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DATE: August 20, 2018

FROM: Steven Braatz, Jr., City Clerk

TO: License & Health Committee

RE: Amendments to various subsections of Sec. 9.02 of the revised Municipal Code

Background Information/Rationale:

There have been a number of recent changes to State law regarding alcohol licenses, including allowing one signature from licensees on applications, prohibiting notarization of applications, changes to the definition of restaurants regarding Class C Wine licenses, changing the times when Class A establishments can begin serving, and restricting reasons for denial of licenses.

Furthermore, throughout my review of this section, I noticed some corrections that were needed and some language that needed to be clarified. There are also recent changes from neighboring communities that I thought I would introduce for your consideration.

City Attorney has reviewed these changes and agrees to them. The changes were also passed on to the Police Department and City Clerk staff for their review.

Key Issues for Consideration:

Notes are included in the attached amendments. However, here is a breakdown of the more important considerations.

Schedule of Fees

A separate, larger, project is a creation of a Schedule of Fees. I am currently working on this schedule to remove all fees from the code and place it into an easily referenceable document that the Council will adopt every year. This Schedule of Fees is not currently the consideration here, but there are several references to that, so I felt you needed to be made aware.

Changes to the definition of a restaurant for Class C Wine Licenses

This change allows the paint studios and coffee shops to be eligible for Class C Wine licenses (the State law change also affects Class B Licenses). Nothing much changes other than it opens up possibilities for certain types of businesses previously restricted from getting this license. Granting of licenses continue to be at the discretion of the Committee/Council.

Clarification of language regarding premises description, floor plan and plan of operation amendments

This makes it clear that the L&H Comm has the authority to amend a written premises description, floor plan, and plan of operation.

Closing hours

Would you consider changing the times for “Class B”, Class “B”, and Class C Wine licensees to be able to sell alcohol in unopened, original packages until midnight, as provided for in State Statute? Would you consider changing either the closing and/or opening times for Class A licensees? Attached is a survey of neighboring municipalities and their times.

Farmer Market

A representative from the State notified us that retail license extensions can only occur if the property is contiguous to the existing premises.

Provisional Operator Licenses

Currently, for new licensees who have never held an operators license in the State, we must wait until a background check comes back before issuing a provisional operators license. I do not know why these applicants are treated differently than someone who is renewing a license with the City or someone who has had a license from another municipality and provides a certified copy of such. A background check still needs to be conducted, and the other applicants may have committed license activity-related crimes since the last background check. State statutes, and these amendments grant me the authority to revoke a provisional license if they lied on the application. Also, recent law changes restrict the types of crimes that be considered when denying licenses. I am also working on standards to follow, since recent meetings have had conflicting views on whether or not a certain number of DUIs qualify as a reason to deny.

Fiscal Impact (If any):

Allowing more businesses to qualify for Class B Beer/Liquor and Class C Wine licenses may increase revenue through the year. Allowing more people to receive a provisional license may also increase revenue. Many of these changes lead to simplified licensing processes, which helps staff.

Requested Action by Committee/Board:

At this time, this is discussion only. Once these changes are acceptable to Committee, staff will create a formal ordinance to consider.

Attachments:

- Proposed changes for 9.02 for 8-28-18 mtg-rev 8-20-18
- Survey of Closing Hours