



Council Committee Memorandum

TO: Joint Council Committee
THROUGH: Tim Murray, City Administrator
FROM: Heather Slechta, Assistant to the City Administrator
MEETING DATE: February 19, 2019
SUBJECT: Sunday Liquor Licenses

Discussion:

Currently the Faribault City Code of Ordinances allows for Sunday on-sale intoxicating liquor licenses to be granted only to clubs, bowling centers, hotels or restaurants which have table seating capacities of at least thirty (30) persons at one time and which hold an on-sale intoxicating liquor license. A Sunday on-sale intoxicating liquor license permits the sale and consumption of intoxicating liquor only on the licensed premises on Sundays, and only in conjunction with the serving of food. The Code also currently states that a Restaurant shall mean an establishment, other than a hotel, which meets the following criteria:

1. Is under the control of a single proprietor or manager;
2. Has seating for at least thirty (30) guests at tables other than at a bar;
3. Regularly serves meals prepared on the premises to the general public at tables as a principal part of its business;
4. Is ready, willing and able to prepare and serve meals to the general public until at least 8:00 p.m. each day that the establishment is open;
5. Maintains food service equipment that includes a range, oven, steam table and salad bar or salad preparation area; and
6. Has received a valid food establishment license from the Minnesota Department of Health.

The Department of Alcohol and Gambling Enforcement defines a restaurant as 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 (Section 340A.101). Alcohol and Gambling Enforcement does not set specific rules and guidelines for what is considered food.

Currently Corks and Pints and Lori Ann's are unable to operate on Sundays as they do not have food service equipment that includes a range, oven, steam table and salad bar or salad preparation area.

If the Council supports the Sunday change, Staff recommends removing item 5. Maintains food service equipment that includes a range, oven, steam table and salad bar or salad preparation area, from the definition of Restaurant and add the following has received a valid food establishment license from the Minnesota Department of Health as required by Minn. Stat. 157.16, as it may be amended from time to time, and meet the definition of either a Category 1, Category 2 or Category 3 as defined in Minn. Stat. 157.16 sub. 3(d) as it may be amended from time to time.

Staff has also received a request to review hours of operation for on-sale establishments. City Code currently states that no sale of intoxicating liquor for consumption on a licensed premises may be made: (1) Between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday; (2) Between 6:00 p.m. on December 24th and 8:00 a.m. on December 25th; and (3) After 2:00 a.m. on Sundays, unless a Sunday sale license has been issued. State Statute 340A.504 states that 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.

If the Council would like to proceed with updating Chapter 4 – Alcoholic Beverages, City Staff will work with the City Attorney to make the proposed changes as well as other necessary technical changes to the City Code.

Attachments:

- City of Northfield Sunday Liquor License requirements (Sec. 6-1 and Sec 6-60)
- City of Owatonna Sunday Liquor License requirements (Sec. 113.052)
- Minnesota Statute 157.16
- Minnesota Statute 340A.504