

**CITY OF WACONIA
ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 580 REGARDING
ALCOHOLIC BEVERAGES**

The City Council of the City of Waconia ordains:

FINDINGS AND PURPOSE

The City of Waconia (the “City”), in conjunction with the Minnesota Commissioner of Public Safety, licenses and regulates the retail sale of alcoholic beverages within its limits pursuant to Minnesota Statutes Chapter 340A. Minnesota Statutes §340A.509 provides the City, as the local authority, may impose restrictions and regulations on the sale and possession of alcoholic beverages within its limits in addition to those contained in the Minnesota Statutes. Chapter 580, *Alcoholic Beverages*, of the Waconia City Code addresses the sale and possession of alcoholic beverages within the City.

Based upon information provided by members of the public and its own investigation, the City Council finds it is appropriate to clarify Chapter 580 to specifically address when alcohol may be served or consumed in public places and to enact controls regarding such service and consumption.

The purpose of this ordinance is to amend Chapter 580 to address the Council’s findings.

AMENDMENTS

Section 580.03, Subd. 1, of the Waconia City Code is amended, in its entirety, to read as follows:

Subd. 1 Sale, Service and Consumption in Public Places.

- A. **Prohibition.** No person shall sell, serve or consume an alcoholic beverage in a public park, on any public street, sidewalk, parking lot or alley, or in any other public place, except as expressly permitted by Subd. 1, B, below.
- B. **Exceptions.** The sale, service or consumption of an alcoholic beverage in a public park, on any public street, sidewalk, parking lot or alley, or in any other public place is allowed when:
 - 1. The sale, service or consumption occurs pursuant to a sidewalk café license issued under Chapter 570 of the Waconia City Code.
 - 2. The sale, service or consumption occurs pursuant to a temporary social event license issued under Section 580.06, Subd. 4, subject to the following conditions:

- a. Prior approval of the City Council;
 - b. Sale, service or consumption shall only occur within a defined area approved by the City Fire Chief and the City Council.
 - c. The defined area shall be clearly delineated by a temporary fence or other barrier at least 36 inches in height with designated openings for ingress and egress approved by the City Fire Chief;
 - d. The licensee shall assign an employee to supervise the defined area at all times;
 - e. The licensee shall maintain at least one (1) waste receptacle in the defined area;
 - f. The licensee shall maintain at least one (1) fire safe cigarette disposal receptacle in the defined area; and
 - g. The licensee shall comply with all other conditions that may be imposed by the City Council pursuant to Section 580.04, Subd. 7.
3. The sale, service or consumption occurs pursuant to a caterer's license issued under Minn. Stat. Chapter 340A, subject to the following conditions:
 - a. Prior approval of the City Council;
 - b. Sale and service shall be incidental to the service of food;
 - c. Sale, service or consumption shall only occur within a defined area approved by the City Fire Chief and the City Council;
 - d. The licensee shall comply with items c, d, e and f in subsection 2 immediately above; and
 - e. The licensee shall comply with all other conditions that may be imposed by the City Council.
 4. The sale, service or consumption occurs pursuant to another provision of this Chapter 580 that expressly allows the sale, service or consumption on a public street, sidewalk, parking lot or ally, or in any other public place.

EFFECTIVE DATE

This ordinance is effective upon publication.

Passed and adopted by the City Council of the City of Waconia this 3rd day of September, 2019.

Kent Bloudek, Mayor

ATTEST: _____
Susan MH Arntz, City Administrator

M/ _____	Bloudek	_____
	Carrier	_____
S/ _____	Erickson	_____
	Leo	_____
	Waldron	_____

[https://mhslaw.sharepoint.com/sites/1/41908/draftdocs/ordinances/part 05 - regulation/chapter 580 - alcohol/alcohol street ordinance draft 08-14-2019.docx](https://mhslaw.sharepoint.com/sites/1/41908/draftdocs/ordinances/part%2005%20-%20regulation/chapter%20580%20-%20alcohol/alcohol%20street%20ordinance%20draft%2008-14-2019.docx)

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