

ORDINANCE NO. 1333

OFFICIAL TITLE AND SUMMARY

I. Title

AN ORDINANCE AMENDING FRIDLEY CITY CODE BY CREATING CHAPTER 609 LIQUOR CATERERS REGISTRATION AND EVENT NOTIFICATION PERMIT; AMENDING CHAPTER 508 PARKS AND PARKWAYS, SECTION 508.21.5.D., ALLOWING CITY REGISTERED CATERERS TO SERVE ALCOHOLIC BEVERAGES AT SPRINGBROOK NATURE CENTER; AND CHAPTER 11 GENERAL PROVISIONS AND FEES, SECTION 11.10. FEES, CREATING FEES FOR REGISTRATION OF CATERERS AND EVENT NOTIFICATION PERMITS

II. Summary

The City Council of the City of Fridley does hereby ordain as follows:

That the Fridley City Code is amended by creating Chapter 609 requiring establishments that have a State Caterers License that caters liquor within the City limits to register with the City and provide an Event Notification Permit for each event. This ordinance also amends Chapter 508 allowing registered caterers to serve malt liquor and wine at Springbrook Nature Center and Chapter 11 by establishing fees.

III. Notice

This title and summary has been published to clearly inform the public of the intent and effect of the Fridley City Code. A copy of the ordinance, in its entirety, is available for inspection by any person during regular business hours at the offices of the City Clerk of the City of Fridley, 6431 University Ave N.E., Fridley, MN.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS 13TH DAY OF JUNE 2016.


SCOTT J. LUND, MAYOR

ATTEST:


DEBRA A. SKOGEN, CITY CLERK

First Reading: May 23, 2016
Second Reading: June 13, 2016
Published: June 24, 2016

ORDINANCE NO 1333

AN ORDINANCE AMENDING FRIDLEY CITY CODE BY CREATING CHAPTER 609 LIQUOR CATERERS REGISTRATION AND EVENT NOTIFICATION PERMIT; AMENDING CHAPTER 508 PARKS AND PARKWAYS, SECTION 508.21.5.D., ALLOWING CITY REGISTERED CATERERS TO SERVE ALCOHOLIC BEVERAGES AT SPRINGBROOK NATURE CENTER; AND CHAPTER 11 GENERAL PROVISIONS AND FEES, SECTION 11.10. FEES, CREATING FEES FOR REGISTRATION OF CATERERS AND EVENT NOTIFICATION PERMITS

The City Council of the City of Fridley hereby ordains the Fridley City Code be amended as follows:

SECTION 1: That Fridley City Code is hereby amended by creating a new chapter of the City Code requiring registration of State licensed liquor caterer and events as follows:

FRIDLEY CITY CODE

CHAPTER 609. LIQUOR CATERER'S REGISTRATION AND EVENT NOTIFICATION

609.01. DEFINITIONS.

The following definitions shall apply in the interpretation and application of this Chapter. The following words and terms, wherever they occur in this Chapter, are defined as follows:

1. **Liquor Caterer.** A brewpub or restaurant that holds both an on-sale intoxicating liquor license issued by any Minnesota municipality and a caterer's permit issued by the State of Minnesota that serves prepared meals and alcohol at an event at a site other than the premises for which the holder's on-sale intoxicating liquor license is issued.
2. **Liquor Catered Event.** A private social gathering whereby a public or private party contracts with a Caterer to provide food and alcohol in the City at a site other than the premises for which the on-sale intoxicating liquor license is issued.
3. **Event Center.** An event center is an establishment that leases or rents space to public or private organizations or parties who contracts, or allows parties to contract, with a licensed liquor caterer licensed by the State to provide food and alcohol in the City at a site other than the premises for which the on-sale intoxicating liquor license is issued.

609.02. LIQUOR CATERER REGISTRATION

The holder of a state caterer's permit issued under the provision of Minnesota Statutes Section 340A.404, subd. 12, shall register to operate under said caterer's permit in the City using a form provided by the city clerk. The form may contain the business name, address, phone, e-mail address, contact name and other information deemed necessary by the city clerk or public safety director. A caterer's registration must be approved by the public safety director, or designee. A liquor caterer shall be hereinafter referred to as "caterer".

The registration under this section shall expire on April 30th of each year.

609.03. CONDITIONS OF REGISTERED LIQUOR CATERER

Events that are catered in the City in accordance with Minnesota Statutes 340A.404(12) and this chapter of the City code shall comply with the following conditions:

1. A caterer shall keep a record of each event they provide services for in the City. The record shall contain:
 - A. the contract;
 - B. information about each event as required by the event notification; and
 - C. the gross amount of food and liquor sales showing that the sale of intoxicating liquor was incidental to the sale of food.

The records shall be made available to authorized city staff upon request.

2. A caterer shall staff the event with at least one employee from the original licensed establishment.
3. All servers of alcohol at a catered event shall be at least eighteen (18) years of age and employees of the licensed establishment.
4. A caterer shall complete an "Event Notification Permit" at least ten (10) business days before the event.
5. No sale of alcoholic beverages ~~shall occur~~ is permitted after 1:00 a.m.
6. The property owner shall give consent to a caterer to submit to and facilitate any site inspections by police, fire or the regulatory agency for the enforcement of the registration or the event.
7. Both state license and city registration permit must be available for display upon request of any law enforcement officer or investigator.
8. If an event is to be held outside, the applicant shall ~~indicate how~~ define the premises to which the alcohol will be confined to a particular area.
9. The caterer shall maintain adequate security for all its catered events in the City. The caterer may coordinate security with the host facility.
- ~~10. The City may by resolution establish a list of premises for which a caterer may not provide services at an event without explicit approval of the city council.~~

~~10.~~ Holders of a caterers permit licensed under this Chapter shall comply with all provisions of the Minnesota Statutes, ordinances and rules governing the retail sales of alcoholic beverages.

609.04. EVENT NOTIFICATION PERMIT

1. A registered caterer shall submit an event notification permit for each event at least ten (10) business days prior to the event. Each event permit must be approved by the public safety director or designee.
2. The event notification permit form may contain information deemed necessary by the city clerk or public safety director including but not limited to the following:
 - A. The name of the event;
 - B. The location of the event;
 - C. The time and date of the event;
 - D. The event contact name and phone number;
 - E. The estimated number of guests;
 - F. The type of liquor to be served; and
 - G. The estimated gross food to liquor sales.
3. No single location in the City shall have a single catered event lasting more than three (3) consecutive days, unless the permit is issued in connection with a civic event or community festival.
4. The Director of Public Safety or designee may terminate any permitted catered event that disturbs the peace, quiet or repose of surrounding residential or commercial areas or that results in disorderly behavior, noise, traffic, litter or parking problems at the event's location or in the area near the event's location.

609.05. FEES

The annual fee for the caterer registration and event notification permit shall be listed in Section 11.10 of this Code.

609.06. DENIAL, SUSPENSION OR REVOCATION OF REGISTRATION

A caterer's application for registration may be denied or a caterer's registration may be suspended or revoked without a refund for any of the following reasons:

1. Any violations of the provisions set forth in this chapter of the City Code or Minnesota Statutes Chapter 340A by the registrant, its employees, agents or servants. Such violations occurring on the premises being catered shall be just cause and subject them to civil, criminal or administrative action.
2. The operation of an event ~~does or will has~~ unreasonably disturbed the peace, quiet or repose of surrounding residential or commercial areas;

3. The operation of an event ~~does or will~~ has contributed to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the event's location~~;~~.
4. Registrant's refusal to supply its records, books of account, and contract pertaining to ~~an~~ catered event set forth in this section~~;~~.
5. Failure to maintain adequate security for its catered event in the City~~;~~.
6. Failure to register as a caterer with the City or provide information on a catered event~~;~~ ~~or~~.
7. Any other good cause related to the operation of the business or venue.

609.07. ADMINISTRATIVE OFFENSES

1. Administrative Civil Penalties: Administrative offense procedures established pursuant to this chapter are intended to provide the public and the City with an informal, cost effective, and practical alternative to traditional criminal charges for violations of this ordinance. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses.

2. Every caterer shall be responsible for the conduct of its employees while off-site of their licensed premises and any sale or other disposition of any intoxicating liquor, 3.2% malt liquor, beer or wine by an employee to any person under twenty-one (21) years of age shall be considered an act of the caterer for purposes of imposing an administrative penalty, license suspension, or revocation.

A. Individual. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with law. Likewise, the City, at its discretion, may bring criminal charges in the first instance. In the event ~~a party~~ an individual participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.

B. Caterer. At any time prior to the payment of the administrative penalty as is provided for hereafter, the caterer may withdraw from participation in the procedures in which event the City may permanently revoke the registration issued to the caterer under this Chapter in accordance with law. Likewise, the City, in its discretion, may revoke the registration issued to the caterer under this Chapter in the first instance. In the event a caterer participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will suspend the registration issued to the caterer under this Chapter in accordance with section 603.26.B of this ordinance.

3. Notice. Any officer of the City's police department shall, upon determining there has been a violation, notify the violator of the violation. Said notice shall set forth the nature, date

and time of violation, the name of the officer issuing the notice and the amount of the scheduled penalty. In addition, said notice of violation shall be sent to the municipality who issued the liquor license to the caterer.

4. Payment. Once such notice is given, the alleged violator may, within twenty (20) days of the time of issuance of the notice, pay the amount set forth on the notice, or may request a hearing in writing, as provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

5. Hearing. Any person contesting an administrative offense pursuant to this Chapter may request a hearing before the hearing examiner. Such request shall be filed in writing with the office of the public safety director within twenty (20) days of the offense. The public safety director shall notify the hearing examiner, who will notify the person contesting and the licensee of the date, time, and place of hearing. The hearing shall be conducted no more than twenty (20) days after the hearing examiner receives notice of the request, unless a later date is mutually agreed to by the hearing examiner, the caterer, the person contesting and the City. Within ten (10) days after such hearing, the hearing examiner shall affirm, repeal, or modify the charge against the caterer or the person contesting. Any person aggrieved by the decision of the hearing examiner may appeal with the public safety director within twenty (20) days of receiving notice of the hearing examiner's decision. At its next available regular meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the hearing examiner and shall affirm, repeal or modify that decision.

6. Hearing Examiner. The position of hearing examiner is hereby created. At the discretion of the city manager ~~may, at his discretion~~ and with the approval of the Council, contract with third parties for the furnishing of all services of the hearing examiner as contained in this Section and set the rate of compensation therefore.

7. Qualifications. The hearing examiner shall be an individual trained in law; however, it shall not be required that the hearing examiner be currently licensed to practice law in the State of Minnesota.

8. Duties: The hearing examiner shall have the following duties:

- A. Set dates and hear all contested cases.
- B. Take testimony from all interested parties.
- C. Make a complete record of all proceedings including findings of fact and conclusions of law.
- D. Affirm, repeal or modify the penalty assessed.

9. Failure to Pay. In the event an party individual employed by the caterer charged with an administrative penalty fails to pay the penalty, if an the individual, ~~the party~~ will be charged with the criminal offense. If a caterer fails to pay the penalty, the Council will suspend the registration issued to the caterer under this Chapter.

10. Disposition of Penalties. All penalties collected pursuant to this Chapter shall be paid to the City's treasurer and will be deposited in the City's general fund.

609.08. VIOLATIONS

1. Administrative Civil Penalties: Individuals. Any person in the employ of a licensee who sells any intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years is subject to an administrative penalty; and any person under the age of twenty-one (21) years who attempts to purchase any intoxicating liquor, 3.2% malt liquor, beer or wine from a licensee is subject to an administrative penalty. The administrative penalties are as follows:

First violation. The penalty for the first violation is \$250.00.

Second violation within 12 months. The penalty for the second violation is \$500.00.

Third violation within 12 months. The penalty for the third violation is \$750.00.

2. Administrative Civil Penalties; Caterer. If a caterer or an employee of a caterer is found to have sold any intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years, the caterer shall be subject to an administrative penalty as follows:

First violation. The penalty for the first violation is \$500.00. If the fine is not paid within 20 days the City may suspend the registration issued to the caterer under this Chapter for a period not to exceed 10 days

Second violation within 12 months. The penalty for the second violation is \$1000.00. If the fine is not paid within 20 days the City may suspend the registration issued to the caterer under this Chapter for a period not to exceed 30 days.

Third violation within 12 months. The city may permanently revoke the registration issued to the caterer under this Chapter.

3. Defense. It is a defense to the charge of selling intoxicating liquor, 3.2% malt liquor, beer or wine to a person under the age of twenty-one (21) years, that the licensee or individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in State Statute Section 340A.503. subdivision 6, paragraph (a).

4. Exemption. A person, no younger than 18 and no older than 20, may be enlisted to assist in the tests of compliance. The person shall at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley Police department. A person who purchases or attempts to purchase intoxicating liquor, 3.2% malt liquor, beer or wine while in this capacity is exempt from the penalties imposed by subdivision A above.

5. Revocation. The City Council has the authority to revoke any registration as noted in Section 11.09 of this Code.

609.9. PENALTIES

Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violation under the provisions of Chapter 901 of this Code.

SECTION 2: That Section 508.21.5 of the Fridley City Code is hereby amended to allow State licensed liquor caterers and their events at Springbrook Nature Center or as follows:

CHAPTER 508. PARKS AND PARKWAYS

Section 508.21 ALCOHOLIC BEVERAGE

5. Notwithstanding any laws to the contrary, malt liquor and wine may be sold and or consumed for receptions or social events within the Springbrook Nature Center Interpretive Building and or in an adjacent outdoor designated space allowed only by written agreement with the City under the following conditions (Ref 1293):

- A. Pursuant to a temporary on-sale intoxicating liquor license.
- B. Pursuant to a temporary on-sale 3.2% malt liquor license.
- C. Pursuant to a temporary consumption and display permit.
- D. A private or public party may contract with ~~the holder of a State's caterer's permit~~ a liquor caterer licensed by the State of Minnesota under Minnesota Statute 340A.404(12) and registered with the City, as required in Chapter 609 of this Code. The liquor caterer may provide food, malt liquor, and wine to their guests for consumption in the Springbrook Nature Interpretive Building and/or adjacent outdoor designated space as part of a social event.
- E. The holder of a City retail on-sale intoxicating liquor license may dispense malt liquor and wine off the licensed premises at any convention, banquet, conference, meeting, or social affair conducted on the premises of the Springbrook Nature Center without obtaining a state caterers license required by Minnesota Statute 340A.404(12); however, the licensee is prohibited from dispensing malt liquor or wine to any person attending or participating in a youth amateur athletic event being held on the premises. A youth amateur athletic event, for the purposes of this section, is defined as an event whose participants are 18 years of age and younger.

SECTION 3: That Section 11.10 of the Fridley City Code is hereby amended to set the fees for state licensed liquor caterers:

Chapter 11. GENERAL PROVISIONS AND FEES

Section 11.10. FEES


CODE	SUBJECT	FEE
609	Liquor, Caterer Caterer Registration Event Notification Permit	\$100 \$25/Event

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS 13TH DAY OF JUNE 2016.



 Scott J. Lund, Mayor

ATTEST



 Debra A. Skogen, City Clerk

First Reading: May 23, 2016
 Second Reading: June 13, 2016
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