

ORDINANCE NO. 1480

**AN ORDINANCE AMENDING WILLMAR MUNICIPAL CODE, CHAPTER 3,
ALCOHOLIC BEVERAGES**

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

Section 1. AMENDMENT OF MUNICIPAL CODE SECTION 3-5. Chapter 3, Article I, Section 3-5 of the Willmar Municipal Code is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 3-5. - Sale, distribution or consumption of intoxicating liquors at civic center arena.

(c) *Conditions for granting of license.* A license for the service or sale of intoxicating liquors at the arena shall be granted only when the following conditions are met:

(2) The vendor of the intoxicating liquor is currently the holder of an on-sale liquor license in the city and has agreed to comply with the conditions established by the chief of police to protect the public health and safety or is the owner of a junior league hockey team or a person holding a concessions or management contract with the city or the team owner for beverage sales at the arena. If the vendor is the owner of a junior league hockey team or a person holding a concessions or management contract with the city or the team owner for beverage sales at the arena, the City may issue an on-sale wine license and an on-sale malt liquor license that authorizes sales on all days of the week to persons attending junior hockey league games or other events at the arena, notwithstanding any contrary provisions in this section.

Section 2. AMENDMENT OF MUNICIPAL CODE SECTION 3-6. Chapter 3, Article I, Section 3-6 of the Willmar Municipal Code is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 3-6. Licensing of sale of wine for on-premises consumption.

(b) *Eligible premises.* Except as provided in subparagraph (d) below, ~~only~~ restaurants with a seating capacity for at least

~~twenty-five (25) guests or theaters with live performances and a person who is the owner of a summer collegiate league baseball team or a person holding a concessions or management contract with the owner, for beverage sales at a ballpark or stadium located within the city for the purposes of summer collegiate league baseball games at the ballpark or stadium at the ballpark or stadium shall be eligible for an on-sale wine license.~~

(c) Malt liquor. A holder of an on-sale wine license issued pursuant to this section who is also licensed to sell 3.2 percent malt liquors at on-sale pursuant to article IV may sell intoxicating malt liquors at on-sale without an additional license.

(d) Baseball on-sale wine and malt liquor license. A person who is the owner of a summer collegiate league baseball team or baseball team competing in a league established by the Minnesota Baseball Association, or a person holding a concessions or management contract with the owner for beverage sales at a ballpark or stadium located within the city for the purposes of summer collegiate league baseball games, town ball games, and any other events at the ballpark or stadium shall be eligible for an on-sale wine and on-sale malt liquor license.

~~(e-e)~~ *Compliance with existing municipal code provisions.*
Applicants for on-sale wine licenses and holders of wine licenses shall comply with the following sections of this Code: 3-114; 3-115; 3-117; 3-118; 3-119; 3-120; 3-121; 3-122; 3-123; 3-124; 3-125; 3-126; 3-127; 3-128; 3-129; 3-130; 3-132; 3-133; 3-134; 3-135; 3-151 through 3-155; 3-76 through 3-92.

~~(d-f)~~ *Fee.* The fee for a wine license shall be in such amount as is from time to time established by resolution of the city council.

Section 3. AMENDMENT OF MUNICIPAL CODE SECTION 3-58. Chapter 3, Article II, Division 2, Section 3-58 of the Willmar Municipal Code is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

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

(a) A brewer licensed under Stat. § 340A.301, Subd. 6~~(c)~~, (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.28301, ~~Subd. 7(b)~~, subject to the following conditions:

- (1) ~~(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.
- (2) ~~(b)~~ The investigating fee established in section 3-49 of this code shall be paid.
- (3) ~~(c)~~ Off-sale of malt liquor may only be made during the hours of sale as permitted by Sec. 3-30 ~~that "off-sale" of liquor may be made;~~
- (4) ~~(d)~~ The malt liquor shall be packaged in sixty-four-ounce containers commonly known as "growlers" or in seven hundred fifty (750) milliliter bottles;
- (5) ~~(e)~~ The malt liquor sold at "off-sale" must be removed from the licensed premise before the applicable closing time at exclusive liquor stores;
- (6) ~~(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.
- (7) ~~(g)~~ All other provisions of this article shall be applicable to such licenses and licensees unless inconsistent with the provisions of this section.

(b) Brewer off-sale malt liquor licenses may also be issued, with approval of the commissioner, to a holder of a brewer's license under Minn. Stat. § 340A.301, subd. 6(c), (i) or (j) and meeting the criteria established by Minn. Stat. § 340A.29 as may be amended from time to time. The amount of malt liquor sold at off-sale under this license may not exceed 128 ounces per customer per day. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. Packaging of malt liquor for off-sale under this license must comply with the provisions of Minnesota Rules, parts 7515.1080 to 7515.1120.

Section 4. ENACTMENT OF TEMPORARY NEW MUNICIPAL CODE SECTION 3-94. Chapter 3, Article III, Division 1 of the Willmar Municipal Code is hereby amended to add a new section 3-94 to read as follows:

Sec. 3-94. – Extended Hours for On-Sale During World Cup.

- (a) Notwithstanding the restrictions on the days and hours for on-sale of intoxicating liquor or 3.2 percent malt liquor in this

section, during a FIFA Women's World Cup competition or FIFA World Cup competition, a special permit may be issued for service of alcohol through extended hours. The permit only authorizes the sale of alcoholic beverages 30 minutes before, during, and 30 minutes after a scheduled broadcast of a live World Cup match. The sales authorized under this subdivision are not allowed during broadcasts of previously played matches. Only holders of an existing on-sale intoxicating liquor license or a 3.2 percent malt liquor license are eligible for the extended hours.

(b) This section expires September 1, 2023.

Section 5. AMENDMENT OF MUNICIPAL CODE SECTION 3-113. Chapter 3, Article III, Division 2, Section 3-113 of the Willmar Municipal Code is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 3-113. - Businesses eligible for license.

On-sale licenses shall only be issued to hotels, motels, resorts, restaurants and bowling centers.

Section 6. Chapter 3, Article III, Division 2 of the Willmar Municipal Code is hereby amended to add a new section 3-139 to read as follows:

Sec. 3-139. – Special Community Festival Temporary License.

Notwithstanding any provision to the contrary in this chapter, a holder of a retail on-sale intoxicating liquor license issued by the city shall be eligible for a temporary license to dispense intoxicating liquor off premises at a community festival held within the city in accordance with Minn. Stat. § 340A.404, subd. 4(b), as the same may be amended. The license shall specify the area in which the intoxicating liquor must be dispensed and consumed, and shall not be issued unless the licensee demonstrates that it has liability insurance as prescribed by Minn. Stat. § 340A.409, as the same may be amended, to cover the event.

Section 7. AMENDMENT OF MUNICIPAL CODE SECTION 3-173. Chapter 3, Article III, Division 4, Section 3-173 of the Willmar Municipal Code is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 3-173. Eligibility; use.

(a) Except as provided in subparagraph (b), a~~A~~ temporary license shall only be issued to a club, charitable, religious or other nonprofit organization that has been in existence for at least three (3) years, a political committee registered under Minn. Stat. § 10A.14, as the same may be amended, or a state university. The license shall be issued only to be used in conjunction with a social event sponsored by the applicant.

(b) A temporary license may also be issued to a brewer who manufactures fewer than 3,500 barrels of malt liquor in a year or a microdistillery, as defined in Minn. Stat. § 340A.101, in connection with a social event within the municipality sponsored by the brewer or microdistillery, provided that such brewer or microdistillery demonstrates that it has liability insurance as prescribed by Minn. Stat. § 340A.409, subs. 1 to 3a, as the same may be amended.

Section 8. ENACTMENT OF NEW MUNICIPAL CODE SECTION 3-183. Chapter 3, Article III, Division 4 of the Willmar Municipal Code is hereby amended to add a new section 3-183 read as follows:

Sec. 3-183. – Temporary on-sale liquor license exception for county fair.

A temporary on-sale license may be issued once per year to a county agricultural society established under Minnesota Statutes § 38.01, for alcoholic beverage sales at a county fair for up to seven (7) consecutive days.

Section 9. AMENDMENT OF MUNICIPAL CODE SECTION 3-223. Chapter 3, Article IV, Division 2, Section 3-223 of the Willmar Municipal Code is hereby amended to read as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 3-223. - On-sale license.

On-sale licenses shall be granted only to bona fide clubs, the concession stand operator at Taunton Stadium, beer stores or taverns, drugstores, restaurants, resorts, hotels in which food is

prepared and served for consumption on the premises, bowling alleys, and places licensed to sell intoxicating liquors. In the case of bona fide clubs, beer stores or taverns, drugstores, bowling alleys and the concession stand operator at Taunton Stadium, it shall not be a condition of the license that preparation and serving of food on the licensed premises shall constitute the major or any portion of the business of the license. On-sale licenses shall permit the sale of beer for consumption on the premises only.

Section 10. EFFECTIVE DATE. This ordinance shall be effective from and after its adoption and second publication.

Passed by the City Council of the City of Willmar this 5th day of July, 2022.

ATTEST:

/s/ Leslie Valiant
Leslie Valiant, City Administrator

/s/ Marv Calvin
Marvin Calvin, Mayor

VOTE: X PLOWMAN X O'BRIEN X DAVIS X ASMUS
 X FAGERLIE X ASK X BUTTERFIELD X NELSEN

This Ordinance introduced by Council Member: Fagerlie

This Ordinance introduced on: June 20, 2022

This Ordinance published on: June 25, 2022

This Ordinance given a hearing on: July 5, 2022

This Ordinance adopted on: July 5, 2022

This Ordinance published on: July 9, 2022

SUMMARY PUBLICATION OF CITY OF WILLMAR ORDINANCE NO. 1480

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ALCOHOLIC BEVERAGES**

Summary: Ordinance No. 1480 makes several amendments in Chapter 3 of the Willmar Municipal Code, regulating alcoholic beverages by adding provisions to allow on-sale wine and malt liquor licenses for certain hockey teams and concessions at the Willmar Civic Center Arena as well as certain baseball teams and concessions; allowing off-sale malt liquor licenses to sell growlers and for larger breweries to obtain such licenses; allowing extended hours to sell liquor during FIFA World CUP or FIFA Women’s World Cup games; adding resorts to the list of businesses eligible for on-sale licenses; adding small breweries and microdistilleries to the list of entities eligible for temporary licenses associated with a community event sponsored by the licensee, and allowing temporary licenses for community festivals in the city or for an annual county fair.

The complete text of Ordinance No. 1480 may be obtained at no charge at City Hall (333 6th Street Southwest, Willmar, MN 56201), or from the City’s website at www.willmarmn.gov.