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**CITY OF STACY
CHISAGO COUNTY, MINNESOTA**

ORDINANCE NO. 20 - ___ - ___

**AN ORDINANCE AMENDING CHAPTER 112 OF THE STACY CITY
CODE REGULATING ALCOHOLIC BEVERAGES**

The City Council of Stacy ordains:

SECTION 1. Section 112.03 of the Stacy City Code is amended by amending the definition of “restaurant” to read as follows:

RESTAURANT. An eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus and where the main food course is served and consumed while seated at a single location. To be a “restaurant” as defined in this section, an establishment shall have a license from the state as required by M.S. § 157.16, subd. 3d, as it may be amended from time to time, and meet the definition of either a “category 2 establishment,” or “category 3 establishment” as defined in M.S. § 157.16 subd. 3d, as it may be amended from time to time. An establishment which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered a restaurant for purposes of this chapter unless it meets the definitions of “category 2 establishment” or “category 3 establishment”.

SECTION 2. Section 112.22 (I) of the Stacy City Code is amended to read as follows:

(I) On-sale wine licenses, with the approval of the Commissioner of Public Safety to: theaters, restaurants that have facilities for seating at least 25 guests at one time and meet the criteria of M.S. § 340A.404, Subd. 5, as it may be amended from time to time, and which meet the definition of restaurant in § 112.03; and to licensed bed and breakfast facilities, which meet the criteria in M.S. § 340A.4011, Subd. 1, as it may be amended from time to time. The fee for an on-sale wine license established by the Council under the provisions of § 112.23 shall not exceed ½ of the license fee charged for an on-sale intoxicating liquor license. The holder of an on-sale wine license who also holds an on-sale 3.2 percent malt liquor license, and whose gross receipts are at least 60% attributable to the sale of food, is authorized to sell malt liquor with a content over 3.2 percent (strong beer) without an additional license.

SECTION 3. Section 112.22 (K) of the Stacy City Code is amended to read as follows:

(K) Approval of the issuance of a consumption and display permit by the Commissioner of Public Safety. The maximum amount of the additional fee which may be imposed by the Council on a person who has been issued a consumption and display permit under the provisions of § 112.23 shall not exceed \$300, or the maximum amount permitted by

46 M.S. § 340A.414, Subd. 6, as it may be amended from time to time. Consumption and display
47 permits shall expire on March 31 of each year.

48 **SECTION 4.** Section 112.31 of the Stacy City Code is amended to read as follows:

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50 § 112.31 RESTRICTIONS ON ISSUANCE.

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52 (A) Each license shall be issued only to the applicant for the premises described in the
53 application.

54

55 (B) Not more than 1 license shall be directly or indirectly issued within the city to any
56 1 person.

57

58 (C) No license shall be granted or renewed for operation on any premises on which
59 taxes, assessments, utility charges, service charges, or other financial claims of the city are
60 delinquent and unpaid.

61

62 (D) No license shall be issued for any place or any business ineligible for a license
63 under state law.

64

65 (E) No license shall be granted within 500 feet of any school or church. The distance
66 is to be measured from the closest side of the church to the closest side of the structure on the
67 premises within which liquor is to be sold.

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69 **SECTION 5.** Section 112.32 of the Stacy City Code is amended to read as follows:

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71 § 112.32 CONDITIONS OF LICENSE.

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73 The failure of a licensee to meet any 1 of the conditions of the license specified below
74 shall result in a suspension of the license until the condition is met.

74

75 (A) Every licensee is responsible for the conduct of the place of business and the
76 conditions of sobriety and order in it. The act of any employee on the licensed premises is
77 deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by
78 this chapter and the law equally with the employee.

78

79 (B) Every licensee shall allow any peace officer, health officer, city employee, or any
80 other person designated by the Council to conduct compliance checks and to otherwise enter,
81 inspect, and search the premises of the licensee during business hours and after business hours
82 during the time when customers remain on the premises without a warrant.

82

83 (C) No on-sale establishment shall display liquor to the public during hours when the
84 sale of liquor is prohibited.

84

85 (D) Compliance with financial responsibility requirements of state law and of this
86 chapter is a continuing condition of any license.

86

SECTION 6. Section 112.35 of the Stacy City Code is amended to read as follows:

87 § 112.35 RESTRICTIONS ON PURCHASE AND CONSUMPTION.

88

89 No person shall mix or prepare liquor for consumption in any public place of business
90 unless it has a license to sell on-sale, or a permit from the Commissioner of Public Safety under
91 the provisions of M.S. § 340A.414, as it may be amended from time to time, which has been
92 approved by the Council, and no person shall consume liquor in any public place of business
93 unless it has a license to sell on-sale or a permit from the Commissioner of Public Safety under
94 the provisions of M.S. § 340A.414.

95

96 **SECTION . Effective Date.** This ordinance shall take effect from and after its passage
97 and publication.

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99 **ADOPTED** this ____ day of _____, 2021 by the City Council of the
100 City of Stacy, Minnesota.

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By: _____
Mark Utecht, Mayor

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ATTEST:

Sharon Payne, City Clerk