



## Legislation Details (With Text)

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**In control:** City Council

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**Title:** Amending Section 409.02 and 409.06 of the Saint Paul Legislative Code and creating Section 409.29 pertaining to an Off-Sale Wine Only license.

**Sponsors:** Kathy Lantry

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
4/4/2012	4	Mayor's Office	Signed	
3/28/2012	4	City Council	Adopted	Pass
3/21/2012	4	City Council	Laid Over to Fourth Reading	Pass
3/14/2012	4	City Council	Laid Over to Third Reading/Public Hearing	
3/7/2012	4	City Council	Laid Over to Second Reading	

Amending Section 409.02 and 409.06 of the Saint Paul Legislative Code and creating Section 409.29 pertaining to an Off-Sale Wine Only license.

### THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

#### SECTION 1

Section 409.02 of the Saint Paul Legislative Code is hereby amended to include the following definition:

Off-sale Wine Only: Off-Sale Wine Only shall mean an off-sale license issued under section 409.29 of this code.

#### SECTION 2

Section 409.06 of the Saint Paul Legislative Code is hereby amended to read as follows:

##### **409.06 Licensing Requirements**

(i) *License location restrictions.* These restrictions shall not apply to off-sale/brew pub license or off-sale brewery licenses.

(1) No off-sale license shall be issued for any place where non-intoxicating 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, except in the downtown business district, where the distance requirement shall be a radius of

three hundred (300) feet.

a. Notwithstanding the foregoing, no off-sale liquor establishment, except for off-sale wine only, shall be located within a half-mile radius of the Xcel Energy Center.

(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 of 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 the distance if it makes findings that such license is not inconsistent with the health, safety, morals or 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 requirement of law and there exists no ground for adverse action against such license.

Section 409.29 of the Saint Paul Legislative Code is hereby created to read as follows:

**409.29 Off-Sale Wine Only licenses**

(a) Definition. Off-sale Wine Only shall mean an off-sale license that includes a license condition limiting the type of liquor sold to wine, as defined in Minn. Stat. 297G.01, Subd. 20.

(b) Issuance of license; fee; conditons of license. A holder of an off-sale wine only license is subject to the same terms as a holder of an off-sale license under Minn. Stat. 340A.405 and Chapter 409 of this code. In addition, an off-sale wine only license is subject to the following conditions:

(1) The license fee shall be paid in the amount listed for an off-sale license in section 310.18 of this code.

(2) The license shall be valid on all days of the week consistent with the hours of sale provided by section 409.07 (b).

(3) A licensee may not hold both an off-sale license and an off-sale wine only license. A licensee may hold only one (1) off-sale wine only license under this section.

(4) The only alcoholic beverages sold may be wine as defined in Minn Stat. 297G.01, Subd. 20, in original packages in retail stores for consumption off or away from the premises where sold.

(5) All other provisions of this chapter shall be applicable to such licenses and licensees unless inconsistent with the provisions of this section.

### SECTION 3

This ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.