

ORDINANCE NO.

AN ORDINANCE ADDING REQUIREMENTS FOR MICRODISTILLERIES, BREW PUBS AND BREWER TAPROOMS, AND AMENDING THE HOURS FOR INTOXICATING LIQUOR ON SUNDAYS AND THEREBY AMENDING REVISED CITY CODE – 1982 SECTIONS 5-203, 5-209, 5-218, and 5-219

The City of Coon Rapids does ordain:

Section 1. Revised City Code - 1982 Section 5-203 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-203 Definitions.

(1) “Public drinking place” means any public place which serves liquids which are or may be used for the purposes of mixing intoxicating liquors to be consumed on the premises.

(2) “Public place” shall mean any place, other than a private home where two or more persons or groups of persons or the public congregate or frequent and shall include, but not be limited to, clubs, taverns, beer stores, drug stores, restaurants, and hotels.

(3) “Tavern” means on-sale establishments where entertainment, music, and dancing are permitted.

(4) “Alcoholic Beverage” means any beverage containing more than one-half of one percent alcohol by volume.[Revised 9/18/01, Ordinance 1738][Revised 5/4/04, Ordinance 1836]

(5) “Off-sale Intoxicating Liquor” includes the off-sale of intoxicating liquor under both Class A and Class B licenses, unless otherwise specified herein.

(6) “Class A Off-sale Intoxicating Liquor License” means a license to sell intoxicating liquor off-sale.

(7) “Class B Off-sale Intoxicating Liquor License” means a license to sell off-sale intoxicating malt liquor and wines only.[Revised 11/8/00, Ordinance 1712]

(8) “Class B On-sale Intoxicating Liquor License” means a license to sell intoxicating liquor for establishments which meet the seating requirements for restaurants and which have some food available, but which do not provide a full menu or table service.[Revised 11/15/05, Ordinance 1911]

(9) “Intoxicating Liquor” means ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverages containing more than 3.2 percent alcohol by weight.[Revised 9/18/01, Ordinance 1738]

(10) “3.2 Percent Malt Liquor” means malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.[Revised 9/18/01, Ordinance 1738]

(11) “Wine” means 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 uses.[Revised 5/4/04, Ordinance 1836]

(12) “Wine Tasting” is an event at which persons pay a fee or donation to participate, and are allowed to consume wine by the glass without paying a separate charge for each glass. [Revised 2/17/09, Ordinance 1999]

(13) “Microdistillery” shall mean a distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.

(14) “Cocktail Room” shall mean 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.

(15) “Brew Pub” shall mean 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 Minnesota Statute 340A.24, Subdivision 2.

(16) “Brewer Taproom” shall mean 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.

(17) “Growlers” shall mean a 64-ounce container or 750 milliliter bottle as defined by Minnesota Statute 340A.285(a). 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 and extend over the top of the twist type closure, cork, stopper or plug forming a seal that must be broken upon opening of the container. The adhesive band, strip or sleeve shall bear the name and address of the brewer/licensee selling the malt liquor. The containers shall be identified as malt liquor, contain the name of the malt liquor, bear the name and address of the brewer/licensee selling the malt liquor, and the contents in the container packaged as required herein shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise in accordance with the provisions of Minnesota Rules, part 7515.1100.

Section 2. Revised City Code – 1982 Section 5-209 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-209 Types of Licenses and Fees.

(1) In accordance with State law, the City Code, and particularly this Chapter, the following types of annual licenses may be issued and the fees established from time to time by ordinance of the City Council:

- (a) 3.2 percent malt liquor, off-sale.
- (b) 3.2 percent malt liquor, on-sale.
- (c) Tavern beer (including public dancing).
- (d) Bottle clubs (including public dancing).
- (e) Public drinking place.
- (f) Intoxicating liquor, clubs, as defined in Minnesota Statutes Section 340A.101, subd.7.

(g) Intoxicating liquor, on-sale, Class A license for hotels, as defined in Minnesota Statutes Section 340A.101, subd.13 and restaurants, as defined in Minnesota Statutes Section 340A.101, subd. 25 as modified by City Code Subsection 5-217(2)(a).

(h) Class B license for establishments which meet the seating requirements for restaurants and which have some food available, but which do not provide a full menu or table service.

(i) Sunday sales.

(j) Wine, on-sale, for restaurants as defined in Minnesota Statutes Section 340A.101, subd. 25 as modified by City Code Subsection 5-217(2)(b).[Revised 11/15/05, Ordinance 1911]

(k) Cocktail Room;

(l) Microdistillery Off Sale;

(m) Brew Pub Off Sale;

(n) Brewer Taproom;

(o) Small Brewer Off Sale;

Section 3. Revised City Code – 1982 Section 5-209 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-209 Types of Licenses and Fees.

(10) Cocktail Room License. A Cocktail Room License may be issued to a microdistillery license under Minnesota Statute 340A, as it may be amended from time to time and 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, subject to the following conditions:

(a) On-sale of distilled spirits shall be limited to the legal hours for on-sale pursuant to state law and Chapter 5-218.

(b) No single entity may hold both a Cocktail Room and Taproom license, and a cocktail room and taproom may not be co-located.

(c) Distiller may only have one Cocktail Room license, and may not have an ownership interest in a distillery licensed under section Minnesota Statute 340A.301 Subdivision 6, paragraph (a), as it may be amended from time to time.

(d) 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.

(11) Microdistillery Off Sale License. A Microdistillery Off Sale License may be issued to microdistiller licensed under Minnesota Statue 340A, as it may be amended from time to time, for off sale of distilled spirits. The license allows the sale of one 375 milliliter bottle per customer per day of product manufactured on-site, subject to the following requirements:

(a) Off-sale hours of sale must conform to hours of sale for retail off-sale licensees as listed in Chapter 5-218(3).

(b) No brand may be sold at the microdistillery unless it is also available for distribution by wholesalers.

(12) Brewer Taproom License. A Brewer Taproom License may be issued to a brewer licensed under Minnesota Statute 340A as it may be amended from time to time, for the on-sale of malt liquor subject to the following conditions:

(a) On-sale of malt liquor shall be limited to the legal hours for on-sale pursuant to State Law and Chapter 5-218.

(b) Brewer may only hold one brewer taproom license under this chapter.

(c) The only alcohol that may be sold or consumed on the premises of a brewery taproom will be the malt liquor produced by the brewer.

(d) License may only be issued to a licensee operating in the regional shopping, general commercial, community commercial, port, and industrial districts.

(e) Nothing in this section precludes the holder of a brewer taproom license from also holding a license to operate a restaurant at the brewery.

(13) Small Brewer Off Sale License. A Small Brewer Off Sale License may be issued to a brewer licensed under Minnesota Statute 340A, as it may be amended from time to time, for off-sale of malt liquor at its licensed premises that has been produced and packaged by the brewer, subject to the following conditions:

(a) Off-sale hours of sale of malt liquor must conform to hours of sale for retail off-sale licensees as listed in Chapter 5-218(3) 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 as off-sale on Sundays.

(b) Amount of malt liquor sold at off-sale may not exceed 500 barrels annually.

(c) Malt liquor sold off-sale under this subdivision shall be packaged only in Growlers.

(14) Brew Pub Off Sale License. A Brew Pub Off Sale License may be issued to a brewer who holds a brewer license issued by the Minnesota Commissioner of Public Safety for the operation of a brew pub and shall be operated in and as a part of a restaurant establishment for which an on-sale intoxicating liquor license has been issued by the city, subject to the following conditions:

(a) Off-sale hours of sale of malt liquor must conform to hours of sale for retail off-sale licensees as listed in Chapter 5-218(3) and malt liquor must be removed from the licensed premises before the applicable off-sale closing time requirements. Notwithstanding any other provisions, sales of off-sale malt liquor shall be permitted on Sundays during the hours of 8:00 a.m. to 10:00 p.m., except for December 25 or December 24 after 8:00 p.m.

(b) Off-sale license may be issued solely for the malt liquor produced and packaged on the licensed premises and only upon approval of the license by the Minnesota Commissioner of Public Safety.

(c) Only malt liquor may be brewed or manufactured at the licensed premises and not more than 3,500 barrels of malt liquor in a calendar year may be brewed or manufactured at the licensed premises, provided that off sale totals may not total more than 500 barrel.

(d) Malt liquor sold off-sale under this subdivision shall be packaged in Growlers.

Section 4. Revised City Code - 1982 Section 5-218 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-218 Days and Hours.

(3) Off-sale Intoxicating Liquor Establishments. No sale of intoxicating liquor may be made by an off-sale licensee:

- (a) on Sundays, except for off sale growler sales as allowed by Minnesota Statute 340A.24, Subd. 2, as may be amended from time to time and Minnesota Statute 340A.26, Subd. 5 as may be amended from time to time;
- (b) before 8:00 a.m. on Monday through Saturday;
- (c) after 10:00 p.m. on Monday through Saturday;
- (d) on Thanksgiving Day;
- (e) on Christmas Day, December 25; or
- (f) after 8:00 p.m. on Christmas Eve, December 24.[Revised 5/4/04, Ordinance 1836]

Section 5. Revised City Code - 1982 Section 5-219 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-219 Sunday Sales. Notwithstanding the other sections of this Chapter, establishments to which on-sale licenses for the sale of alcoholic beverages on Sunday have been issued, and establishments to which on-sale wine licenses have been issued, may serve alcoholic beverages for which licensed between the hours of [~~10:00~~] 8:00 a.m. Sunday and 2:00 a.m. Monday in conjunction with the serving of food, provided that the licensed establishment is in conformance with the Minnesota Clean Indoor Air Act as set out in Minnesota Statutes Sections 144.411 to 144.417.[Revised 5/4/04, Ordinance 1836]

Introduced this 16th day of February, 2016.

Adopted this _____ day of _____, 2016.

ATTEST:

Joan Lenzmeier, City Clerk

Jerry Koch, Mayor