



Mayor and Council Communication

November 12, 2019

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SUBJECT: Consider First Reading of Ordinance 2019-11: An Ordinance to Amend Liquor Control Definitions and Conditions of License

RECOMMENDATION: The Mayor and City Council are asked to consider first reading of Ordinance 2019-11: An Ordinance to Amend and Reenact Sections 2-3-2 and 2-3-11 of the Moorhead City Code Relating to Liquor Control Definitions and Conditions of License.

BACKGROUND / KEY POINTS:

- Prior to the 2011 Legislative Session, State law prohibited the issuance of liquor licenses within 1,500 feet of a State University. Additionally, the Moorhead City Code prohibited the issuance of a liquor license within 1,500 feet of a State University or Private College within the Institutional Zoning District. Therefore, the 1,500 foot liquor license buffer in Moorhead applied to: MSU, Moorhead, MState and Concordia College.
- During the 2011 Legislative Session, the 1,500 foot buffer within State law was removed. This removal was at the request of the City of Moorhead because, over the years, MSU Moorhead and Concordia College expanded boundaries of their respective campuses to meet growing needs and the 1,500 buffer impacted commercially zoned corridors – including Main Avenue, Center Avenue, and Highway 75/8th St.
- Following the legislative change, the Moorhead Mayor and City Council considered retaining the 1,500 foot buffer, but limiting the boundary to the primary campus boundary. After review and analysis, the Council amended the 1,500 foot buffer to a 300 foot buffer. Because there were only residential properties within the 300 foot buffers around MSU Moorhead and MState (liquor license issuance not allowed in residential zoning districts), the 300 foot buffer applied to properties on 8th St near Concordia College.
- The Moorhead EDA, at their August 22, 2011 meeting, recommended removal of all buffers.
- Staff also met with Campus officials, who noted a desire to retain the 300 foot buffer.
- Ultimately, the 300 foot buffer was retained in City Code.

With the development along 8th Street, primarily development of Comstock Commons, there has been a request to consider allowing liquor license issuance to restaurants within the 300 foot buffer. After discussing with Campus officials, they are supportive of such a change so long as the liquor license for the restaurants is for beer or wine only (no hard liquor).

The proposed Ordinance 2019-11 allows issuance of liquor licenses for beer and wine to restaurants within 300' of the campus boundaries.

FINANCIAL CONSIDERATIONS: None.

VOTING REQUIREMENTS:

- Ordinance – Majority of Council (5)
- Resolution to Approve Summary Publication of an Ordinance – Four-Fifths of Council (7)

Disclaimer: Voting requirements may be subject to changes in the law, parliamentary procedural matters, or other unforeseen issues. The City Attorney provides opinion on questions of voting requirements in accordance with the Moorhead City Code, Minnesota State Statutes, and parliamentary procedure.

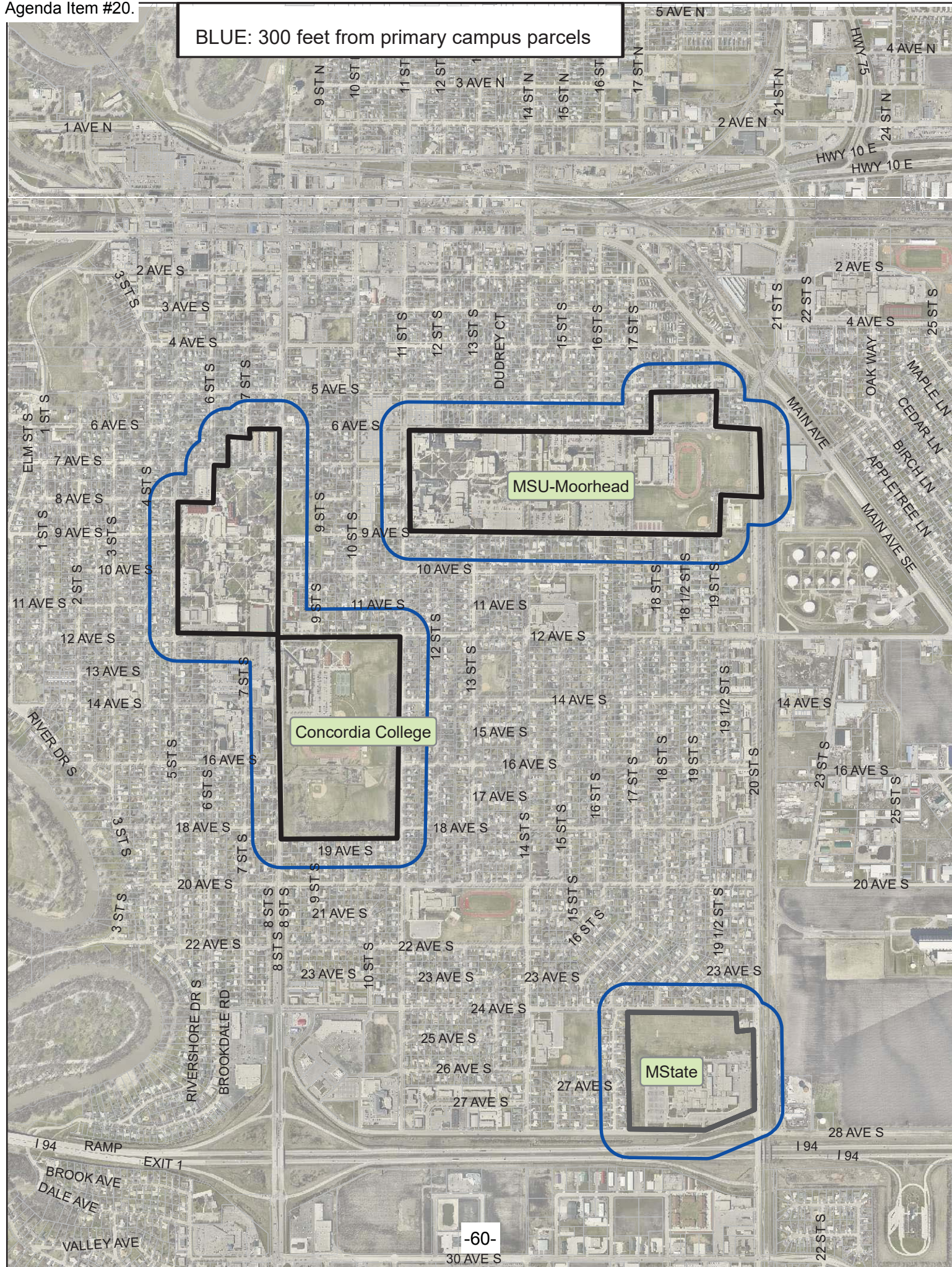
Respectfully Submitted:



Christina Volkers
City Manager

Department: City Manager
Prepared by: Christina M. Volkers, City Manager
Attachments: Ordinance 2019-11
300 foot buffer map

BLUE: 300 feet from primary campus parcels





Request for Council Action

AGENDA SECTION: Administration		ORIGINATING DEPARTMENT: Administration	MEETING DATE: November 12, 2019
ITEM NO. 20.	ITEM DESCRIPTION: Consider First Reading of Ordinance 2019-11: An Ordinance to Amend Liquor Control Definitions and Conditions of License		PREPARED BY: Volkers

ORDINANCE 2019-11

AN ORDINANCE TO AMEND AND REENACT SECTION 2-3-2 AND 2-3-11 OF THE MOORHEAD CITY CODE RELATING TO LIQUOR CONTROL DEFINITIONS AND CONDITIONS OF LICENSE.

BE IT ORDAINED by the City Council of the City of Moorhead as follows:

SECTION 1. Section 2-3-2 of the Moorhead City Code is hereby amended and reenacted to read as follows:

2-3-2: DEFINITIONS:

Terms as used in this chapter shall mean:

BANQUET HALL: An establishment which is under the control of a single proprietor or manager which has suitable facilities for serving meals on premises where the meal service consists of no less than one entree, complete with vegetable, salad, bread or rolls, and beverage, either catered or prepared on-site; which has facilities for seating not fewer than fifty (50) guests at one time at tables; which is not open to the general public but which is available for rental by individuals or groups for meetings, parties, weddings, or similar occasions; and in which the equipment and premises meet the provisions of all the Food and Health Codes.

BILLIARD HALL: Any establishment having a resident proprietor or manager, having ten (10) or more billiard or pool tables and the necessary accessories such as cue sticks and balls, having a minimum square footage dedicated to the playing of billiards or pool either equal to the product of ten (10) tables times two hundred (200) square feet per table (2,000 square feet) or equal to the product of sixty percent (60%) times the total square footage of the premises of the establishment, whichever product is greater, possessing any required billiard licenses, and being open to members of the public principally for the playing of billiards or pool with no live entertainment or dancing being allowed on the premises.

CLUB: Any corporation duly organized under the laws of the State for civil, fraternal, social or business purposes or for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which shall have more than fifty (50) members and which shall, for more than a year have owned, hired or leased a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable accommodation of its members, and whose affairs and management are conducted by a board of directors, executive committee or other similar body chosen by the members at a

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meeting held for that purpose, none of whose members, officers, agents or employees are paid directly or indirectly any compensation by way of profit from the distribution or sale of beverages to the members of the club or to its guests, beyond the amount of such reasonable salary or wages as may be fixed and voted each year by the directors or other governing body.

EXCLUSIVE LIQUOR STORES: An establishment used exclusively for the sale of intoxicating liquor except for the incidental sale of ice, tobacco, 3.2 percent malt liquor, beverages for mixing with intoxicating liquor, and soft drinks that may be sold, and the establishment may offer recorded or live entertainment and make available coin operated amusement devices. "Exclusive liquor store" also includes an on-sale or combination on-sale and off-sale intoxicating liquor establishment which sells food for on premises consumption when authorized by the municipality issuing the license.

HOTEL: Any establishment having a resident proprietor or manager where, in consideration of payment therefor, food and lodging are regularly furnished to transients, which maintains for the use of its guests not less than one hundred (100) rooms, which is provided at the main entrance with a suitable lobby, desk and office for the registration of its guests on the ground floor, which employs an adequate staff to provide suitable and usual service, and which maintains under the same management and control as the rest of the establishment and has, as an integral part thereof, a dining room with appropriate facilities for seating not less than fifty (50) guests at one time, where the general public is, in consideration of payment therefor, served with meals at tables.

INTOXICATING LIQUOR: Ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight.

MALT LIQUOR: Any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

MOTEL: Any establishment having a resident proprietor or manager where, in consideration of payment therefor, food and lodging are regularly furnished to transients, having as one of its features drive-in facilities whereby the transients who are lodging there may drive up to the unit in which they are lodged for the night, and which maintains for the use of its guests not less than one hundred (100) separate and distinct guest units for lodgers and which employs an adequate staff to provide suitable and usual service and which maintains under the same management and control as the rest of the establishment and has as an integral part thereof a dining room with appropriate facilities for seating not less than fifty (50) guests at one time, where the general public is, in consideration of payment thereof, served with meals at tables.

NONPROFIT CORPORATION: Any organization nonprofit in nature, with a charitable, benevolent, philanthropic, patriotic, social services, welfare, education, cultural, artistic or public interest purpose.

RESTAURANT: Any establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly served at tables to the general public, and having seating capacity for ~~guests of~~ at least thirty (30) guests. For the purpose of obtaining a license according to section 2-3-3 of this chapter, a "restaurant" shall also include a banquet hall as defined in this section. Persons under the age of eighteen (18) may purchase and consume food on the premises of a restaurant which also holds a liquor license.

TASTING: An event at which persons pay a fee to participate and are allowed to consume wine, malt liquor, or spirits by the glass without paying a separate charge for each glass.

THEATER: A building containing an auditorium in which live dramatic, musical, dance, or literary

performances are regularly presented to holders of tickets for those performances.

3.2 PERCENT MALT LIQUOR: Malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.

SECTION 2. Section 2-3-11(C) of the Moorhead City Code is hereby amended and reenacted to read as follows:

C. Location Restrictions: In all events, the sale of intoxicating liquor or 3.2 percent malt liquor is forbidden at the following places:

1. Within the residential or multiple dwelling districts of the city.
2. At such places as are forbidden by state statute.
3. Within three hundred feet (300') of the property line of any state or private college that is located within the institutional district and measured as follows:

At Minnesota State University - Moorhead the distance is measured from any point along the campus property lines:

Area A: East of 11th Street South and identified as parcel identification numbers 58.514.0010, 58.514.0020, 58.514.0030; and

Area B: Between 6th and 9th Avenues South, East of 10th Street, and identified as parcel identification numbers 58.296.0700, 58.296.0710, 58.296.0720, 58.296.0730, 58.296.0740, 58.296.0750, 58.296.0760, 58.296.0770, 58.296.0780, 58.296.0790, 58.296.0800, 58.296.0810, 58.296.0820, 58.296.0830, 58.296.0840, 58.296.0850, 58.296.0860, 58.296.1170, 58.296.1180, 58.296.1190, 58.296.1200, 58.296.1210, 58.296.1220, 58.296.1230, 58.296.1240, 58.296.1250, 58.296.1260, 58.296.1270, 58.296.1280, 58.296.1290, 58.296.1300, 58.296.1310, 58.296.1320, 58.296.1330, 58.296.1335, 58.296.1340, 58.296.1350, 58.296.1360, 58.296.1370, 58.296.1380, 58.296.1390, 58.296.1400, 58.296.1410, 58.726.0010, 58.726.0020, 58.726.0030, 58.726.0040, 58.726.0050, 58.726.0060, and 58.726.0070.

At Concordia College the distance is measured from any point along the primary campus property lines, also identified as parcel identification numbers 58.153.0010, 58.754.0720 and 58.900.1560.

At Minnesota State Community College the distance from any point along the primary campus property line, also identified as parcel identification number 58.500.0010.

Measurements should commence from the property line of said college to the closest wall of the structure on the premises within which liquor is to be sold. If the distance between the property line of the college and the closest wall of the establishment is more than three hundred feet (300'), the establishment may apply for a liquor license and will not be denied based on the above described buffer.

Except that:

- a. A license, authorized by resolution of the Moorhead city council in accordance with section 340A.404 of the Minnesota liquor laws, may be issued to a location on the

grounds of a state university or private college for an event sponsored by the state university or private college and approved by the university and/or college president.

b. Restaurants, where the preparation, service, and sale of food or meals is the principal business from which the majority of the business income is derived, with an On-Sale 3.2 Percent Malt Liquor license and an On-Sale Wine license, are permitted to sell intoxicating malt liquor, 3.2 percent malt liquor, and wine within three hundred feet (300') of any state university or private college.

4. For any premises on which taxes, assessments or any other financial claims of the city are delinquent and unpaid.

SECTION 3. This ordinance shall take effect upon publication in accordance with the Moorhead City Charter.

PASSED: November 12, 2019 by the City Council of the City of Moorhead.

First Reading: 11/12/2019
Second Reading: 12/09/2019
E-Post Date: 11/29/2019
Publication: