

ORDINANCE NO. 1349

AN ORDINANCE AMENDING CHAPTER 3, ALCOHOLIC BEVERAGES, ARTICLE II, SALE OF ALCOHOLIC BEVERAGES, DIVISION 2, LICENSE, SECTION 3-48, LICENSE FEE AND ARTICLE III, SALE OF INTOXICATING LIQUOR FOR ON-PREMISES CONSUMPTION, DIVISION 2, LICENSE, SECTION 3-117, LICENSE FEE—GENERALLY, AND ADOPTING A NEW SECTION 3-58, “OFF-SALE” MALT LIQUOR LICENSES, AND A NEW SECTION 3-137, BREWER TAPROOM LICENSES

The City Council of the City of Willmar hereby ordains as follows:

Section 1. AMENDMENT OF MUNICIPAL CODE SECTION 3-48. Chapter 3, Article II, Division 2, Section 3-48 of the Willmar Municipal Code is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 3-48. - License fee.

- (b) *Amount.* The annual fee for off-sale licenses shall be in such amount as kept on file in the office of the city clerk-treasurer. The fee for a license granted after the commencement of the license year shall be prorated on a monthly basis, with each part of a month constituting a full month.
- (c) *Payment.* ~~All of the~~ The license fee may shall be paid upon application, ~~or the applicant may pay one half of the fee at the time of application and the remaining balance on or before the last day of the sixth month following the issuance of the license.~~ All fees shall be paid into the general fund of the city, and shall be paid in cash or by certified check.

Section 2. AMENDMENT OF MUNICIPAL CODE SECTION 3-117. Chapter 3, Article III, Division 2, Section 3-117 of the Willmar Municipal Code is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 3-117. - License fee—Generally.

- (b) *Payment.* All of the license fee ~~may~~ shall be paid upon application, ~~or the applicant may pay one half of the fee at the time of application and the remaining balance on or before the last day of the sixth month following the issuance of the license.~~ All fees shall be paid into the general fund of the city and shall be paid in cash or by certified check.

Section 3. ENACTMENT OF NEW MUNICIPAL CODE SECTION 3-58. Chapter 3, Article II, Division II of the Willmar Municipal Code is hereby amended to include a new Section 3-58 to read as follows:

Sec. 3-58.—“Off-Sale” Malt Liquor Licenses

A brewer licensed under Stat. § 340A.301, Subd. 6(d), (i), or (j) may be licensed for the "off-sale" of malt liquor produced and packaged on the licensed premises in accordance with Minn. Stat. § 340A.301, Subd. 7(b), subject to the following conditions:

- (a) The annual license fee for an off-sale malt liquor license, as established in the fee schedule kept on file in the office of the city clerk-treasurer, shall be paid.
- (b) The investigating fee established in section 3-49 of this code shall be paid.
- (c) Off-sale of malt liquor may only be made during the hours that "off-sale" of liquor may be made;
- (d) The malt liquor shall be packaged in sixty-four-ounce containers commonly known as "growlers" or in seven hundred fifty (750) milliliter bottles;
- (e) The malt liquor sold at "off-sale" must be removed from the licensed premise before the applicable closing time at exclusive liquor stores;
- (f) The "growler" must be sealed in such a manner that the seal must be broken in order to open the container and the seal must bear the name and address of the brewer, and the legend "Not for Consumption in Public" must be prominently displayed on the seal.
- (g) All other provisions of this article shall be applicable to such licenses and licensees unless inconsistent with the provisions of this section.

Section 4. ENACTMENT OF NEW MUNICIPAL CODE SECTION 3-137. Chapter 3, Article III, Division 2 of the Willmar Municipal Code is hereby amended to include a new Section 3-137 to read as follows:

Sec. 3-137.—Brewer Taproom Licenses

- (a) *Definition.* A brewer taproom license shall mean a license authorizing the on-sale of malt liquor produced by a brewer for consumption on the premises of or adjacent to one (1) brewer location owned by the brewer.
- (b) *Issuance of license; fee; conditions of license.* Brewer taproom licenses may be issued to the holder of a brewer's

license under Minn. Stat. § 340A.301, subd. 6(c), (i) or (j). Said license may be issued without regard to the limitations contained in sections 3-113 and 3-114 and are subject to the following conditions:

- (1) The annual license fee for a taproom license, as established in the fee schedule kept on file in the office of the city clerk-treasurer, shall be paid.
- (2) The investigating fee established in section 3-120 of this code shall be paid.
- (3) The license shall be valid on all days of the week consistent with the hours of sale provided in section 3-83 of this code.
- (4) A brewer may only hold one (1) brewer taproom license under this section.
- (5) The only alcoholic beverages sold or consumed on the premises of the taproom will be malt liquor produced by the brewer upon the brewery premises.
- (6) No taproom shall be located across a public right-of-way such as a street or alley from the brewery location.
- (7) All other provisions of this article shall be applicable to such licenses and licensees unless inconsistent with the provisions of this section.

(c) Nothing in this section shall preclude the holder of a brewer taproom license from also holding a license to operate a restaurant at the taproom location.

Section 5. EFFECTIVE DATE. This ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by Council Member: Anderson

This Ordinance introduced on: July 15, 2013

This Ordinance published on: July 26, 2013

This Ordinance given a hearing on: August 5, 2013

This Ordinance adopted on: August 5, 2013

This Ordinance published on: August 9, 2013