

**AMENDMENT TO ORDINANCE NO. 110 ALLOWING
OUTDOOR SEASONAL SALES**

The City Council of the City of Moose Lake, Minnesota, hereby ordains:

Ordinance No. 110, regulating the sale of 3.2 beer and malt liquor, is amended as follows:

1. At Section 2, Subdivision 9 is added:

Subdivision 9. Seasonal Outdoor Sales.

A. Seasonal Outdoor Sales Allowed. The sale of 3.2 beer and intoxicating malt liquors pursuant to any of the licenses issued under Ordinance 110 shall be and are limited to the sale and consumption inside of a structure on the licensed premises unless the licensee declares its intention to provide for outdoor sales and service on the licensed premises in its annual license application. The seasonal outdoor sales license is deemed a temporary license which must be renewed on an annual basis along with the principal license.

B. Limitations on Seasonal Outdoor Sales. Seasonal outdoor 3.2 beer and intoxicating malt liquor sales are allowed subject to the following conditions and limitations.

1. **Term.** Seasonal Outdoor Sales shall begin on April 1 and end on and including November 10 of the calendar year.

2. **Time.** Hours of sale are Monday through Saturday from 10 A.M. to midnight in the outdoor area. Licensees, employees and agents shall not serve, dispense or in any manner furnish liquor in the outdoor area at any other time; nor permit the presence of any open bottle or open receptacle containing liquor in the licensed outdoor area after 12:30 A.M.

3. **Access.** The primary access and egress to the outdoor sales area will be from the main premise or structure and no other access or egress will be allowed other than required emergency exits.

4. **Free Passage Controlled.** The outdoor sales area will be defined or structurally constructed so as to prohibit the free passage of any person or substances beyond said area.

5. **Supervision.** The Licensee shall assign a liquor service manager to supervise activities, sales and consumption within the licensed outdoor area who shall be present during hours of outside operation.

6. No Live Entertainment. There shall be no live entertainment in the outdoor sales area. Use of sound producing equipment, audio equipment and the like in the outdoor sales area is allowed and shall be in compliance with noise control regulations set forth in the City's nuisance ordinance.

7. No ROW/Parking Lot Location. The outdoor sales area shall not be located on any public right of way, nor shall it be located on a private or premises' parking lot.

8. Insurance. Any licensee offering seasonal outdoor sales under this Section shall file with the City Administrator evidence of insurance insuring against liability imposed by law arising out of the ownership, maintenance or operation of the said seasonal outdoor sales area in addition to all other proofs of insurance required under this Ordinance.

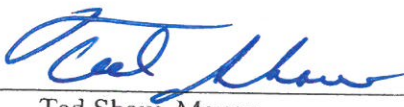
C. No Expectation of Renewal. Any action of the City allowing a temporary seasonal outdoor sales license is deemed experimental and as such, no expectation must be had by the licensee that the outdoor area will continue to be allowed through the annual licensing, even though no misconduct occurred in the outside area.

D. Violations Impact Principal License. Any violations of the provisions of this ordinance allowing seasonal outdoor sales, or state laws regulating the sale of intoxicating liquors, shall be subject to immediate redress by the City and shall be considered at the time of annual renewal and may adversely impact the renewal of the principal license.

This Amendment to Ordinance No. 110 shall take effect and be in full force from and after its publication.

Passed by the City Council this 12th day of April, 2017.

CITY OF MOOSE LAKE

By: 
Ted Shaw, Mayor

Attested:

By: 
Tim Peterson, City Administrator

Published in the Moose Lake Star Gazette on the 23 day of March, 2017.