy must provide that it may not be canceled for any cause, except for non-payment 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.

* Insurance certificates must have the licensed Corporation Name and DBA (Doing Business As), and the licensed business address listed on the certificate. The insurance expiration date must run concurrent with the license. Copies transmitted by fax machine are acceptable. Our fax number is (651) 266-9124.

Note: Insurance is not required for applicants who by affidavit establishes that:

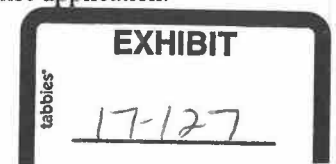
1. They are on-sale 3.2 percent malt liquor licensees with sales of less than \$25,000 of 3.2 percent malt liquor for the preceding year,
2. They are holders of on-sale wine licenses with sales of less than \$25,000 for wine for the preceding year.

13. Obtain inspection approval from the DSI Environmental Health Specialist, Brian Krawiecki. If you have not received an approval from Brian, please contact him at 651-266-9134 to schedule an appointment for inspection. Note: It is very important that you obtain an inspection approval prior to operating your business. All new license applications require an opening inspection approval. A change in ownership of an existing location does not exempt you from this requirement. Also note, you will be invoiced to pay for an Environmental Health Plan Review/Inspection fee.

14. Complete the DSI in-house review of the Manual for The City of Saint Paul Liquor License Holders. You may contact Kris Schweinler, DSI Senior License Inspector, at 651-266-9110 to schedule an appointment for this review.

15. Please contact your district council or community organization explaining your business proposal and to gain their support of your business proposal.

16. Upon receiving and processing the complete license application (approximately 1-2 weeks processing time), DSI will send out notification letters to your neighbors (within 350 feet), concerned constituents, block club / district councils, and city council, informing them of your application request and giving them 45 days to respond to your application. If no objections are received, your license will be approved administratively and then issued (pending any other requirements not completely met) approximately one week past the date given in the notification letter. If objections are received, a hearing will be scheduled before a legislative hearing officer. All interested persons will receive notice of the time, place and date of the scheduled hearing from Marcia Moermond, the Legislative Hearing Officer. At that hearing, the hearing officer will take testimony from all interested persons and will make a recommendation to the City Council as to whether the license(s) should be approved, approved with conditions or be referred to an administrative law judge for further review. The City Council will have the final authority to grant or deny the license application.



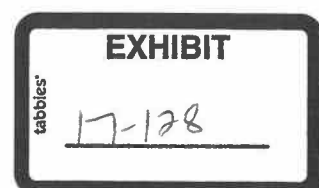
License application requirements

17. Upon City of Saint Paul approval, you will be required to obtain a State Buyers Card (\$20.00) through the State of Minnesota, Liquor Control Division at 444 Cedar Street, Suite 100L, Saint Paul.

You have the option of going to the State Office to file your Buyers Card. We recommend that you (make an appointment) stop at the DSI office to pick up the original DSI signed State application with a copy of proof of liquor liability insurance to complete the State requirements.

Or, you may contact the MN Liquor Control Division at 651-296-6430 or via website at <http://www.dps.state.mn.us/alcgamb/alcgamb.html> to obtain an application for a Buyers Card. Your State Liquor Application and a copy of your liquor liability insurance will be mailed to the State. DSI will also fax the State informing them of the City approval.

18. Upon City of Saint Paul approval, you will also be required to contact the Department of The Treasury, Bureau of Alcohol, Tobacco and Firearms at (651) 290-3905 - ATF Tax Processing Center (TI), PO Box 145433, Cincinnati OH 45203, or http://www.ttb.gov/taxes_and_permits/index.htm for forms and information regarding Federal liquor laws / regulations and the yearly federal tax.





OFF SALE INTOXICATING LIQUOR
PRE-LICENSING CHECKLIST

CITY OF SAINT PAUL
Department of Safety
and Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
(651) 266-9090 fax (651) 266-9124

LICENSES ARE NOT TRANSFERABLE
PAYMENT MUST BE RECEIVED WITH EACH APPLICATION

_____ Does applicant currently hold on-sale non-intoxicating malt liquor [LC409.06(b)]
If so, on-sale non-intoxicating malt liquor license must be withdrawn

_____ Location Restrictions – Zoning [ZC66.321-66.521]
Zoning Code permitted districts: TN2 – I2. Depending on the specific Zoning District, Conditional Use Permits, Variances and Development Standards and Conditions must be met.

Location Restrictions [LC409.06(i)(1-3)]

_____ No off-sale license shall be issued for any place where non-intoxicating malt beverages shall be sold for consumption on the premises.

_____ No off-sale license shall be issued to any location within a half-mile radius of any existing off-sale establishment, except in the downtown business district, where the distance requirement shall be a radius of three hundred (300) feet. Notwithstanding the foregoing, no off-sale liquor establishment (except for an off-sale wine only establishment) shall be located within a quarter-mile radius of the Xcel Energy Center.

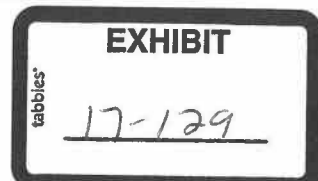
_____ No license shall be issued for an off-sale location which is within three hundred (300) feet of
_____ residentially zoned property,
_____ a park or
_____ a licensed child-care center,
said three hundred (300) feet being calculated and computed as the distance measured from the property line of the premises or building proposed as the location for the off-sale liquor license to the property line of any residentially zoned property, park or child care center in the area for which the license is sought.

_____ Waiver:

_____ (1) The council may waive the restrictions 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) In order to waive the restrictions relating to distance the council must first receive a petition from seventy-five (75) percent of the owners and tenants of all private residences, dwellings and apartment houses located within three hundred (300) feet of the proposed off-sale location stating that they have no objection if the waiver relates to residentially zoned property or a written statement consenting to the waiver by the director and/or owner of the child care center if the waiver relates to a licensed child care center.

_____ (3) An establishment holding a valid license on the effective date of this amendment shall not 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.



Off Sale Intoxicating Liquor Pre-licensing checklist

_____ New license near church or school [LC409.06(n)]

No license shall be issued for any premises located within three hundred (300) feet from any public or parochial school, church or synagogue, 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 liquor license to the property line of any school, church or synagogue in the area for which the license is sought.

_____ Waiver: Upon written petition signed on behalf of the school, church or synagogue 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 church, school or synagogue of a proposed license is concerned.

_____ Prepare a business plan

The business plan should include information such as hours of operation, food/inventory list, equipment specifications, wall/floor/ceiling final finishes, work experience, plans of operation, entertainment, pool tables, video games, pulltabs, retail sales, etc.

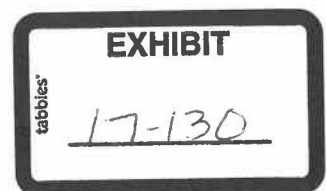
_____ Prepare a proposed site plan

The site plan should include lot dimensions, off-street parking, landscaping, streets/alleys/driveways, etc.

_____ Prepare a proposed floor plan

The floor plan should include information such as floor/room dimensions, dining areas, bars, kitchens/food preparation areas, walk-in coolers, shelving, storage areas, entertainment (dance floor and/or stage), basements and upper levels, staircases/elevators, entrance and exits, office/employee space, handicap accessible restrooms, etc.

_____ Make an appointment for a Project Review with a DSI Project Facilitator





LICENSE APPLICATION REQUIREMENTS
THIS APPLICATION IS SUBJECT TO REVIEW BY THE PUBLIC

CITY OF SAINT PAUL
Department of Safety
and Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
(651) 266-9090 fax (651) 266-9124

LICENSES ARE NOT TRANSFERABLE
PAYMENT MUST BE RECEIVED WITH EACH APPLICATION

APPLICATION REQUIREMENTS for	Liquor Off Sale	\$1,420.00
	Malt Off Sale	\$201.00
	Cigarette/Tobacco	\$478.00
	Alarm Permit	\$38.00

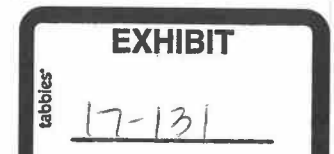
Note: Additional licenses and / or permits (not listed) may be required depending on your proposed business plan and location. Your license application can comprise of any variation of license types.

1. Class N License Application must be completed by the sole owner, by each partner, and/or by each person who has interest in excess of 5% in the corporation and/or association in which the name of the license will be issued. When completing your application, please use each person(s) full name (no initials).

Per Legislative Code 409.06(a)(11)d. Licensing requirements.

The application shall contain a list of all persons who, singly or together with any other person, own or control an interest in said corporation or association in excess of five (5) percent or who are officers of said corporation or association, together with their addresses and all information as is required of a single applicant.

2. Complete the State of Minnesota Liquor application form. Upon completion, this form must be submitted to the DSI with your completed City of Saint Paul liquor application.
3. Provide a cover letter / business plan explaining your desire and intent for obtaining / operating the proposed business.
4. Provide a copy of the executed (signed) rental lease and/or assignment, as well as a letter of permission from the landlord, to allow this type of business operation on the premises unless specified in the lease. Or, provide proof of property ownership, and/or a copy of the Purchase Agreement and/or Bill of Sale of the property.
5. Provide a copy of the executed (signed) business purchase agreement.
6. If incorporated or partnership, provide a copy of your company's Articles of Incorporation, as well as minutes of the first corporate meeting, elections of officers, and desire of corporation to enter into business involving the sale and service of liquor. The first corporate meeting minutes should include the distribution / allocation of corporate shares.
7. *(Required from Liquor Off Sale License applicants only)* Provide a copy of Individual - Federal and State Income Tax Returns for the past (3) years. The sole owner, each partner / officer / shareholder, and/or each person who has interest in excess of 5% in the corporation and/or association is required to submit individual Federal and State Income Tax Returns for the past (3) years.
8. Provide the following required information per Legislative Code 409.06(a)(14) Licensing requirements. The amount of the investment that the applicant has in the business, building, premises, fixtures, furniture, stock-in-trade, and any other asset, and proof of the source of such money



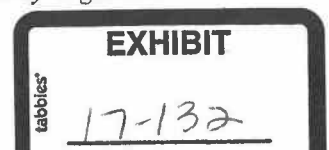
Liquor Off Sale License application requirements

9. Provide the following required information per Legislative Code 409.06(a)(15) Licensing requirements. The names and addresses of all persons, other than the applicant, who have any financial interest in the business, buildings, premises, fixtures, furniture and stock-in-trade; the nature of such interest, amount thereof, terms for payment or other reimbursement. This shall include, but not be limited to, any lessees, mortgagees, mortgagors, lenders, lien holders, trustees, trustors and persons who have cosigned notes or otherwise loaned, pledged or extended security for any indebtedness of the applicant.
10. Complete a Zoning Summary/Review Form. Supporting documents such as the floor plan and site plan are required (include detailed dimensions / square footage). A change in ownership or existing location does not exempt you from this requirement. Please contact Zoning at 651-266-9008 to schedule an appointment for inspection.
11. Provide a copy of proof of Liquor Liability (Dram Shop) Insurance. Requirements: According to Minnesota Statutes 340.409, an applicant must provide the City of Saint Paul with a certificate of insurance with liability limits of at least:
 - \$50,000 of coverage because of bodily injury to any one person in any one occurrence
 - \$100,000 of coverage because of bodily injury to two or more persons in any one occurrence
 - \$10,000 of coverage because of injury to or destruction of property of others in any one occurrence
 - \$50,000 of coverage for loss of means of support of any one person in any one occurrence
 - \$100,000 of coverage for loss of means of support of two or more persons in any one occurrence

A liability insurance policy must provide that it may not be canceled for any cause, except for non-payment 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.

* Insurance certificates must have the licensed Corporation Name and DBA (Doing Business As), and the licensed business address listed on the certificate. The insurance expiration date must run concurrent with the license. Copies transmitted by fax machine are acceptable. Our fax number is (651) 266-9124.

12. Obtain inspection approval from the DSI Environmental Health Specialist, Brian Krawiecki. If you have not received an approval from Mr. Krawiecki, please contact him at 651-266-9134 to schedule an appointment for inspection. Note: It is very important that you obtain an inspection approval prior to operating your business. All new license applications require an opening inspection approval. A change in ownership of an existing location does not exempt you from this requirement. Also note, you will be invoiced to pay for an Environmental Health Plan Review/Inspection fee.
13. Complete the DSI in-house review of the Manual for The City of Saint Paul Liquor License Holders. You may contact Kris Schweinler, DSI Senior License Inspector, at 651-266-9110 to schedule an appointment for this review
14. Please contact your district council or community organization explaining your business proposal and to gain their support of your business proposal.
15. Upon receiving and processing the complete license application (approximately 1-2 weeks processing time), the DSI will send out notification letters to your neighbors (within 350 feet), concerned constituents, block club / district councils, and city council, informing them of your application request and giving them 45 days to respond to your application. If no objections are received, your license will be approved administratively and then issued (pending any other requirements not completely met) approximately one week past the date given in the notification letter. If objections are received, a hearing will be scheduled before a legislative hearing officer. All interested persons will receive notice of the time, place and date of the scheduled hearing from Marcia Moermond, the Legislative Hearing Officer. At that hearing, the hearing officer will take testimony from all interested persons and will make a recommendation to the City Council as to whether the license(s) should be approved, approved with conditions or be referred to an administrative law judge for further review. The City Council will have the final authority to grant or deny the license application.



16. Upon City of Saint Paul approval, you will be required to obtain a State Buyers Card (\$20.00) through the State of Minnesota, Liquor Control Division at 444 Cedar Street, Suite 100L, Saint Paul.

You have the option of going to the State Office to file your Buyers Card. We recommend that you (make an appointment) stop at the DSI office to pick up the original DSI signed State application with a copy of proof of liquor liability insurance to complete the State requirements.

Or, you may contact the MN Liquor Control Division at 651-296-6430 or via website at <http://www.dps.state.mn.us/alcgamb/alcgamb.html> to obtain an application for a Buyers Card. Your State Liquor Application and a copy of your liquor liability insurance will be mailed to the State. The DSI will also fax the State informing them of the City approval.

17. Upon City of Saint Paul approval, you will also be required to contact the Department of The Treasury, Bureau of Alcohol, Tobacco and Firearms at (651) 290-3905 - ATF Tax Processing Center (TI), PO Box 145433, Cincinnati OH 45203, or http://www.ttb.gov/taxes_and_permits/index.htm for forms and information regarding Federal liquor laws / regulations and the yearly federal tax. *All retail liquor licensees must have a current Federal Special Occupational Stamp. This stamp is issued by the Bureau of Alcohol, Tobacco and Firearms.*

Note: Per State of Minnesota Statute 340A.412, Subd. 14) - a liquor store may sell only the following items: (1) alcoholic beverages; (2) tobacco products; (3) ice; (4) beverages for mixing with intoxicating liquor; (5) soft drinks; (6) liqueur-filled candies; (7) food products that contain more than one-half of one percent alcohol by volume; (8) cork extraction devices; (9) books and videos on the use of alcoholic beverages; (10) magazines and other publications published primarily for information and education on alcoholic beverages; and (11) home brewing equipment.





LIQUOR - EXTENDED SERVICE HOURS
APPLICATION AND REQUIREMENTS
THIS APPLICATION IS SUBJECT TO REVIEW BY THE PUBLIC

CITY OF SAINT PAUL
Department of Safety
and Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
(651) 266-9090 fax (651) 266-9124

**LICENSES ARE NOT TRANSFERABLE
PAYMENT MUST BE RECEIVED WITH EACH APPLICATION**

Note: Additional licenses and / or permits (not listed) may be required depending on your proposed business plan and location. Your license application can comprise of any variation of license types.

City of Saint Paul Legislative Code Sec. 409.07.1. Extended service license. Establishments applying for or hold an on-sale liquor license may apply to remain open for the sale of food after the standard legal closing time of 1:00 a.m. (or 2:00 a.m. with a Liquor 2AM Closure license) until 3:00 a.m. Such a license, if granted, would allow for the sale of food and non-alcoholic beverages **ONLY**, and would not entitle the owner of the establishment to engage in the sale, display, or distribution of alcoholic beverages of any kind after the hour of 1:00 a.m. (or 2:00 a.m. with a Liquor 2AM Closure license).

The following regulations must be complied with in order to obtain an Extended Service Hours License:

- (1) *Food menu.* The establishment shall, as a condition of issuance and throughout the term of such license, provide as a menu item during such extended hours of service at least four (4) different types of entrees and/or sandwiches and a choice of nonalcoholic beverages. Please include a photocopy of the full menu which will be offered during the extended hours of service.
- (2) *No alcohol.* No alcoholic beverages may be offered, displayed, sold or consumed by anyone in the establishment during such extended hours. No alcoholic beverage container of any kind, whether empty or containing any alcoholic beverage, shall remain on the bar, tables, counters or any other place to which a customer has access, or at any location in the customer areas of the establishment, after 1:00 a.m., if the establishment has an extended service license (or after 2:00 a.m. if the establishment has obtained a permit from the state pursuant to Minn. Stat. §340A.504, subd. 7). All such beverages and/or beverage containers must be properly stored away from customer view in a secure, locked area on or before 1:15 a.m. (or 2:15 a.m. with a Liquor 2AM Closure license). Please submit a copy of the procedure through which these measures will be taken.
- (3) *Alcohol storage.* All alcoholic beverages shall be stored not later than 1:15 a.m. or 2:15 for those establishments which have obtained a permit from the state pursuant to Minn. Stat. §340A.504, subd. 7, which permits later service, and during extended service hours in a cabinet, locker, or storage area which is locked and secure, and which shall remain locked at all times during extended service hours.
- (4) *Entertainment (A) or (B).* (For Neighborhood Establishments Only) No entertainment or extended service shall be provided during the scheduled extended service hours unless the applicant first complies with the petition and consent requirements of section 411.04(b) of the Legislative Code. Class C entertainment cannot be provided during the hours of extended service. Please submit proof of compliance.
- (5) *Conditions.* The Council of the City of Saint Paul reserves the right to impose on any applicant any further restrictions they feel necessary in order to insure public safety and welfare. These further restrictions and or requirements shall be made on a case-by-case basis.

Downtown business district. Applicants for extended service license located in the downtown business district, shall not have to comply with the notice, hearing and consent requirements for either the license itself or the provision of entertainment under an existing entertainment license during the extended service hours.

The fee for an Extension of Service Hours License shall be \$362.00.

Having read the foregoing, I hereby submit an application for an Extension of Service Hours License and/or an Extension of Entertainment Hours License and agree to comply with the above stated requirements. **ANY FALSIFICATION OF ANSWERS GIVEN OR MATERIAL SUBMITTED WILL RESULT IN DENIAL OF THIS APPLICATION:** I hereby state that I have answered all of the preceding questions, and that the information contained herein is true and correct to the best of my knowledge and belief. I hereby state further that I have received no money or other consideration, by way of loan, gift, contribution, or otherwise, other than already disclosed in the application which I herewith submitted. I also understand this premise may be inspected by police, fire, health and other city officials at any and all times when the business is in operation.

Signature (REQUIRED for all applications)

AA - ADA - EEO Employer





CITY OF SAINT PAUL
 Department of Safety and Inspections
 375 Jackson Street, Suite 220
 Saint Paul, Minnesota 55101
 Phone: 651-266-8989
 Web: www.stpaul.gov/dsi

Class "N" License Application

LICENSES ARE NOT TRANSFERRABLE

Payment must be received with Each Application
 This application is subject to review by the public.

Types of License(s) being applied for:

Fee(s):

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____
- g. _____

Total: \$

Business Information

Business Address: _____
Street City State Zip

Company Name: _____ Doing Business As: _____

Company Type: Corporation _____ Partnership _____ Sole Proprietorship _____

Date of Incorporation: ____/____/____ Anticipated Opening: ____/____/____

Mailing Address: _____
Street City State Zip

Business Phone: _____ Fax Number: _____

Applicant Information

Applicant Name: _____
First Middle Last

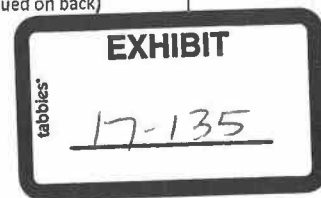
Title: _____ Date of Birth: ____/____/____

Drivers License: _____ Email: _____
State License #

Home Address: _____
Street City State Zip

Cell Phone: _____ Alternate Phone: _____

(Continued on back)



Supplemental Required Information

Are you going to operate this business personally? Yes: _____ No: _____

If no, who will operate it?

Operator Name: _____
First Middle Last

Home Address: _____
Street City State Zip

Date of Birth: _____ / _____ / _____ Phone #: _____

Are you going to have a manager or assistant in this business? Yes: _____ No: _____

If manager is not the same as the operator, please complete the following information:

Manager Name: _____
First Middle Last

Home Address: _____
Street City State Zip

Date of Birth: _____ / _____ / _____ Phone: _____

Please list all other officers of the corporation (Attach another sheet if applicable.)

Officer Name: _____
First Middle Last

Title: _____ Email: _____

Home Address: _____
Street City State Zip

Date of Birth: _____ / _____ / _____ Phone: _____

Officer Name: _____
First Middle Last

Title: _____ Email: _____

Home Address: _____
Street City State Zip

Date of Birth: _____ / _____ / _____ Phone: _____

Officer Name: _____
First Middle Last

Title: _____ Email: _____

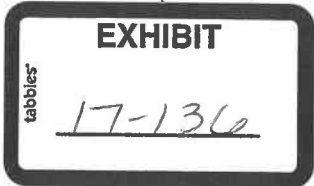
Home Address: _____
Street City State Zip

Date of Birth: _____ / _____ / _____ Phone: _____

FALSIFICATION OF ANSWERS GIVEN OR MATERIAL SUBMITTED WILL RESULT IN DENIAL OF APPLICATION.

I hereby state that I have answered all of the preceding questions and that the information contained herein is true and correct to the best of my knowledge and belief.

Applicant Signature _____ Title _____ Date _____



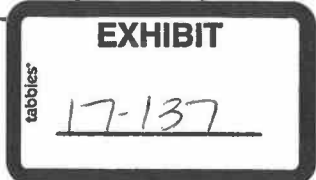


CITY OF SAINT PAUL

Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

Personal Affidavit

Personal Information: Full Name, Previous Name(s), Current Address, Home Phone, Cell Phone, Date of Birth, Drivers License.
Work History: (Past 5 years) Company, Title, Dates Employed.
Previous Addresses: (Past 5 years) (Number & Street), (City), (State), (Zip).
Criminal History: Date, State, Conviction(s).
Ownership: (Check all that apply) Sole Owner, Partner, Officer, Member (LLC Only), Other - Specify, General Partner, Director, Financier/Lender, Stockholder __%.
FALSIFICATION OF ANSWERS GIVEN OR MATERIAL SUBMITTED WILL RESULT IN DENIAL OF APPLICATION
I hereby state that I have answered all of the preceding questions and that the information contained herein is true and correct to the best of my knowledge and belief.
CONSENT TO BACKGROUND CHECK
I hereby consent to and authorize the Saint Paul Police Department and the Department of Safety and Inspections (DSI) to use the information I have provided to check criminal histories, arrest and driving records, and warrant information; and for the Police Department to provide these records to DSI and its City Attorney to determine my eligibility for a Class N license. I understand that the information contained in the criminal background investigation is not public, except that it may be conveyed to other law enforcement or licensing agencies. This consent expires one year from the date below.
Applicant Signature: _____ Date: _____
Subscribed and affirmed before me in the county of _____, State of _____
this _____ day of _____, 20____.
Notary Signature _____
Commission Expiration _____





CITY OF SAINT PAUL
 Department of Safety and Inspections
 375 Jackson Street, Suite 220
 Saint Paul, Minnesota 55101
 Phone: 651-266-8989
 Web: www.stpaul.gov/dsj

License Number: _____

Zoning Addendum

An applicant must provide details related to the physical layout of the business for which a license is being requested. Please complete the following document and attach supporting documents.

*Zoning approval will not be granted for this license request without this information.

Business Name: _____

Business Address: _____ Business Type: _____

Licensee Name: _____ Phone: _____

Please answer the following questions (If business is located in St. Paul proper):

- a. What is the gross floor area for this business? _____
- b. What was the previous use of this space? _____
- c. How many off-street parking spaces are provided for this business only? _____
- d. Is the parking leased or owned? _____
- e. How many different uses are in the building? _____

I. What are these uses? What is the gross floor area for each?

- a. Use: _____ Area: _____
- b. Use: _____ Area: _____
- c. Use: _____ Area: _____

II. Are there any bar/restaurants in the building operating after midnight?

Yes No

If Yes, Please list them:

f. Do you own the property or are you leasing it?

Answer these questions if you are applying for a restaurant license:

- a. Do you intend to have a drive-thru window? Yes No
- b. Will you have a permanent menu board? Yes No
- c. Do you intend to serve liquor? Yes No
- d. Is this a restaurant associated with a Chain or Franchised business? Yes No
- e. Will customers pay for their food before consuming it? Yes No
- f. Is a self-service condiment bar proposed? Yes No
- g. Are trash receptacles provided for self-service bussing? Yes No
- h. Will there be hard finished, stationary seating? Yes No
- i. Are your main course food items... Pre Packaged To Order



Please attach the following documents:

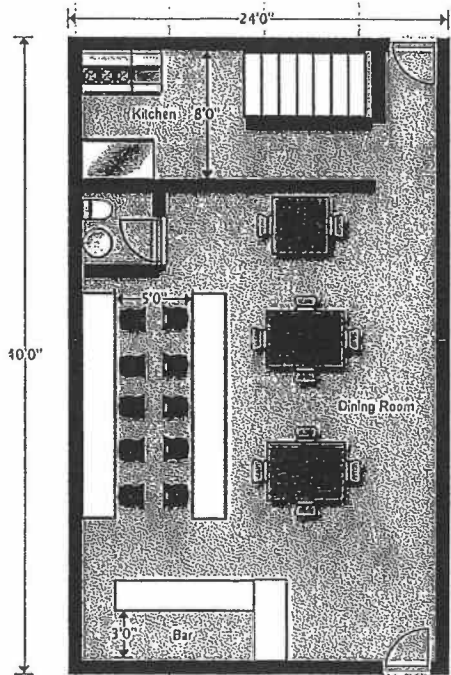
a. Floor Plan Pertaining to License Area (Please see examples below)

- i. Drawn to scale
- ii. Showing dimensions
- iii. Furniture
- iv. All spaces/rooms labeled for use including Ingress & Egress
- v. Showing placement of all equipment (ex. Kitchen equipment, work tables, entertainment devices)

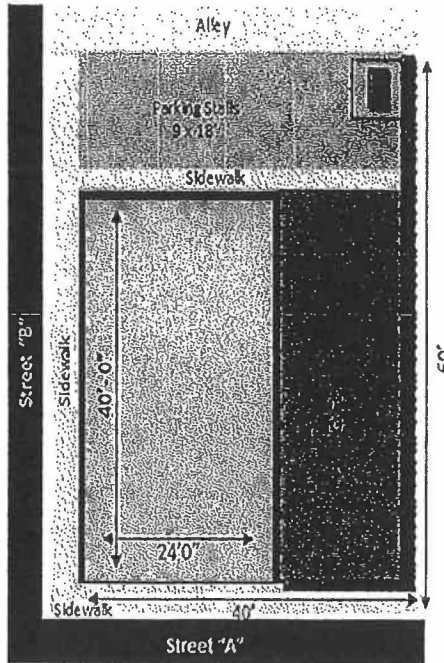
b. Site Plan Pertaining to Licenses Property (Please see example below)

- i. Drawn to scale
- ii. Showing dimensions
- iii. Showing all property lines
- iv. Showing the parking lot
- v. Label all rooms/spaces

Floor Plan

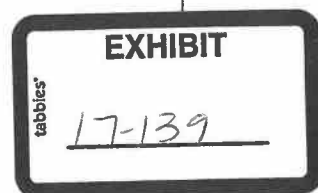


Site Plan



Employee Sign Off _____

Date _____





ADDENDUM TO LICENSE APPLICATION

CONTAINS NONPUBLIC DATA

CITY OF SAINT PAUL
Department of Safety & Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
(651) 266-8989 Fax (651) 266-9124
www.sipaul.gov/dsi

Please Type or Print In Ink

Licensee's Name: _____

DBA: _____

Business Address: _____

Business Phone: _____ Preferred Phone: _____

TAX IDENTIFICATION NUMBER

Minnesota Statutes section 270C.72 requires licensing authorities to collect a tax identification number for each license applicant. You may provide one of the following three identification types: a Minnesota Tax Identification Number, a Federal Tax Identification Number (FEIN), or a Social Security Number (SSN).

This data will be provided to the Minnesota Department of Revenue for tax administration purposes and may be used to deny the issuance or renewal of your license in the event you owe Minnesota sales, employer's withholding or motor vehicle excise taxes. Refusal to provide a tax identification number will result in denial of your license application. Under the Federal Exchange of Information Agreement, the Department of Revenue may also supply this information to the Internal Revenue Service.

More information can be obtained from the Minnesota Department of Revenue at 651-296-6181 or www.revenue.state.mn.us.

Tax Identification Number: _____ Circle Type: MN Tax Id / FEIN / SSN

PAYMENT INFORMATION

You must pay all applicable fees before your license will be issued. You may pay by cash, check or credit card. Account information will be used to process your payment, either by the City or a third-party service provider. The City will not share nonpublic account information with other individuals or agencies unless required to do so by a court or other competent authority.

CREDIT CARD PAYMENT

Form with checkboxes for American Express, Discover, MasterCard, Visa and fields for Expiration Month/Year and Security Code.

Signature of Cardholder (required for all charges): _____

If paying by credit card, the above must be fully completed and signed then the entire application faxed to 651-266-9124. If paying by check, make checks payable to the "City of St. Paul" and mail with the completed application.

ANY FALSIFICATIONS OF ANSWERS GIVEN OR MATERIAL SUBMITTED WILL RESULT IN DENIAL OF THIS APPLICATION

I have read and understand this document and provided complete, correct, and truthful information as requested.

Signature (REQUIRED for all applications)

Date

EXHIBIT

tabbles 17-140

Certificate of Compliance Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

Print in ink or type

Minnesota Statute § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry. A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

License or certificate number (if applicable)	Business telephone number	Alternate telephone number
---	---------------------------	----------------------------

Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.)

DBA ("doing business as" or "also known as" an assumed name), if applicable

Business address (must be physical street address, no P.O. boxes)	City	State	ZIP code
County	Email address		

You must complete number 1 or 2 below.

Note: You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

1. I have a workers' compensation insurance policy.

Insurance company name (not the insurance agent)

Policy number	Effective date	Expiration date
---------------	----------------	-----------------

I am self-insured for workers' compensation. (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce; see www.mn.gov/commerce/industries/insurance/licensing/self-insurance.)

2. I am not required to have workers' compensation insurance because:

- I only use independent contractors and do not have employees. (See Minn. Stat. § 176.043 for trucking and messenger courier industries; Minn. Stat. § 181.723, subd. 4, for building construction; and Minnesota Rules chapter 5224 for other industries.)
- I do not use independent contractors and have no employees. (See Minn. Stat. § 176.011, subd. 9, for the definition of an employee.)
- I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)
- I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See Minn. Stat. § 176.041 for a list of excluded employees.)

Explain why your employees are not required to be covered

I certify the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify I am authorized to sign on behalf of the business.

Print name

Applicant signature (required)	Title	Date
--------------------------------	-------	------

If you have questions about completing this form or to request this form in Braille, large print or audio, call (651) 284-5032 or 1-800-342-5354.





LIQUOR OUTDOOR SERVICE AREA (PATIO)
APPLICATION REQUIREMENTS
THIS APPLICATION IS SUBJECT TO REVIEW BY THE PUBLIC

CITY OF SAINT PAUL
Department of Safety
and Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
(651) 266-9090 fax (651) 266-9124

**Liquor – Outdoor Service Area (Private Patio) license
APPLICATION REQUIREMENTS**

This application is subject to review by the public and requires City Council Action
February 2019

The procedures for obtaining a Liquor - Outdoor Service Area (Private Patio) license are listed below.
Items #1-4 must be submitted with all requests, or they will be returned as incomplete.

1. A letter requesting that a Liquor – Outdoor Service Area (Private Patio) license be added to your existing licenses. Please include specific details on how you will operate the outdoor service area (e.g., how you will control the service of liquor and/or wine/beer in this area, the hours the patio is open, etc.). Submit this letter with payment for annual license fee of \$72.00.
2. A consent petition from the owners of all private residences, dwellings and apartment houses located within three hundred (300) feet of the property* where the proposed outside service area is located. Measurements shall be determined from the property line of the licensed premises to the property line of the residential uses; provided, however, where the licensed premises is located within a shopping mall or shopping center the measurements shall be determined from the nearest corner of the building in which the licensed premises is located to the property line of the residential uses. *Establishments within the downtown development district are exempt from the petition requirement.*

*A map of properties and list of property owners within of 300 feet from your property line is available upon request.

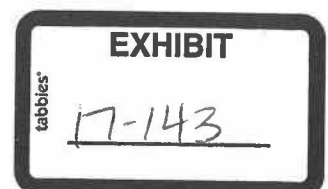
Depending on the number of signatures you obtain, the following additional information will be required:

- A petition containing 90% of the possible signatures - If the applicant obtains the signatures of ninety (90) percent or more of such persons, the council may grant the license.
- A petition containing 60-89% of the possible signatures - If the applicant obtains the signatures of sixty (60) percent to eighty-nine (89) percent of such persons, the following additional information must be submitted with your petition:
 - A demonstration in writing that the applicant made a good faith effort to fulfill all petition requirements.
- Consent of less than 60% of owners and occupants within three hundred feet. If the applicant fails to obtain the signatures of sixty (60) percent of such persons, the following additional information must be submitted with your petition:
 - A demonstration in writing that the applicant made a good faith effort to fulfill all petition requirements.
 - A demonstration in writing that the results of the petition attempt showed a generally favorable disposition from the surrounding community toward the proposed extension of the liquor service area to the patio area.
 - **Written confirmation from the district council representing the area showing support for the request to extend the liquor service area to the patio.**

NOTE: For applications having a petition showing less than ninety (90) percent support, the Council may only grant a license application upon finding that issuance of the license would not interfere with the reasonable use and enjoyment of neighboring property and residences and would not bear adversely on the health, safety, morals and general welfare of the community.

Page 2 Liquor Outdoor Service Area (Private Patio) License application requirements

3. Attach a site plan showing the patio area. The site plan should show information including, but not necessarily limited to the following: the placement of tables and chairs, placement of any perimeter barriers delineating the boundaries of the liquor and/or food service (e.g., chain and bollards, fencing etc.). If location of the patio displaces any off-street parking, additional (new) parking spaces must be developed or provided to off-set the space lost to the patio structure. In circumstances where off-street parking cannot be accommodated either on the lot or by other arrangements (e.g. shared parking agreement), a variance of the parking may be considered by the Board of Zoning Appeals (BZA). Request for variance of the zoning code require a public hearing before the BZA. Property owners within 350 feet are notified of the public hearing. There is an additional application fee for this review, and the process takes between 4 -6 weeks to complete. Request for variances or other zoning action will cause delays in the processing and issuance of this business license.
4. If food or beverages are prepared outdoors, the equipment and preparation areas need the approval of the City's health inspector and will require separate licensing from DSI.
5. A building permit must be obtained to construct the patio. Construction of the patio shall comply with all applicable provision of the Minnesota State Building Code. Construction plans must be drawn to scale (e.g. 1/4" = 1foot), dimensioned and; sufficiently detailed to illustrate the scope of work, to be performed and the method of construction. The additional seating provided in this outdoor area is subject to a Service Availability Charge (SAC). This charge is a onetime fee imposed by MCES (Metropolitan Council Environmental Services) for new connections or increased volume discharged to the metropolitan wastewater system. In the case of restaurants, the charge is based on the number of seats. Each municipality, in the Seven County Metro Area must collect this fee at time of permit or license issuance. SAC is a separate fee over and above the permit or license fee. Note: The SAC can be a significant dollar amount to the overall project cost of the patio. See the Metro Council website for further information: http://www.metrocouncil.org/environment/RatesBilling/SAC_Program.htm
6. **PROCESSING TIME / NOTIFICATION REQUIREMENT:** The average processing time for a Liquor – Outdoor Service Area (private patio) license is 90 days. A forty-five (45) day notification period is required to the community organization and residents within three hundred (300) feet of the property where the proposed outside service area is located. If objections are received, a hearing will be scheduled before a legislative hearing officer. You will receive notice of the time, place and date of this hearing. The hearing officer will take testimony from all interested persons and will make a recommendation to the City Council. **The City Council will take the hearing officer's recommendation under advisement and has final authority to grant or deny all license application requests.**
7. If you have any questions or require assistance in completing the application and submitting the required supporting documents, please contact a DSI Project Facilitator at 651-266-9103.





LIQUOR OUTDOOR SERVICE AREA (Sidewalk)
APPLICATION REQUIREMENTS
THIS APPLICATION IS SUBJECT TO REVIEW BY THE PUBLIC

CITY OF SAINT PAUL
Department of Safety
and Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
(651) 266-9090 fax (651) 266-9124

**Liquor – Outdoor Service Area (Sidewalk) license
APPLICATION REQUIREMENTS**

***This application is subject to review by the public and requires City Council Action
February 2019***

The procedures for obtaining a Liquor - Outdoor Service Area (Sidewalk) license are listed below. You may not set up tables or chairs on the public sidewalk until you have obtained this license. **Items #1-4 must be submitted with all requests, or they will be returned as incomplete.**

8. A letter requesting that a Liquor – Outdoor Service Area (Sidewalk) license be added to your existing licenses. Please include specific details on how you will operate the outdoor service area (e.g., how you will control the service of liquor and/or wine/beer in this area, will furniture be brought in at business closing time or left out overnight, what are the hours it will be open, etc.). Submit this letter with payment for annual license fee of \$35.00.
9. A consent petition from the owners of all private residences, dwellings and apartment houses located within three hundred (300) feet of the property* where the proposed outside service area is located. Measurements shall be determined from the property line of the licensed premises to the property line of the residential uses; provided, however, where the licensed premises is located within a shopping mall or shopping center the measurements shall be determined from the nearest corner of the building in which the licensed premises is located to the property line of the residential uses. *Establishments within the downtown development district are exempt from the petition requirement.*

*A map of properties and list of property owners within of 300 feet from your property line is available upon request.

Depending on the number of signatures you obtain, the following additional information will be required:

- A petition containing 90% of the possible signatures - If the applicant obtains the signatures of ninety (90) percent or more of such persons, the council may grant the license.
- A petition containing 60-89% of the possible signatures - If the applicant obtains the signatures of sixty (60) percent to eighty-nine (89) percent of such persons, the following additional information must be submitted with your petition:
 - A demonstration in writing that the applicant made a good faith effort to fulfill all petition requirements.
- Consent of less than 60% of owners and occupants within three hundred feet. If the applicant fails to obtain the signatures of sixty (60) percent of such persons, the following additional information must be submitted with your petition:
 - A demonstration in writing that the applicant made a good faith effort to fulfill all petition requirements.
 - A demonstration in writing that the results of the petition attempt showed a generally favorable disposition from the surrounding community toward the proposed extension of the liquor service area to the sidewalk.
 - **Written confirmation from the district council representing the area showing support for the request to extend the liquor service area to the sidewalk.**

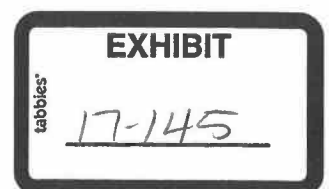
NOTE: For applications having a petition showing less than ninety (90) percent support, the Council may only grant a license application upon finding that issuance of the license would not interfere with the reasonable use and enjoyment of neighboring property and residences and would not bear adversely on the health, safety, morals and general welfare of the community.



10. Submit insurance certificate showing general liability of at least \$500,000 and stating that the coverage extends to the area used for the sidewalk cafe. The City of Saint Paul must also be named as an additional insured.
11. Attach a site plan showing the sidewalk cafe area. The site plan should show information including, but not necessarily limited to the following: the placement of tables and chairs, placement of any perimeter barriers separating the seating area from the public walkway (or how you intend to delineate the boundaries of the liquor and/or food service (e.g., chain and bollards, etc.), existing features of the sidewalk (signs, parking meters, trees, grates), dimensions of the sidewalk and seating area, etc.
12. The following conditions list the requirements which must be met and maintained for food or beverage service in the public right of way:
 - The site plan, illustrating the arrangement of tables, chairs, any fencing device, existing conditions, etc. (as stated above) must be reviewed and approved by the City of Saint Paul Public Works Department before the license is issued.
 - No sidewalk café shall be permitted on any portion of the public sidewalk where normal pedestrian traffic flow is obstructed. A minimum clearance width of forty-eight (48) inches must be maintained on the public sidewalk at all times.
 - Tables, chairs or any other furnishings shall be removed from the public right-of-way when the sidewalk café is not open and being operated. (*Exception*) In order to keep the furniture in the right-of-way when either the business or sidewalk cafe is closed, the licensee must first obtain an "Obstruction Permit" from Public Works (Contact the Public Works Permit Section at 651-266-6151 While such café is in operation, all tables and chairs shall be kept in a clean, sanitary condition.

NOTE: Additional requirements/conditions may be placed on this license as determined during the review process.

13. If food or beverages are prepared outdoors, the equipment and preparation areas need the approval of the City's health inspector and will require separate licensing from DSI.
14. The additional seating provided in this outdoor area is subject to a Service Availability Charge (SAC). This charge is a onetime fee imposed by MCES (Metropolitan Council Environmental Services) for new connections or increased volume discharged to the metropolitan wastewater system. In the case of restaurants, the charge is based on the number of seats. Each municipality, in the Seven County Metro Area must collect this fee at time of permit or license issuance. SAC is a separate fee over and above the permit or license fee.
15. **PROCESSING TIME / NOTIFICATION REQUIREMENT:** The average processing time for a Liquor – Outdoor Service Area (Sidewalk) license is 90 days. A forty-five (45) day notification period is required to the community organization and residents within three hundred (300) feet of the property where the proposed outside service area is located. If objections are received, a hearing will be scheduled before a legislative hearing officer. You will receive notice of the time, place and date of this hearing. The hearing officer will take testimony from all interested persons and will make a recommendation to the City Council. **The City Council will take the hearing officer's recommendation under advisement and has final authority to grant or deny all license application requests.**
16. If you have any questions or require assistance in completing the application and submitting the required supporting documents, please contact a DSI Project Facilitator at 651-266-9103.





CITY OF ST. PAUL
 DEPARTMENT OF SAFETY AND INSPECTIONS
 375 JACKSON STREET, SUITE 220
 ST. PAUL, MINNESOTA 55101-1806
 Phone: 651-266-8989 Fax: 651-266-9124
 Visit our Website at: www.stpaul.gov/dsl

**SUPPLEMENTAL
 LICENSE APPLICATION FOR
 SIDEWALK SEATING**
 LICENSES ARE NOT TRANSFERRABLE
Payment must be received with Each Application
(This application is subject to review by the public)

PLEASE CHECK ONE: <input type="checkbox"/> Sidewalk Café (only food, no liquor service) OR <input type="checkbox"/> Liquor Outdoor Service Area Sidewalk	\$35.00
Public Works Obstruction Permit (required for all applications)	\$60.00
Total Annual Fees	\$95.00

Date of Application: (dd/mm/yyyy) ____/____/____ Anticipated Date of Opening: ____/____/____

Company Name: _____ (Circle: Corporation Partnership Sole Proprietorship)

Name on Business Sign (dba) _____ Business Phone: ____/____-____

Business Address (Number, street name, direction, etc.) _____

Minnesota Sales Tax ID #: _____

Licensee/Owner Name _____ Birth Date: ____/____/____
 (Responsible Party) First Middle Maiden Last Title

Home Address: _____ Driver's License #: _____
 Street Number/Name City State Zip

Mail to Address (if different from Business Address): _____
 Street Address City State Zip+4

Email Address: _____ Cell Phone: ____/____-____

The following additional information is required for your application to be complete:

- For Liquor Outdoor Service Area (Sidewalk) applications - include a Consent Petition from the owners of private residences, dwellings and apartment house within 300 feet of the location. *
- For all applications - General Liability Certificate of Insurance specifically extending coverage to the sidewalk café and naming the City of St. Paul as an additional insured. Minimum liability insurance coverage must be \$500,000*
- For all applications - Sidewalk Seating Site Plan for the table, seating, fencing, etc. layout*

* See attached for additional details regarding required information.

Public Works Right - of - Way Obstruction Permit

Public Works must approve the public sidewalk seating area before this license can be approved. You are required to pay an additional fee for an Obstruction Permit to place tables and chairs in the public right-of-way. The permit fee of \$60.00 is collected at time of initial license application, and at the beginning of each year thereafter. This is in addition to the license renewal process. Payment of all fees related to placing tables and chairs in the public right-of-way are submitted to DSL.

ANY FALSIFICATION OF ANSWERS GIVEN OR MATERIAL SUBMITTED WILL RESULT IN DENIAL OF THIS APPLICATION

I hereby state that I have answered all of the preceding questions, and that the information contained herein is true and correct to the best of my knowledge and belief. I also understand this premise may be inspected by police, fire, health and other city officials at any and all times when the business is in operation.

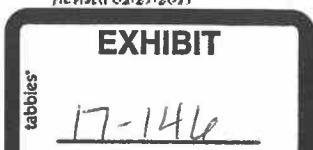
Signature _____ Date _____
 (REQUIRED for all applications)

Signature of Cardholder (required for all charges): _____

We will accept payment by Cash, Check (made payable to City of Saint Paul) or Credit Card (American Express, Discover, MasterCard or Visa).

<input type="checkbox"/> American Express	<input type="checkbox"/> Discover	<input type="checkbox"/> MasterCard	<input type="checkbox"/> Visa	Expiration Month/Year				
Enter Account Number ▶								

Revised 02/27/2017





CITY OF ST. PAUL

Public Works-ROW Division-Permits
899 Dale Street North
Saint Paul, Minnesota 55103-1512
Phone: 651-266-6151 Fax: 651-266-9752
E-mail: FW-ROWpermits@ci.stpaulmn.us

**OBSTRUCTION
PERMIT APPLICATION OR RENEWAL
FOR SIDEWALK CAFÉ**

(This application is subject to review by the public)

Public Works Sidewalk Café Obstruction Permit

Fee: \$60.00

Obstruction Permit Number Assigned: _____

Date of Application: *(dd/mm/yyyy)* ____ / ____ / ____ **Anticipated Date of Opening:** ____ / ____ / ____

Company Name: _____

Name on Business (dba) _____ **Business Phone:** ____ / ____ - ____

Business Address _____

Licensee Name _____ **Phone:** ____ / ____ - ____
(Responsible Party) First Middle Maiden Last

E-mail: _____ **E-mail Permit (Y or N)**

Please check one of the following boxes and provide the required additional information as needed:

No Changes to the Currently Approved Plans are Being Proposed

Request Change to Currently Approved Plans. **MUST INCLUDE A Site Plan** for the table, Seating Layout, Fencing, etc.*

* See attached for additional information regarding required information.

Right - of - Way Obstruction Permit

Effective 02/16/2011, all sidewalk cafés must have an obstruction permit to place tables and chairs in the public right-of-way. The Saint Paul Public Works Department ROW Permit Division must approve the public sidewalk seating area before this permit can be issued. The permit fee is \$60.00 and is valid only for the period from April 1st thru October 31st of each calendar year. This permit is issued by Public Works ROW Permit Division (651-266-6151).

Signature (REQUIRED for all applications)

Date

We accept payment by Cash, Check (made payable to City of Saint Paul) or Credit Card (American Express, Discover, MasterCard or Visa). Call the Public Works ROW Division Permit Office (651-266-6151) if you wish to make payment over the phone with a credit or debit card. If you wish to receive your permit and associated documents by e-mail, please include your e-mail address and circle (Y)es.

Revised 01/02/2015

EXHIBIT
tabbles
17-147



CITY OF SAINT PAUL

375 Jackson St, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

Side Walk Café Site Plan Standards *February 4, 2016*

Sidewalk Café General Statement

Any restaurant may, with a sidewalk café license and an obstruction permit, can expand the operation of that restaurant onto a part, and only that part, of the public sidewalk directly in front of the property under the control of the licensed premises (hereafter referred to as sidewalk café).

The use of a portion of the public sidewalk as a sidewalk café shall not be an exclusive use. All public improvements, including but not limited to, trees, light poles, traffic signals, pull boxes or manholes, or any public-initiated maintenance procedures, shall take precedence over said use of the public sidewalk at all times.

It shall be the duty of the licensed food establishment to maintain sidewalk cafe furnishings such as chairs, tables, fencing, barricades, planters or plant tubs and their plantings at all times in a neat, clean, safe and sanitary condition at its proper location and to inspect each item periodically in order that it may be properly maintained, and located in accordance with the approved site plan. No advertising matter or sign or writing of any kind shall be displayed upon any sidewalk cafe furnishing. Issuance of a permit shall not be construed as authorizing any permanent installation to be placed in the public right-of-way. The department of public works shall monitor compliance with the provisions of this section.

Definitions

Sidewalk is defined as that portion or area of the street lying between the curb line and the adjacent property line and intended for the use of pedestrian traffic. For purposes of a sidewalk café, it shall also include any permitted temporary sidewalk extension that protrudes out from the curb line over the street creating a level surface and on which vehicle traffic is prohibited.

Pedestrian through walk zone is defined as an area for pedestrian traffic that is no less than forty-eight (48) inches wide and is not obstructed by trees, trees grates which do not meet federal accessibility guidelines, street light poles, traffic signals, traffic signal control cabinets, bicycle racks, news racks, benches, and bus shelters, and other public uses of the sidewalk.

Sidewalk café furnishings are defined as tables, chairs, plant tubs, planters, and fencing or barricades and associated equipment.

Side Walk Café Standards

The following restrictions shall apply; provided, however, that the city inspection staff may without adverse hearing procedures impose additional reasonable restrictions or withdraw approval upon the operation of any sidewalk café where necessary in the judgment of the city inspection staff to protect the public health, safety or welfare or to prevent a nuisance from developing or continuing:

- Generally it is preferred that sidewalk cafes be located adjacent to the curb, allowing pedestrian traffic to flow next to the building.
- The location of the sidewalk café shall be selected to minimize interference with pedestrian traffic.
- The location of the sidewalk café shall consider the placement of existing public infrastructure.
- Emergency exiting for the building shall not be obstructed.
- No sidewalk café shall be permitted in any portion of the public sidewalk where normal pedestrian traffic flow is obstructed.
- A minimum width of forty-eight (48) inches of clear, unobstructed pedestrian through walk zone, exclusive of the curb, shall be maintained on the public sidewalk at all times.
- The pedestrian through walk zone shall widen to seventy-two (72) inches for a minimum of sixty (60) inches every fifty (50) feet to provide ample room for two (2) wheelchairs, strollers, or pedestrians to pass. When two (2) neighboring sidewalk cafes fall within the fifty (50) foot zone, both will equally share the sixty (60) inch clear zone.

EXHIBIT

tabbles

17-148

- A twenty-four (24) inch clear zone shall be maintained at all times between the edge of a curbside sidewalk café and the face of a curb.
- If a sidewalk café is adjacent to a traffic lane, a barrier such as a planter or railing shall be installed to separate the sidewalk café from the curb and street area.
- If a single block face has sidewalk cafes both immediately adjoining the building and located on the curbside, then the through walk zone shall include a clear, unobstructed sightline of at least thirty (30) inches along the entire length of the sidewalk.
- If liquor is served on the sidewalk café, where possible, safety barriers or other enclosures shall be provided protect patrons from any hazards, including vehicular traffic.
- Where possible, borders of the sidewalk café area shall be delineated with a continuous, stable, non-flexible barrier device that includes a continuous bottom edge a maximum of six inches above the sidewalk surface and a continuous upper surface or rail a minimum of three (3) feet above the sidewalk surface.
- Sidewalk Cafe must be in an area which is physically delineated by barrier device as described above or by lines marked on the sidewalk. Public Works and DSI will coordinate with licensee on delineation line requirements and installation.

NOTE: Additional requirements/conditions may be placed on this license as determined during the review process.

Requirement to Submit a Site Plan for the Sidewalk Cafe

The site plan shall be submitted to the Department of Safety and Inspection with the application for the license and the obstruction permit. The site plan, drawn to scale and dimensioned, must include the entire area between the curb and the building and show the following:

- the property lines
- width of the building or the leased premises with dimension of the of street frontage the sidewalk café will occupy
- layout for the sidewalk cafe furnishings (tables, chairs, plant tubs, planters, umbrellas, and fencing or barricades) dimensioning width and length of the seating area
- curb-line, street and signal lighting, street signs, parking meters, hydrants.
- public utilities like phone boxes, gas meters, utility poles
- trees(show and dimension tree grates/planter area) boulevard areas, planter boxes, and any other landscaping
- bike racks, paper boxes, trash boxes, kiosk
- any other obstacles or structures occupying space on the sidewalk

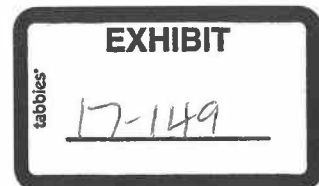
Right – of – Way Obstruction Permit

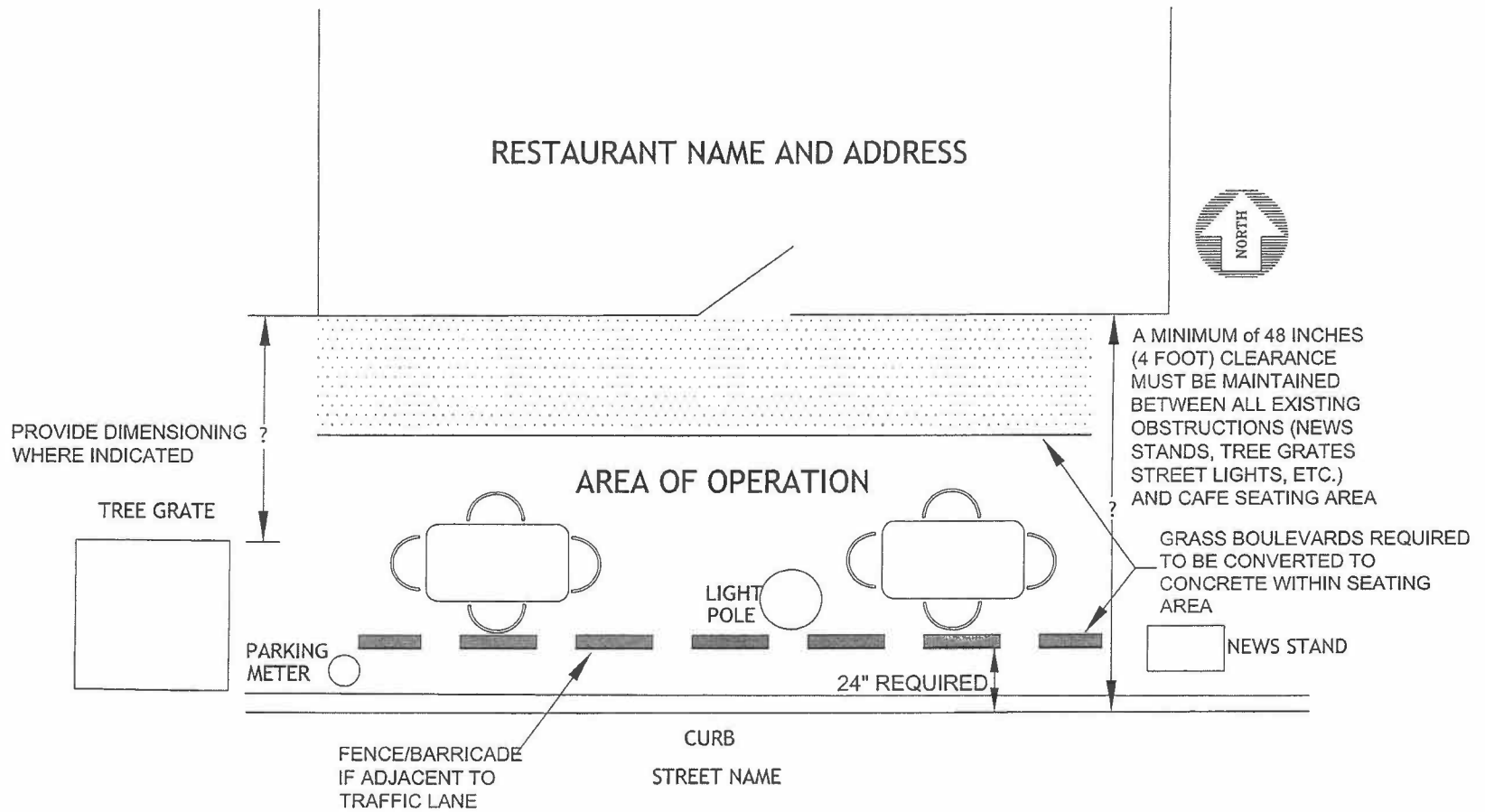
All sidewalk cafés must have an obstruction permit (in addition to a Sidewalk Café License) to place tables and chairs in the public right-of-way. The Saint Paul Public Works Department must approve the public sidewalk seating area before this permit can be issued. The permit fee is \$60.00 and is valid only for the period from April 1st thru October 31st of each calendar year. This permit is issued by Public Works but the application and site plan are submitted to DSI with payment.

Other Restrictions or Items to Consider Concerning Side Walk Cafes

- If food or beverages are prepared outdoors, the equipment and preparation areas need the approval of the Minnesota Department of Health (651-201-4500).
- If licensed to sell alcohol to guest on the sidewalk, the license-holder shall, in addition to all other requirements of law, take reasonable steps to ensure that alcoholic beverages are consumed only by patrons of the establishment who are of age, and not by passersby or persons who are not of age or who are obviously intoxicated, and ensure that alcoholic beverages served to patrons remain on the licensed premises. Reasonable steps may include the use of barriers or fences, supervision of the outside area by security or staff personnel, and/or surveillance by electronic monitors. Failure to take such reasonable steps, and use them at all times that alcoholic beverages are consumed in the sidewalk café is grounds for the imposition by the city council of a condition on the license to prohibit sale of alcoholic beverages in the sidewalk café. Such condition shall not be deemed to be an adverse action against the license, and does not require the notice and hearing procedures of section 310.05 of the Legislative Code. Such sidewalk cafes are deemed part of the licensed premises for all requirements of the law.

If you have any questions or require assistance in completing the application and submitting the required supporting documents, please contact project facilitators Jeff Fischbach at 651-266-9106 or Tom Ferrara at 651-266-9087.





City of St. Paul
**EXAMPLE OF SIDEWALK CAFE
 DRAWING**
 Seating Adjacent to Curb

ALL SUBMITTED
 DRAWINGS MUST
 BE TO SCALE

SCALE: 1"=5'



CITY OF
 SAINT PAUL
 DEPARTMENT OF
 PUBLIC WORKS



LIQUOR LIABILITY INSURANCE REQUIREMENTS

Provide a copy of proof of Liquor Liability (Dram Shop) Insurance. Requirements: According to Minnesota Statutes 340.409, an applicant must provide the City of Saint Paul with a certificate of insurance with liability limits of at least:

- \$50,000 of coverage because of bodily injury to any one person in any one occurrence
- \$100,000 of coverage because of bodily injury to two or more persons in any one occurrence
- \$10,000 of coverage because of injury to or destruction of property of others in any one occurrence
- \$50,000 of coverage for loss of means of support of any one person in any one occurrence
- \$100,000 of coverage for loss of means of support of two or more persons in any one occurrence

A liability insurance policy must provide that it may not be canceled for any cause, except for non payment 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.

NOTE: Insurance is not required for applicants who by affidavit establishes that: They are off-sale 3.2 percent malt liquor licensees with sales of less than \$50,000 of 3.2 percent malt liquor for the preceding year

* Insurance certificates must have the licensed Corporation Name and DBA (Doing Business As), and the licensed business address listed on the certificate. The insurance expiration date must run concurrent with the license. Copies transmitted by fax machine are acceptable. Our fax number is (651) 266-9124.

Revised 10/2003

EXHIBIT

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17-151



**LIQUOR EXTENSION OF SERVICE AREA (TEMPORARY)
LICENSE APPLICATION REQUIREMENTS**
THIS APPLICATION IS SUBJECT TO REVIEW BY THE PUBLIC

CITY OF SAINT PAUL
Department of Safety
and Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
(651) 266-9090 fax (651) 266-9124

**LICENSES ARE NOT TRANSFERABLE
PAYMENT MUST BE RECEIVED WITH EACH APPLICATION**

APPLICATION REQUIREMENTS for Liquor - Extension of Service Area **\$61.00** per request

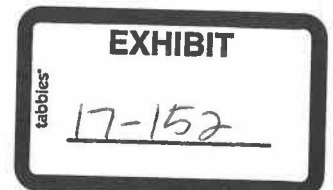
Allows a liquor licensee to sell or serve intoxicating liquors in areas outside the building structure which are immediately adjacent to and contiguous with the structure containing the licensed premises

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. A notice that includes the location, date and time of the proposed extension of liquor service and specifically state: "If any person has comments about this proposed temporary extension of liquor service, they are encouraged to telephone the Mayor and Council Information and Complaint Office."

1. A Class T License Application must be completed by the organization, corporation and/or association in which the name of the license will be issued. When completing your application, please use each person(s) full name (no initials).
2. Provide a diagram showing the liquor service area and the security that will be provided
3. Provide a letter of intent for requesting the license (include the nature of the event, public or private, event address, date and hours of liquor service, approximate # of participants)
4. (If sales are to be made on a premise other than you own, i.e. parks,) attach a letter of consent from the owner and/or person with lawful responsibility for premise from which license is being requested
5. Provide proof of Liquor Liability (Dram Shop) Insurance. According to Minnesota Statutes 340.409, an applicant must provide the City of Saint Paul with a certificate of insurance with liability limits of at least:
 - \$50,000 of coverage because of bodily injury per person in any one occurrence
 - \$100,000 of coverage because of bodily injury for more than one person in any one occurrence
 - \$10,000 of coverage because of injury to or destruction of property of others in any one occurrence
 - \$50,000/\$100,000 for loss of means of support

A liability insurance policy must provide that it may not be canceled for any cause, except for non- payment 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.

* Insurance certificates must have the licensed Corporation Name and DBA (Doing Business As), and the licensed business address / event location, event date, and time of liquor service listed on the certificate. The insurance expiration date must run concurrent with the license. Copies transmitted by fax machine are acceptable. Our fax number is (651) 266-9124.





**TEMPORARY LIQUOR LICENSE
APPLICATION REQUIREMENTS**
THIS APPLICATION IS SUBJECT TO REVIEW BY THE PUBLIC

CITY OF SAINT PAUL
Department of Safety
and Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
(651) 266-9090 fax (651) 266-9124

**LICENSES ARE NOT TRANSFERABLE
PAYMENT MUST BE RECEIVED WITH EACH APPLICATION**

APPLICATION REQUIREMENTS for	Liquor - On Sale (Temporary)	\$53.00 per event
	Alcohol Awareness Training	\$25.00 per organization per year

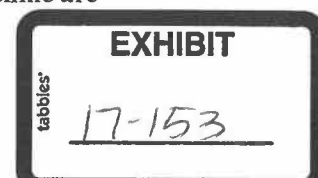
Prerequisite: A club or charitable, religious or other nonprofit organization in existence for at least three (3) years may obtain an on-sale license to sell intoxicating liquor for consumption on the licensee's premises only and in connection with a social event within the city sponsored by the licensee.

License limitations: No more than four (4) consecutive days, no more than three (3) four-day, four (4) three-day, six (6) two-day, or twelve (12) one-day temporary licenses, in any combination not to exceed twelve (12) days per year for the sale of intoxicating liquor to any one (1) location within the city for a twelve-month period. The city may not issue more than one (1) such license to any one (1) organization or political committee, or any one (1) location within a thirty-day period unless the licenses are issued in connection with an event officially designated a community festival by the city.

1. A Class T License Application must be completed by the organization, corporation and/or association in which the name of the license will be issued. When completing your application, please use each person(s) full name (no initials).
2. A State of Minnesota Liquor Application must be completed. Upon completion, please return it with the complete City of Saint Paul license application.
3. Provide proof of non-profit status.
4. Provide a diagram showing the liquor service area and the security that will be provided
5. Provide a letter of intent for requesting the license (include the nature of the event, public or private, event address, date and hours of liquor service, approximate # of participants)
6. (If sales are to be made on a premise other than you own, i.e. parks,) attach a letter of consent from the owner and/or person with lawful responsibility for premise from which license is being requested
7. Provide proof of Liquor Liability (Dram Shop) Insurance. According to Minnesota Statutes 340.409, an applicant must provide the City of Saint Paul with a certificate of insurance with liability limits of at least:
 - \$50,000 of coverage because of bodily injury per person in any one occurrence
 - \$100,000 of coverage because of bodily injury for more than one person in any one occurrence
 - \$10,000 of coverage because of injury to or destruction of property of others in any one occurrence
 - \$50,000/\$100,000 for loss of means of support

A liability insurance policy must provide that it may not be canceled for any cause, except for non-payment 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.

* **Insurance certificates must have the licensed Corporation Name and DBA (Doing Business As), and the licensed business address / event location, event date, and time of liquor service listed on the certificate. The insurance expiration date must run concurrent with the license. Copies transmitted by fax machine are acceptable. Our fax number is (651) 266-9124.**





CITY OF ST. PAUL
 DEPARTMENT OF SAFETY AND INSPECTIONS
 375 JACKSON STREET, SUITE 220
 ST. PAUL, MINNESOTA 55101-1806
 Phone: 651-266-8989 Fax: 651-266-9124
 Visit our Web Site at www.stpaul.gov/dsi

CLASS T LICENSE APPLICATION
 LICENSES ARE NOT TRANSFERRABLE
Payment must be received with Each Application
{This application is subject to review by the public}

Event Name: _____

Event Address: _____

Date(s) of Event(s) / Hours of Operation: _____

Types of License(s) being applied for: (Office Use Only)		Fees
Total		

Organization Name: _____

Organization Address: _____

Preferred Mailing Address: _____

Contact Name & Title: _____

Phone Number: _____

Email: _____

List all other officers of the corporation (use additional pages if necessary):

Officer Name	Title	Home Address	Home Phone	Business Phone	Date of Birth

FALSIFICATION OF ANSWERS GIVEN OR MATERIAL SUBMITTED WILL RESULT IN DENIAL OF APPLICATION
 I hereby state that I have answered all of the preceding questions and that the information contained herein is true and correct to the best of my knowledge and belief. I hereby state further that I have received no money or other consideration, by way of loan, gift, contribution, or otherwise, other than already disclosed in the application which I herewith submitted. I also understand this premise may be inspected by police, fire, health and other city officials at any and all times when the business is in operation.

Applicant Signature (Required) _____

Title _____

Date _____

Revised 10/16/2013



If Applying for:

Close Out Sale

- Attach a letter stating the reason for the sale, and a list of inventory, including wholesale or retail prices.
- Complete the attached affidavit.

Entertainment (for liquor establishments without an annual entertainment license)

- Attach a letter requesting the temporary entertainment license. The letter should include the name and date of the event, hours of operation, and location of entertainment.

NOTE: Limit of 3 per year

Liquor-Extension of Service Area (for establishments with an annual liquor license)

- Attach a letter requesting the extension of service area for liquor and/or entertainment.
- The letter should include the name and date of the event, hours of operation, location of liquor service, and type of security and enclosures to be provided.
- Attach district council approval or petition of approval from 60% or more of your neighbors within 300 feet.
- Provide a notice 30 days prior to proposed event to all residents within 300 feet.

NOTE: Limit of 12 per year.

Liquor Catering (for establishments with a State Catering License and City On Sale Liquor License)

- Complete Special Event Food Review and License Application (**must apply for the annual license**).

Liquor Catering (for establishments with a State Catering License and no City Liquor License)

- Attach a diagram showing the liquor service area and the security provided.
- Attach a letter of intent for requesting the temporary license. The letter should include the nature of the event and whether it is public or private, address of the event, date and hours during which liquor will be sold/served, and the proposed use and disbursement of profits from the sales.
- (If sales are to be made on a premise other than your own) attach a letter of consent from the owner and/or person with lawful responsibility for premise from which license is being requested.
- (If sales will be in any city parks) attach a copy of permission from Parks and Recreation Department.
- Attach liquor liability insurance.
- Insured must list the corporate name, doing business as, address of event, policy #, and dates of liquor coverage.

Liquor, Wine or Malt (3.2) On Sale-Temporary (for non-profit organizations, micro-breweries and micro-distilleries) **the non-profit organization must be in existence for at least three (3) years.**

- If a non-profit, attach proof of non-profit status.
- If a micro-brewery or micro-distillery, attach state brewers/distillers license or copy of taproom/cocktail room license
- Provide letter of intent. The letter should include the nature of the event and whether it is public or private, address of the event, date and hours during which liquor will be sold/served, and the proposed use and disbursement of profits from the sales.
- (If sales are to be made on a premise other than your own) attach a letter of consent from the owner and/or person with lawful responsibility for premise from which license is being requested.
- (If sales will be in any city parks) attach a copy of permission from Parks and Recreation Department.
- Attach liquor liability insurance.
- Insured must list the corporate name, doing business as, address of event, policy #, and dates of liquor coverage.

NOTE:

- **Alcohol Awareness Training is required yearly for each non-profit organization.**
- **Limit of one (1) temporary license per organization at any one location within a 30-day period.**
- **No outside service area shall be permitted unless safety barriers or other enclosures are provided.**
- **No outside service area shall be located on public property or upon any street, alley, or sidewalk.**

Liquor – Under Age Access (Temporary)

- Must have an “Active” Liquor On Sale license
- Attach a floor plan of where event will be held
- Attach a detailed service plan to of age patrons
- Attach a detailed plan of separating underage patrons

NOTE:

- **Limit of 12 Annually**
- **No more than 1 within 3 weeks of another event**

Tag Days

- Attach a letter requesting the tag days license. The letter should include the purpose and use of solicitation funds, names of people responsible for the distribution of collected funds, date, hours and location of solicitation.
- Attach a financial statement which includes the amounts of any wages, fees, commissions, costs or expenses paid or which are expected to be paid in connection with solicitation. Also list names of persons to whom payments have been made or will be made and the amounts of such payments.
- Attach a copy of the budget showing solicitations for this fiscal or calendar year.

Transient Merchant

- Attach information of where business will be conducted (name of business and address).
- Include Ramsey County Transient Merchant License Number.

EXHIBIT

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17-155



ADDENDUM TO LICENSE APPLICATION

CONTAINS NONPUBLIC DATA

CITY OF SAINT PAUL
Department of Safety & Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
(651) 266-8989 Fax (651) 266-9124
www.stpaul.gov/dsi

Please Type or Print In Ink

Licensee's Name: _____

DBA: _____

Business Address: _____

Business Phone: _____ Preferred Phone: _____

TAX IDENTIFICATION NUMBER

Minnesota Statutes section 270C.72 requires licensing authorities to collect a tax identification number for each license applicant. You may provide one of the following three identification types: a Minnesota Tax Identification Number, a Federal Tax Identification Number (FEIN), or a Social Security Number (SSN).

This data will be provided to the Minnesota Department of Revenue for tax administration purposes and may be used to deny the issuance or renewal of your license in the event you owe Minnesota sales, employer's withholding or motor vehicle excise taxes. Refusal to provide a tax identification number will result in denial of your license application. Under the Federal Exchange of Information Agreement, the Department of Revenue may also supply this information to the Internal Revenue Service.

More information can be obtained from the Minnesota Department of Revenue at 651-296-6181 or www.revenue.state.mn.us.

Tax Identification Number: _____ Circle Type: MN Tax Id / FEIN / SSN

PAYMENT INFORMATION

You must pay all applicable fees before your license will be issued. You may pay by cash, check or credit card. Account information will be used to process your payment, either by the City or a third-party service provider. The City will not share nonpublic account information with other individuals or agencies unless required to do so by a court or other competent authority.

CREDIT CARD PAYMENT

Form with checkboxes for American Express, Discover, MasterCard, Visa, and fields for Expiration Month/Year and Security Code.

Signature of Cardholder (required for all charges): _____

If paying by credit card, the above must be fully completed and signed then the entire application faxed to 651-266-9124.

If paying by check, make checks payable to the "City of St. Paul" and mail with the completed application.

ANY FALSIFICATIONS OF ANSWERS GIVEN OR MATERIAL SUBMITTED WILL RESULT IN DENIAL OF THIS APPLICATION

I have read and understand this document and provided complete, correct, and truthful information as requested.

Signature (REQUIRED for all applications) _____

Date _____



Certificate of Compliance Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

Print in ink or type

Minnesota Statute's § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry. A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

License or certificate number (if applicable)	Business telephone number	Alternate telephone number	
Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.)			
DBA ("doing business as" or "also known as" an assumed name), if applicable			
Business address (must be physical street address, no P.O. boxes)	City	State	ZIP code
County	Email address		

You must complete number 1 or 2 below.

Note: You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

1. I have a workers' compensation insurance policy.

Insurance company name (not the insurance agent)

Policy number	Effective date	Expiration date
---------------	----------------	-----------------

I am self-insured for workers' compensation. (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce; see www.mn.gov/commerce/industries/insurance/licensing/self-insurance.)

2. I am not required to have workers' compensation insurance because:

- I only use independent contractors and do not have employees. (See Minn. Stat. § 176.043 for trucking and messenger courier industries; Minn. Stat. § 181.723, subd. 4, for building construction; and Minnesota Rules chapter 5224 for other industries.)
- I do not use independent contractors and have no employees. (See Minn. Stat. § 176.011, subd. 9, for the definition of an employee.)
- I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)
- I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See Minn. Stat. § 176.041 for a list of excluded employees.)

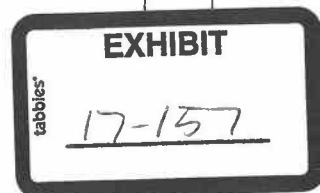
Explain why your employees are not required to be covered

I certify the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify I am authorized to sign on behalf of the business.

Print name

Applicant signature (required)	Title	Date
--------------------------------	-------	------

If you have questions about completing this form or to request this form in Braille, large print or audio, call (651) 284-5032 or 1-800-342-5354.





**LIQUOR CATERING LICENSE
APPLICATION REQUIREMENTS**
THIS APPLICATION IS SUBJECT TO REVIEW BY THE PUBLIC

CITY OF SAINT PAUL
Department of Safety
and Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
(651) 266-9090 fax (651) 266-9124

**LICENSES ARE NOT TRANSFERABLE
PAYMENT MUST BE RECEIVED WITH EACH APPLICATION**

APPLICATION REQUIREMENTS for Liquor Catering (annual*)

\$172.00 expires with your State of
Minnesota Catering License

For establishments with a State of Minnesota Catering License and a City of Saint Paul Liquor On Sale License.

Note: This license is a temporary license only. You will not receive a renewal invoice from the City of Saint Paul. If you would like to continue catering events, please submit a new application each year.

1. Special Event Food License Application must be completed by the organization, corporation and/or association in which the name of the license will be issued. When completing your application, please use each person(s) full name (no initials). Or, provide a copy of your food and liquor catering menu.
2. Provide a copy of your State of Minnesota Catering license.
3. Provide a diagram showing the liquor service area and the security that will be provided
4. Provide a letter of intent for requesting the license (include the nature of the event, public or private, event address, date and hours of liquor service, approximate # of participants)
5. (If sales are to be made on a premise other than you own, i.e. parks,) attach a letter of consent from the owner and/or person with lawful responsibility for premise from which license is being requested
6. Provide proof of Liquor Liability (Dram Shop) Insurance. According to Minnesota Statutes 340.409, an applicant must provide the City of Saint Paul with a certificate of insurance with liability limits of at least:
 - \$50,000 of coverage because of bodily injury per person in any one occurrence
 - \$100,000 of coverage because of bodily injury for more than one person in any one occurrence
 - \$10,000 of coverage because of injury to or destruction of property of others in any one occurrence
 - \$50,000/\$100,000 for loss of means of support

A liability insurance policy must provide that it may not be canceled for any cause, except for non-payment 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.

NOTE: Insurance certificates must have the licensed Corporation Name and DBA (Doing Business As), and the licensed business address / event location, event date, and time of liquor service listed on the certificate. The insurance expiration date must run concurrent with the license. Copies transmitted by fax machine are acceptable. Our fax number is (651) 266-9124.

* If you will be catering liquor to only one event, you may instead apply for a Liquor Catering (Temporary) license. The fee for a Liquor Catering (Temporary) license is \$53.00, and the temporary license is only valid for the specific event. You must still comply with all requirements referenced above.

General Reference Material

State of Minnesota Driver's Licenses and Identification Cards

Minnesota Statute 340A.503, subd. 6 - Proof of age; defense; seizure of false identification

Fake Identifications - things to watch for

Hours of operation

City of Saint Paul Fee schedule - 7% discount



LIQUOR / MALT-STRONG / MALT (3.2) / WINE - HOURS OF OPERATION
 (State Law 340A.504)

LIQUOR ON SALE

Regular and Holiday Hours: Monday - Saturday 8:00am - 1:00am
 w/Sunday license and food service Sunday 10:00am - 1:00am

NOTE: No licensee may sell intoxicating liquor or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit.

LIQUOR OFF SALE

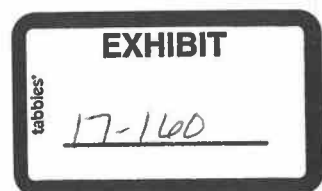
Regular Hours: Monday - Thursday 8:00am - 8:00pm
 Friday & Saturday 8:00am - 10:00pm
 Sunday 11am-6pm

MALT OFF SALE (3.2)

Regular Hours: Monday - Saturday 8:00am - 1:00am
 Sunday 10:00pm - 1:00am

LIQUOR OFF SALE HOLIDAY HOURS

JULY 3	Monday - Saturday	8:00am - 10:00pm
	Sunday	NO SALES
THANKSGIVING EVE	Wednesday	8:00am - 10:00pm
THANKSGIVING DAY	Thursday	NO SALES
DECEMBER 24	Monday - Saturday	8:00am - 8:00pm
	Sunday	11am-6pm
DECEMBER 25		NO SALES
DECEMBER 31	Monday - Saturday	8:00am - 10:00pm
	Sunday	11am-6pm



LIQUOR, MALT, AND WINE (On Sale and Off Sale) - 7% DISCOUNT (LC310.19)

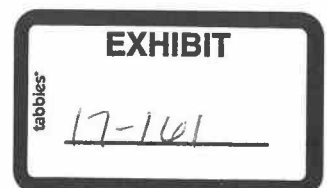
Beginning November 1, 2000, an ordinance to amend (CF00-237) Section 310.19 of the Saint Paul Legislative Code. A discount will be provided for on-sale and off-sale liquor licenses, on-sale and off-sale 3.2 malt liquor licenses and on-sale strong beer and wine licenses. Such fees mentioned shall be reduced in section 310.18 by approximately seven (7) percent, in the exact amounts as further provided herein, contingent upon each of the following conditions:

- (1) Driver's license guide and compilation of laws
- (2) Signage
- (3) Contract with a City of Saint Paul approved agency (provides investigations and training to the licensee).

Note: Items (1) to (3), information and handouts are available in a single blue binder from the DSI.

Effective November 1, 2000, the 7% discount offer is being expanded to all on and off sale licensees, including establishments that sell only beer and wine. In accordance with Saint Paul Legislative Code Section 310.19 - Discount from certain license fees. A discount will be provided for on-sale and off-sale liquor licenses, on-sale and off-sale 3.2 malt liquor licenses and on-sale strong beer and wine licenses. The fees after credit for the discount shall be:

Liquor - Extended Service Hours	\$362.00
Liquor Catering Permit (State Catering/City Liquor)	\$172.00
Liquor Off Sale	\$1350.00
Liquor On Sale - 291 or more seats	\$5,767.00
Liquor On Sale - 181-290 seats	\$5,688.00
Liquor On Sale - 101-180 seats	\$5,310.00
Liquor On Sale - 100 seats or less	\$4,795.00
Liquor On Sale - Theater	\$1,712.00
Liquor On Sale Club - Under 200 members	\$315.00
Liquor On Sale Club - 201-500 members	\$525.00
Liquor On Sale Club - 501-1,000 members	\$683.00
Liquor On Sale Club - 1,001-2,000 members	\$840.00
Liquor On Sale Club - 2,001-4,000 members	\$1,051.00
Liquor On Sale Club - 4,001-6,000 members	\$2,101.00
Liquor On Sale Club - 6,001 or more members	\$3,152.00
Liquor Outdoor Service Area (Patio)	\$76.00
Malt Off Sale	\$201.00
Malt Off Sale (Brew Pub)	\$183.00
Malt On Sale - (3.2)	\$636.00
Malt On Sale - Strong	\$635.00
Wine On Sale	\$1,881.00





Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 222, St. Paul, MN 55101
 651-201-7500 Fax 651-297-5259 TTY 651-282-6555

**APPLICATION AND PERMIT FOR A 1 DAY
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization _____ Date organized _____ Tax exempt number _____

Address _____ City _____ State Minnesota Zip Code _____

Name of person making application _____ Business phone _____ Home phone _____

Date(s) of event _____ Type of organization Microdistillery Small Brewer
 Club Charitable Religious Other non-profit

Organization officer's name _____ City _____ State Minnesota Zip Code _____

Organization officer's name _____ City _____ State Minnesota Zip Code _____

Organization officer's name _____ City _____ State Minnesota Zip Code _____

Organization officer's name _____ City _____ State Minnesota Zip Code _____

Location where permit will be used. If an outdoor area, describe.

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

APPROVAL

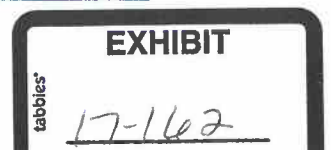
APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

_____	_____
City or County approving the license	Date Approved
_____	_____
Fee Amount	Permit Date
_____	_____
Date Fee Paid	City or County E-mail Address
_____	_____
	City or County Phone Number

Signature City Clerk or County Official _____ Approved Director Alcohol and Gambling Enforcement _____

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

**ONE SUBMISSION PER EMAIL, APPLICATION ONLY.
 PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT
 BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US**



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
445 Minnesota St., Suite 222, St. Paul, MN 55101
(651)201-7500 FAX (651)297-5259 TTY (612)282-6555

APPLICATION FOR CATERER'S PERMIT
PERMIT FEE \$300

Please check if application is an original or a renewal.

Federal Tax ID # _____

To obtain a Caterer's Permit, applicant must currently hold a valid retail on-sale intoxicating liquor license at a restaurant. All liquor laws and rules apply to both the on-sale license as well as this caterer's permit. Liquor liability and workers compensation insurance are mandatory and a certificate showing off premises coverage must accompany this application for a caterer's permit. Cancellation or suspension of the on-sale license invalidates the caterer's permit also. You, as the licensee, are required to notify the city police chief or county sheriff (if located outside city limits) before any catered events take place in their jurisdiction. Only the licensee holding the caterer's permit shall provide food and liquor at catered events. A pre-license inspection will be conducted by this office prior to caterer's permit approval.

Applicant Name (Individual, Partnership, Corporation – (If Corporation State full Corporate Name) _____ (DOB) _____ (Social Security #) _____

Trade Name or DBA of Restaurant _____

Address of Restaurant _____ Telephone # _____

City or county where on-sale license issued _____

I certify that the above information provided by the applicant is true, complete, correct and made in good faith and agree to comply with the above paragraph's requirements and all other applicable law in the use of the caterer's permit.

Signature - Authorized Applicant _____ Date _____ Print Full Name of Person Signing _____

Please attach the following documents to this form:

- 1) A copy of the applicant's valid on-sale intoxicating liquor license
- 2) A copy of the applicant's valid restaurant license issued by local Health Department
- 3) A certificate of liquor liability insurance that states "off premises coverage included" (No applications, binders or declarations)
- 4) \$300.00 check or money order payable to the Alcohol and Gambling Enforcement Division

TO AVOID DELAYS OR DENIAL OF THIS APPLICATION, ALL ITEMS MUST BE COMPLETED IN FULL OR IT WILL BE RETURNED FOR COMPLETION

MAKE CHECK PAYABLE TO: DIRECTOR OF ALCOHOL AND GAMBLING ENFORCEMENT

Cash _____

Check _____

EXHIBIT

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Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 222, St. Paul, MN 55101
 651-201-7500 Fax 651-297-5259 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization _____ Date organized _____ Tax exempt number _____

Address _____ City _____ State Minnesota Zip Code _____

Name of person making application _____ Business phone _____ Home phone _____

Date(s) of event _____ Type of organization Microdistillery Small Brewer
 Club Charitable Religious Other non-profit

Organization officer's name _____ City _____ State Minnesota Zip Code _____

Organization officer's name _____ City _____ State Minnesota Zip Code _____

Organization officer's name _____ City _____ State Minnesota Zip Code _____

Organization officer's name _____ City _____ State Minnesota Zip Code _____

Location where permit will be used. If an outdoor area, describe.

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

 City or County approving the license

 Date Approved

 Fee Amount

 Permit Date

 Date Fee Paid

 City or County E-mail Address

 City or County Phone Number

 Signature City Clerk or County Official

 Approved Director Alcohol and Gambling Enforcement

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

**ONE SUBMISSION PER EMAIL, APPLICATION ONLY.
 PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT
 BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US**





Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
 444 Minnesota St., Suite 222, St. Paul, MN 55101-5133
 (651) 201-7507
 FAX (651) 297-5259 TTY (651) 282-6555
 WWW.DPS.STATE.MN.US



APPLICATION FOR CLUB ON SALE RETAIL LIQUOR LICENSE

An officer of the club seeking a license shall complete this application. This application and the proof of liquor liability insurance must be filed with the city clerk or the county auditor. To qualify for a license a club must have at least thirty members, been in continuous existence for at least three years, have an elected governing board and limit sales to members and bona fide guests only. The annual license fee is set by statute (M.S. 340A.408). Granting of a license by the city or county is discretionary.

Workers Compensation Insurance Company _____ **Policy #** _____
Licensee's MN Sales and Use Tax ID Number _____ *To apply for MN sales and use tax number call (651) 296-6181*
Licensee's Federal Tax ID # _____

Corporation Name		Club Trade Name or DBA	
License Location (Street Address)		License Period FROM _____ TO _____	Business Phone () _____
Municipality	County	State	Zip Code
Building Owner's Name		Building Owner's Address	
Are there any delinquent taxes on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No		Club Manager's Name	
Name of Member of Managing Board	DOB	Social Security #	Address
Name of Member of Managing Board	DOB	Social Security #	Address
Name of Member of Managing Board	DOB	Social Security #	Address
Name of Member of Managing Board	DOB	Social Security #	Address
The Licensee must have one of the following: CHECK ONE			
<input type="radio"/> A. Liquor Liability Insurance (Dram Shop) - \$50,000 per person: \$100,000 more than one person: \$10,000 property destruction: \$50,000 and \$100,000 for loss of means of support. ATTACH "CERTIFICATE OF INSURANCE" TO THIS FORM OR <input type="radio"/> B. A Surety bond from a surety company with minimum coverage as specified above in A. OR <input type="radio"/> C. A certificate from the State Treasurer that the Licensee has deposited with the State, Trust Funds having a market value of \$100,000 or \$100,000 in cash or securities.			
Give Date of Club Charter If Veterans or Fraternal Organization		Date of Incorporation	Number of Years of Continuous Existence of the Club
Number of Years in Current Quarters		Number of Club Members	Will the Club be issued a Lawful Gambling License? <input type="checkbox"/> YES <input type="checkbox"/> NO

EXHIBIT

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17-165

<input type="checkbox"/> Yes <input type="checkbox"/> No	1.	Are any members, officer, agents or employees paid profits from the sale of beverages to club members?
<input type="checkbox"/> Yes <input type="checkbox"/> No	2.	Are any employees paid salaries?
<input type="checkbox"/> Yes <input type="checkbox"/> No	3.	Has applicant, partners, officers or employees ever had any liquor law violations in Minnesota or elsewhere? If yes, give names, dates, and final outcome. _____
<input type="checkbox"/> Yes <input type="checkbox"/> No	4.	Does any wholesaler or manufacture of alcoholic beverages own or have any interest in furniture, fixtures or equipment for the licensed premises? If yes, give details. _____
<input type="checkbox"/> Yes <input type="checkbox"/> No	5.	During the past license year, has a Summons been issued under the Liquor Civil Liability Law (Dram Shop) M.S. 340A.802? If yes, attach a copy of the Summons.
<input type="checkbox"/> Yes <input type="checkbox"/> No	6.	Will you serve liquor on Sunday? Amount of Sunday License Fee _____

I certify that I have read the above questions and that the answers are true and correct of my own knowledge.

Signature of Applicant _____ Date _____

IF LICENSE ISSUED BY THE COUNTY BOARD: REPORT OF COUNTY ATTORNEY

Yes No I certify that to the best of my knowledge the applicants named above are eligible to be licensed. If no, state reason. _____

Signature County Attorney _____ County _____ Date _____

REPORT BY POLICE DEPARTMENT OR SHERIFF'S OFFICE

This is to certify that the applicant, and the associates, named herein have not been convicted within the past five years for any violation of Laws of the State of Minnesota, or Municipal Ordinances relating to Intoxicating Liquor, except s follows:

Police Department or Sheriff's Name	Title	Signature
-------------------------------------	-------	-----------

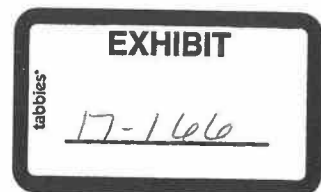
LICENSE APPROVAL OR DENIAL. License <input type="checkbox"/> Granted <input type="checkbox"/> Denied		LICENSE APPROVAL OR DENIAL License <input type="checkbox"/> Granted <input type="checkbox"/> Denied	
Signature City Clerk or County Auditor	Date	Signature Director Alcohol & Gambling Enforcement	Date

NOTICE

A \$30.00 service charge will be added to all dishonored checks. You may also be subjected to a civil penalty of \$100.00 or 100% of the value of the check, whichever is greater, plus interest and attorneys fees. MS 604.113

ALL RETAIL LIQUOR LICENSEES MUST REGISTER WITH THE ALCOHOL, TOBACCO TAX AND TRADE BUREAU. FOR INFORMATION CALL (513) 684-2979 OR 1-800-937-8864

(PS 9016-09)





Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 222, St. Paul, MN 55101
 651-201-7500 Fax 651-297-5259 TTY 651-282-6555
APPLICATION FOR COUNTY/CITY ON-SALE WINE LICENSE
 (Not to exceed 24% of alcohol by volume)

EVERY QUESTION MUST BE ANSWERED. If a corporation, an officer shall execute this application. If a partnership, LLC, a partner shall execute this application. To apply for MN sales Tax # call 651-296-6181

Workers compensation insurance company name _____ Policy Number _____
 Licensee's MN sales and Use Tax ID # _____ Licensee's Federal Tax ID # _____

Applicants Name (Business, Partnerships, Corporation)		Trade Name or DBA	
Business Address		Business Phone	Applicant's Home Phone
City		County	State Zip Code
Is this application <input type="checkbox"/> New or a <input type="checkbox"/> Transfer	If a transfer, give name of former owner		License Period From To
If a corporation, give name, title, address and date of birth of each officer. If a partnership, LLC, give name, address and date of birth of each partner.			
Partner/Officer Name and title	Address	DOB	SSN
Partner/Officer Name and title	Address	DOB	SSN
Partner/Officer Name and title	Address	DOB	SSN
Partner/Officer Name and title	Address	DOB	SSN
CORPORATIONS			
Date of incorporation	State of incorporation	Certificate Number	Is corporation authorized to do business in Minnesota? <input type="checkbox"/> Yes <input type="checkbox"/> No
If a subsidiary of another corporation, give name and address of parent corporation			
BUILDING AND RESTAURANT			
Name of building owner		Owner's address	
Are property taxes delinquent? <input type="checkbox"/> Yes <input type="checkbox"/> No	Has the building owner any connection, direct or indirect with the applicant? <input type="checkbox"/> Yes <input type="checkbox"/> No	Restaurant seating capacity	Hours food will be available
Number of restaurant employees	Number of months per year restaurant is open	Will food service be the principal business? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Describe the premises to be licensed			
If the restaurant is in conjunction with another business (resort etc.), describe business			
NO LICENSE WILL BE APPROVED OR RELEASED UNTIL THE \$20 RETAILER ID CARD FEE IS RECEIVED BY AGED			

- Yes No Has the applicant or associates been granted an on-sale malt liquor (3.2) and/or a "set-up" license in conjunction with this wine license?
- Yes No Is the applicant or any of the associates in this application a member of the county board or the city council, which will issue this license? If yes, in what capacity? _____
 (if the applicant is the spouse of a member of the governing body, or another family relationship exists, the member shall not vote on this application.)
- Yes No During the past license year, has a summons been issued under the liquor civil liability (Dram Shop)(M.S. 340A.802). If Yes, attach copy of the summons.
- Yes No Has applicant, partners, officers or employees ever had any liquor law violations in Minnesota or elsewhere. If so, give names, dates, violations and final outcome details.

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Yes No Does any person other than the applicants, have any right, title or interest in the furniture, fixtures or equipment in the licensed premises? If yes, give names and details.

Yes No Have the applicants any interests, directly or indirectly, in any other liquor establishments in Minnesota? If yes, give name and address of establishment.

I CERTIFY THAT I HAVE READ THE ABOVE QUESTIONS AND THAT THE ANSWERS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature of Applicant

Date

The licensee must have one of the following:

Liquor liability insurance (Dram Shop) \$50,000 per person; \$100,000 more than one person; \$10,000 property destruction; \$50,000 and \$100,000 for loss of means of support. Attach "CERTIFICATE OF INSURANCE" to this form.

A surety bond from a surety company with minimum coverage as specified above in.

A certificate from the state treasurer that the licensee has deposited with the state, trust funds having a market value of \$100,000 or \$100,000 in cash or securities.

IF LICENSE IS ISSUED BY THE COUNTY BOARD, REPORT OF COUNTY ATTORNEY

Yes No I certify that to the best of my knowledge the applicants named above are eligible to be licensed. If no, state reason.

Signature County Attorney

County

Date

REPORT BY POLICE OR SHERIFF'S DEPARTMENT

This is to certify that the applicant and the associates, named herein have not been convicted within the past five years for any violation of laws of the State of Minnesota, Municipal or County ordinances relating to intoxicating liquor, except as follows:

Signature

Department and Title

Date

IMPORTANT NOTICE

**ALL RETAIL LIQUOR LICENSEES MUST REGISTER WITH THE ALCOHOL, TOBACCO TAX AND TRADE BUREAU.
FOR INFORMATION CALL 513-684-2979 OR 1-800-937-8864**

A \$30.00 service charge will be added to all dishonored checks. You may also be subjected to a civil penalty of \$100.00 or 100 % of the value of the check, whichever is greater, plus interest and attorney fees.

EXHIBIT

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17-168

Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT
 445 Minnesota Street, Suite 222, St. Paul, MN 55101
 OFFICE (651) 201-7507 FAX (651) 297-5259 TTY (651) 282-6555
 DPS.MN.GOV

APPLICATION FOR OFF SALE INTOXICATING LIQUOR LICENSE
 No license will be approved or released until the \$20 Retailer ID Card fee is received

PLEASE COMPLETE THIS APPLICATION IN ITS ENTIRETY.
INCOMPLETE APPLICATIONS WILL BE RETURNED WITHOUT ACTION.

Licensee's MN Sales and Use Tax ID # _____	To apply for a MN sales and use tax ID #, call (651) 296-6181
Licensee's Federal Tax ID # _____	Licensees must register with the Federal Tax and Trade Bureau (TTB), for information call (513) 684-2979 or 1-800-937-8864

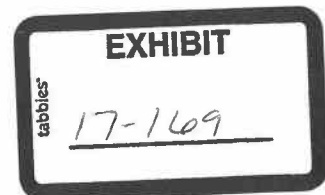
Applicant:

Licensee Name (Business, Partnership, Corporation)	Business Name (DBA)	Social Security #
Licensee Location (Physical Address)	License Period From _____ To _____	DOB (Individual Applicant)
City	County _____ State _____	Zip Code
E-mail Address	Business Phone Number	Applicant's Home Phone #

If a Corporation, LLC, or Partnership - state name, date of birth, Social Security # address, title, and Percent Owned by each officer:

Partner Officer (First, middle, last)	DOB	SS#	Title	Percent	Address, City, State, Zip Code

1. If a corporation, date of incorporation _____, state incorporated in _____. If a subsidiary of any other corporation, so state _____.
 If incorporated under the laws of another state, is corporation authorized to do business in the state of Minnesota?
 Yes No
2. Describe premises to which license applies; such as (first floor, second floor, basement, etc.) or if entire building, so state. _____
3. Is establishment located near any state university, state hospital, training school, reformatory or prison?
 Yes No. If yes, state approximate distance. _____
4. Name and address of building owner _____
 Has owner of building any connection, directly or indirectly, with applicant? Yes No

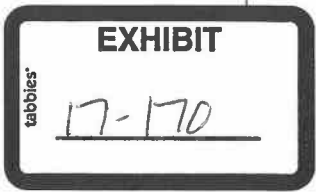


5. Is/are applicant(s), a member of the governing body of the municipality in which this license is to be issued?
 Yes No If Yes, in what capacity? _____
6. Have applicants any interest whatsoever, directly or indirectly, in any other liquor establishment in the state of Minnesota?
 Yes No If yes, give name and address of establishment. _____
7. Are the premises now occupied or to be occupied by the applicant entirely separate and exclusive from any other business establishment?
 Yes No
8. State whether applicant has or will be granted, an On Sale Liquor License in conjunction with this Off Sale Liquor License and for the same premises.
 Yes No All be granted
9. State whether applicant has or will be granted a Sunday On Sale Liquor License in conjunction with the regular On Sale Liquor License.
 Yes No All be granted
10. If this application is for a County Board Off Sale License, state the distance in miles to the nearest municipality.

11. If this license is being issued by a County Board, has a public hearing been held as per MN Statute 340A.405 sub2(d)?
12. If this license is being issued by a County Board, is it located in an organized township?
If so, attach township approval.

Violations	
1.	Has applicant(s) had a liquor license revoked in the last 5 years; <input type="checkbox"/> Yes <input type="checkbox"/> No If so, give dates and details. _____
2.	Has applicant, partners, officers, or employees ever had any liquor law violations or felony convictions in Minnesota or elsewhere? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give dates, charges and final outcome _____ _____
3.	During the past license year, has a summons been issued under the Liquor Civil Liability Law (Dram Shop) M.S. 340A.802. <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach a copy of the summons.

REPORT BY POLICE/SHERIFF'S DEPARTMENT		
This is to certify that the applicant and the associates named herein have not been convicted within the past five years for any felonies or municipal ordinances relating to intoxicating liquor except as follows: _____ _____		
_____ Police/Sheriff's Department	_____ Title	_____ Signature
_____ County Attorney's Signature		



Insurance (ATTACH CERTIFICATE OF INSURANCE TO THIS FORM)

Licensee must obtain one of the following PER Minnesota Statute 340A.409:

Check one:

- A. Liquor Liability Insurance (Dram Shop) - \$50,000 per person, \$100,000 more than one person; \$10,000 property destruction; \$50,000 and \$100,000 for loss of means of support.

Please review Insurance Certificate before submitting:

Must be Certificate of Insurance (Declarations or Binders not accepted)

Licensee name on this application and the Insurance Certificate must match EXACTLY.

Must provide physical address of licensed location (No PO Boxes accepted)

Dates of coverage must cover the entire license period.

or

- B. A surety bond from a surety company with minimum coverage as specified in A.

or

- C. A certificate from the State Treasurer that the licensee has deposited with the state, trust funds having market value of \$100,000 or \$100,000 in cash or securities.

Minnesota Statutes, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry. A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

Workers compensation insurance company: Name _____

Policy # _____ Number of employees: _____

I certify that I have read the above questions and that the answers are true and correct of my own knowledge.

Print name of applicant & title

Signature of Applicant

Date

PS 9136-(2012)

EXHIBIT

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Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division (AGED)
 445 Minnesota Street, Suite 222, St. Paul, MN 55101-5133
 Telephone 651-201-7500 Fax 651-297-5259 TTY 651-282-6555
 www.dps.state.mn.us

Application for Optional 2 AM Liquor License

License type code: 2AM License Expiration Date _____ ID# _____
 (For Office Use Only)

Licensee Name: _____

Trade Name: _____

Licensed Location Address: _____

City, State, Zip Code: _____

Business Phone: _____

If the above named licensee is a corporation, partnership, or LLC, complete the following for each partner/officer:

Partner/Officer Name	(First Middle Last)	DOB	Social Security #	Home Address

Partner/Officer Name	(First Middle Last)	DOB	Social Security #	Home Address

Partner/Officer Name	(First Middle Last)	DOB	Social Security #	Home Address

Licensee must report previous 12 month on sale alcoholic beverage gross receipts by checking one of the boxes below. Next to the box you check is your 2 AM license fee. Make check payable to: **Alcohol and Gambling Enforcement Division (AGED)**. Mail this application and check to : AGED, 445 Minnesota St., Suite 222, St. Paul, MN 55101.

- \$300 2 AM license fee - Up to \$100,000 in on sale gross receipts for alcoholic beverages
- \$750 2 AM license fee - Over \$100,000, but not over \$500,000 in on sale gross receipts for alcoholic beverages
- \$1,000 2 AM license fee - Over \$500,000 in on sale gross receipts for alcoholic beverages
- \$200 2 AM license fee - 3.2% On Sale Malt Liquor licensees or Set Up license holders
- \$200 2 AM license fee - Did not sell alcoholic beverages for a full 12 months prior to this application

Yes No Does your city or county licensing official allow the sale of alcoholic beverages until 2 AM?

City Clerk/County Auditor Signature _____ Date _____

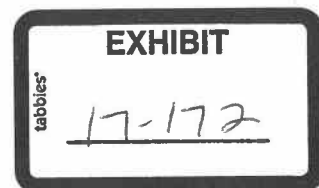
(I certify that the city or county of _____ approves the sale of alcoholic beverages until 2 AM)

Licensee Minnesota Tax ID Number (Required) _____

Licensee Signature _____ Date _____

(I certify that I have answered the above questions truthfully and correctly)

Licensee: Prior to submitting this application to the Alcohol and Gambling Enforcement Division, it must be signed by your local city or county licensing official.



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
444 Cedar St., Suite 222, St. Paul, MN 55101-5133
(651) 201-7507 FAX (651) 297-5259 TTY (651) 282-6555

RENEWAL OF LIQUOR, WINE, OR CLUB LICENSE

No license will be approved or released until the \$20 Retailer ID Card fee is received by MN Liquor Control

Licensee: Please verify your license information contained below. Make corrections if necessary and sign. City Clerk/County Auditor should submit this signed renewal with completed license and licensee liquor liability for the new license period. **City Clerk/County Auditor is also required by M.S. 340A.404 S. 3 to report any license cancellation.**

License Code _____ License Period Ending _____ ID # _____
City/County where license approved _____

Licensee Name _____

Trade Name _____

Licensed Location address _____

City, State, Zip Code _____

Business Phone _____

LICENSE FEES: Off Sale \$ _____ On Sale \$ _____ Sunday \$ _____

By signing this renewal application, applicant certifies that there has been no change in ownership, corporate officers, partners, home addresses, or telephone numbers. If changes have occurred during the past 12 months, please give details on the back of this renewal, then sign below.

Applicant's signature on this renewal confirms the following: Failure to report any of the following will result in fines.

1. Licensee confirms that it has never had a liquor license rejected by any city/township/county in the state of Minnesota. If ever rejected, please give details on the back of this renewal, then sign below.
2. Licensee confirms that for the past five years it has not had a liquor license revoked for any liquor law violation (state or local). If a revocation has occurred, please give details on the back of this renewal, then sign below.
3. Licensee confirms that during the past five years it or its employees have not been cited for any civil or criminal liquor law violations. If violations have occurred, please give details on back of this renewal, and then sign below.
4. Licensee confirms that during the past license year, a summons has not been issued under the Liquor Liability Law (Dram Shop) MS 340A.802. If yes, attach a copy of the summons, then sign below.
5. Licensee confirms that Workers Compensation insurance is in effect for the full license period.
6. Licensee confirms that it has no interest directly or indirectly in another liquor establishment, be it manufacture, distribution or retail, or if so give details on the back of this renewal.

Licensee has attached a liquor liability insurance certificate that corresponds with the license period in the city/county where the license is issued. \$100,000.00 in cash or securities or a \$100,000.00 surety bond may be submitted in lieu of liquor liability

Licensee
Signature _____ Date _____

(Signature certifies all above information to be correct and license has been approved by city/county.

City Clerk/County Auditor Signature _____ Date _____

(Signature certifies that an on-sale intoxicating liquor license has been approved by the city/county as stated above).

County Attorney Signature _____ Date _____

County Board issued licenses only (Signature certifies licensee is eligible for license)

Police/Sheriff Signature _____ Date _____

(Signature certifies licensee or associates have been checked for any state/local liquor law violations (criminal/civil) during the past five years. Report violations on back, and then sign here.

A \$30.00 service charge will be added to all dishonored checks. You may also be subjected to a civil penalty of \$100.00 or 100% of the value of the check, whichever is greater, plus interest and attorneys fees.

PS 9093-2009

EXHIBIT

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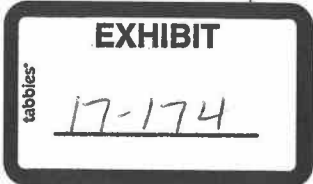
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Indicate below changes of corporate officers or partners, including: home addresses or telephone numbers. NOTE: Officers or partners may not be a person under 21 years of age.

Report below, details of liquor law violations, both civil and criminal including dates and offenses, fines or other penalties; including Liquor Control penalties. NOTE: Incorrect or incomplete information is considered to be willfully fraudulent and is subject to legal recourse including fines and/or license suspension or revocation.

Report below details involving any license rejections or revocations. NOTE: Incorrect or incomplete information is considered to be willfully fraudulent and is subject to legal recourse including fines and/or license suspension or revocation.

City/County Comments:





Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
 444 Cedar St., Suite 133, St. Paul, MN 55101-5133
 (651) 201-7507 FAX (651)297-5259 TTY(651)282-6555
 WWW.DPS.STATE.MN.US



APPLICATION FOR BREWPUB OFF SALE MALT LIQUOR LICENSE

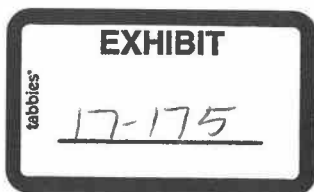
Annual Brewpub Production in Barrels _____
 Workers compensation insurance company Name _____ Policy # _____
 Licensee's MN Sales and Use Tax ID # _____ To apply for a sales and use tax ID #, call (651) 296-6181
 Licensee's Federal Tax ID # _____
 If a corporation, an officer shall execute this application If a partnership, a partner shall execute this application.

License Name (Individual, Corporation, Partnership, LLC)		Social Security #	Trade Name or DBA	
License Location (Street Address & Block No.)		License Period From _____ To _____		Applicant's Home Phone #
City	County	State	Zip Code	
Name of Store Manager		Business Phone Number	DOB (Individual Applicant)	

If a corporation or LLC state name, date of birth, Social Security # address, title, and shares held by each officer. If a partnership, state names, address and date of birth of each partner.

Partner Officer (First, middle, last)	DOB	SS#	Title	Shares	Address, City, State, Zip Code

- If a corporation, date of incorporation _____, state incorporated in _____, amount paid in capital _____, If a subsidiary of any other corporation, so state _____ and give purpose of corporation _____. If incorporated under the laws of another state, is corporation authorized to do business in the state of Minnesota? Yes No
- Describe premises to which license applies; such as (first floor, second floor, basement, etc.) or if entire building, so state.
- Is establishment located near any state university, state hospital, training school, reformatory or prison? Yes No If yes state approximate distance.
- Name and address of building owner: _____
 Has owner of building any connection, directly or indirectly, with applicant? Yes No
- Is applicant or any of the associates in this application, a member of the governing body of the municipality in which this license is to be issued? Yes No If yes, in what capacity?
- State whether any person other than applicants has any right, title or interest in the furniture, fixtures or equipment for which license is applied and if so, give name and details.
- Have applicants any interest whatsoever, directly or indirectly, in any other liquor establishment in the state of Minnesota?
 Yes No If yes, give name and address of establishment.



8. Are the premises now occupied or to be occupied by the applicant entirely separate and exclusive from any other business establishment? Yes No
9. State whether applicant has or will be granted, an On Sale Liquor License in conjunction with this Off Sale Liquor License and for the same premises. Yes No Will be granted
10. State whether applicant has or will be granted a Sunday On Sale Liquor License in conjunction with the regular On Sale Liquor License. Yes No Will be granted
11. If this application is for a County Board Off Sale License, state the distance in miles to the nearest municipality. _____
12. State Number of Employees _____
13. If this license is being issued by a County Board, has a public hearing been held as per MN Statute 340A.405 sub 2(d)? _____
14. If this license is being issued by a County Board, is it located in an organized township? If so, attach township approval. _____

1. State whether applicant or any of the associates in this application, have ever had an application for a liquor license rejected by any municipality or state authority; if so, give dates and details. _____
2. Has the applicant or any of the associates in this application, during the five years immediately preceding this application ever had a license under the Minnesota Liquor Control Act revoked for any violation of such laws or local ordinances; if so, give dates and details. _____
3. Has applicant, partners, officers, or employees ever had any liquor law violations or felony convictions in Minnesota or elsewhere, including State Liquor Control penalties? Yes No If yes, give dates, charges and final outcome. _____
4. During the past license year, has a summons been issued under the Liquor Civil Liability Law (Dram Shop) M.S. 340A.302. Yes No If yes, attach a copy of the summons. _____

This license must have one of the following: (ATTACH CERTIFICATE OF INSURANCE TO THIS FORM.)

- Check one
- A. Liquor Liability Insurance (Dram Shop) - \$50,000 per person, \$100,000 more than one person; \$10,000 property destruction; \$50,000 and \$100,000 for loss of means of support.
- or
- B. A surety bond from a surety company with minimum coverage as specified in A.
- or
- C. A certificate from the State Treasurer that the licensee has deposited with the state, trust funds having market value of \$100,000 or \$100,000 in cash or securities.

I certify that I have read the above questions and that the answers are true and correct of my own knowledge.

Print name of applicant & title	Signature of Applicant	Date
---------------------------------	------------------------	------

REPORT BY POLICE/SHERIFF'S DEPARTMENT

This is to certify that the applicant and the associates named herein have not been convicted within the past five years for any violation of laws of the State of Minnesota or municipal ordinances relating to intoxicating liquor except as follows:

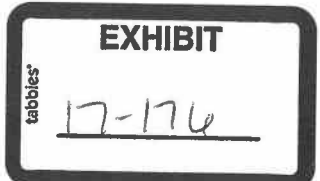
Police/Sheriff's Department	Title	Signature
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PS 9136-(2006)

County Attorney's Signature _____

IMPORTANT NOTICE

All retail liquor licensees must have a current Federal Special Occupational Stamp. This stamp is issued by the Bureau of Alcohol, Tobacco, and Firearms. For information call (651)726-0220





DEPARTMENT OF PUBLIC SAFETY
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
445 Minnesota Street Suite 222
St. Paul, MN 55101
Phone (651) 201-7507 TDD (651) 282-6555
Fax (651) 297-5259

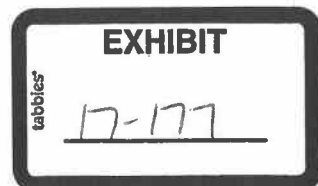
CARD NUMBER

(Office Use Only)

**APPLICATION FOR RETAILER'S (BUYER'S) CARD FOR LIQUOR AND WINE
PLEASE RETURN THIS APPLICATION WITH FEE \$20.00**

ISSUING AUTHORITY	TYPE CODE	BUYER'S CARD EXPIRES	IDENTIFICATION #
PRINT NAME OF LICENSEE (AS SHOWN ON LICENSE)		BUSINESS NAME (DBA)	
BUSINESS ADDRESS		COUNTY	BUSINESS PHONE
CITY, STATE, ZIP CODE		AUTHORIZED SIGNATURE	

PS 9135 (12/09)



2018 Minnesota Statutes

340A.503 PERSONS UNDER 21; ILLEGAL ACTS.

Subd. 2. Purchasing.

It is unlawful for any person:

(1) to sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age;

Subd. 6. Proof of age; defense; seizure of false identification.

(a) Proof of age for purchasing or consuming alcoholic beverages may be established only by one of the following:

(1) a valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person;

(2) a valid military identification card issued by the United States Department of Defense;

(3) a valid passport issued by the United States;

(4) a valid instructional permit issued under section 171.05 to a person of legal age to purchase alcohol which includes a photograph and the date of birth of the person issued the permit; or

(5) in the case of a foreign national, by a valid passport.

(b) In a prosecution under subdivision 2, clause (1), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in paragraph (a) in selling, bartering, furnishing, or giving the alcoholic beverage.

(c) A licensed retailer or municipal liquor store may seize a form of identification listed under paragraph (a) if the retailer or municipal liquor store has reasonable grounds to believe that the form of identification has been altered or falsified or is being used to violate any law. A retailer or municipal liquor store that seizes a form of identification as authorized under this paragraph must deliver it to a law enforcement agency, within 24 hours of seizing it.

EXHIBIT

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