

TO: CANNON FALLS CITY COUNCIL
FROM: Dianne Howard, Land Use and Licensing Specialist
SUBJECT: Introduction and First Reading of Ordinance No. 377, Amending City Code Chapter 111 Relating To Hours Of Liquor Sales
MEETING DATE: Tuesday, May 18, 2021

BACKGROUND

We received an ordinance amendment request to allow liquor service to move from 10:00 a.m. to 8:00 a.m. on Sundays.

The following exhibits are enclosed to further describe the proposal:

1. Formal request from Cannon River Catering Co.
2. MN Statute 340A.054 HOURS AND DAYS OF SALE, Subd. 3 Intoxicating Liquor; Sunday Sales; On Sale.

Cannon Falls City Council is asked to have the First Reading to consider Ordinance No. 377.

STAFF RECOMMENDATION

Staff recommends approval of this ordinance amendment.

REQUESTED COUNCIL ACTION

Please consider and make a motion to approve the First Reading of Ordinance No. 377, Amending City Code Chapter 111 Relating to Hours of Liquor Sales.

Dianne Howard

From: Cannon River Catering Co <c.r.cateringco@gmail.com>
Sent: Wednesday, April 21, 2021 12:01 PM
To: Dianne Howard
Subject: Liquor ordinance

Hi Diane,

I'm writing this email to ask the city of Cannon Falls to make a change to the liquor ordinance to allow for service of alcohol to move from 10am to 8am on Sunday's.

We have lots of customer requests for bloody Mary's and mimosas prior to 10 am on Sunday's from our locals and our weekend tourism crowd. We would like to be able to provide that service to those customers.

We are committed to continuing to provide responsible alcohol sales to our customers.

Thank you,

Chris and Barbara Weigman.

Office of the Revisor of Statutes

2020 Minnesota Statutes

Authenticate  PDF**340A.504 HOURS AND DAYS OF SALE.**

Subdivision 1. **3.2 percent malt liquor.** No sale of 3.2 percent malt liquor may be made between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 2:00 a.m. and 10:00 a.m. on Sunday.

Subd. 2. **Intoxicating liquor; on-sale.** 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.

Subd. 2a. **Certain dispensing exempt.** Where a hotel possessing an on-sale intoxicating liquor license places containers of intoxicating liquor in cabinets in hotel rooms for the use of guests staying in those hotel rooms, and a charge is made for withdrawals from those cabinets, the dispensing of intoxicating liquor from those cabinets does not constitute a sale for purposes of subdivision 2.

Subd. 3. **Intoxicating liquor; Sunday sales; on-sale.** (a) A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 8:00 a.m. on Sundays and 2:00 a.m. on Mondays.

(b) An establishment serving intoxicating liquor on Sundays must obtain a Sunday license. The license must be issued by the governing body of the municipality for a period of one year, and the fee for the license may not exceed \$200.

(c) A city may issue a Sunday intoxicating liquor license only if authorized to do so by the voters of the city voting on the question at a general or special election. A county may issue a Sunday intoxicating liquor license in a town only if authorized to do so by the voters of the town as provided in paragraph (d). A county may issue a Sunday intoxicating liquor license in unorganized territory only if authorized to do so by the voters of the election precinct that contains the licensed premises, voting on the question at a general or special election.

(d) An election conducted in a town on the question of the issuance by the county of Sunday sales licenses to establishments located in the town must be held on the day of the annual election of town officers.

(e) Voter approval is not required for licenses issued by the Metropolitan Airports Commission or common carrier licenses issued by the commissioner. Common carriers serving intoxicating liquor on Sunday must obtain a Sunday license from the commissioner at an annual fee of \$75, plus \$30 for each duplicate.

Subd. 4. **Intoxicating liquor; off-sale.** (a) No sale of intoxicating liquor may be made by an off-sale licensee:

- (1) on Sundays, except between the hours of 11:00 a.m. and 6:00 p.m.;
- (2) before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;
- (3) on Thanksgiving Day;
- (4) on Christmas Day, December 25; or
- (5) after 8:00 p.m. on Christmas Eve, December 24.

(b) No delivery of alcohol to an off-sale or on-sale licensee may be made by a wholesaler or accepted by an off-sale or on-sale licensee on a Sunday. No order solicitation or merchandising may be made by a wholesaler on a Sunday.

Subd. 5. **Bottle clubs.** No establishment licensed under section 340A.414, may permit a person to consume or display intoxicating liquor, and no person may consume or display intoxicating liquor between 1:00 a.m. and 12:00 noon on Sundays, and between 1:00 a.m. and 8:00 a.m. on Monday through Saturday.

Subd. 6. **Municipalities may limit hours.** A municipality may further limit the days or hours of on and off sales of alcoholic beverages, provided that further restricted on-sale hours for intoxicating liquor must apply equally to on-sale hours of 3.2 percent malt liquor. A city may not permit the sale of alcoholic beverages during hours when the sale is prohibited by this section.

Subd. 7. **Sales after 1:00 a.m.; permit fee.** (a) No licensee may sell intoxicating liquor or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the commissioner. Application for the permit must be on a form the commissioner prescribes. Permits are effective for one year from date of issuance. For retailers of intoxicating liquor, the fee for the permit is based on the licensee's gross receipts from on-sales of alcoholic beverages in the 12 months prior to the month in which the permit is issued, and is at the following rates:

- (1) up to \$100,000 in gross receipts, \$300;
- (2) over \$100,000 but not over \$500,000 in gross receipts, \$750; and

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

**ORDINANCE NUMBER 377
SECOND SERIES**

**AN ORDINANCE OF THE CITY OF CANNON FALLS, MINNESOTA AMENDING
CITY CODE CHAPTER 111 RELATING TO HOURS OF LIQUOR SALES**

THE CITY COUNCIL OF THE CITY OF CANNON FALLS HEREBY ORDAINS AS
FOLLOWS:

Section 1. City Code Section 111.068 is revised by deleting the words “or before 10:00 a.m. on Sunday”.

Section 2. City Code Section 111.082 is revised by deleting the words “or before 10:00 a.m. on Sunday”.

Section 3. City Code Section 111.086 is revised by deleting the words “or before 10:00 a.m. on Sunday”.

Section 4. City Code Section 111.084 is revised by changing 10:00 a.m. to 8:00 a.m. for sales on Sunday.

Section 5. This ordinance shall become effective upon its passage and publication.

PASSED AND ADOPTED by the City Council of the City of Cannon Falls, Minnesota, this
_____ day of _____, 2021.

John O. Althoff, Mayor

ATTEST:

Neil L. Jensen, City Administrator