

ORDINANCE 272

AN ORDINANCE REGULATING SALE PROVISIONS GOVERNING PERSONS SELLING OR FURNISHING ALCOHOLIC BEVERAGES PURSUANT TO A CATERER'S PERMIT ISSUED PURSUANT TO M.S. § 340A.404(12)

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

Whereas, Ordinance 267, Section 10 is hereby amended to add the following:

SECTION 10.1. CATERERS; SPECIAL PROVISIONS

(A) *City Council findings.* The City Council makes the following findings regarding the need to enact additional sale provisions governing persons selling or furnishing alcoholic beverages pursuant to a caterer's permit issued pursuant to M.S. § 340A.404(12), as it may be amended from time to time. This statute authorizes the holder of such a permit to provide alcoholic beverages at unlicensed locations provided that the sale is incidental to a larger food service. This section is enacted in order to preserve the incidental nature of the caterer's permit and to preserve the underlying state and local framework for permanent on-sale intoxicating liquor licenses. The issuance of a caterer's permit does not allow a person to, in effect, operate a permanent on-sale intoxicating liquor establishment; rather it entitles the person to provide temporary alcoholic beverages as an incidental part of a food service that prepares meals at special locations apart from the licensee's permanent location. The location requirements in this section for the sale of alcoholic beverages at catered events are enacted to assure compliance with existing state and local provisions regarding on-sale licenses. Numerous events conducted at one location where alcoholic beverages are provided by caterers' thwarts the licensing scheme for permanent on-sale intoxicating liquor establishments.

(B) *Regulations.* Events that are catered in accordance with M.S. § 340A.404(12), as it may be amended from time to time, shall comply with the following additional sale provisions.

- (1) No one location shall have more than 26 days of catered events in one calendar year, with an exemption given to the Arlington Community Center, at which alcoholic beverages are served to the general public, and in no case shall any one event of this type be for more than three consecutive days.
- (2) All such caterer's licenses shall be approved by the City Council, although no public hearing shall be required.
- (3) The fee for such license will be that of a temporary license.

This ordinance shall become effective immediately upon publication.

For City of Arlington

By James R. Kreft
It's Mayor

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Second Reading: June 4, 2012
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By Matthew Jaunich
It's City Administrator