

ORDINANCE O2022-015

AN ORDINANCE OF THE CITY OF SHAKOPEE AMENDING CITY CODE SECTION 114.36 RELATED TO SMALL BREWER OFF SALE LICENSES.

THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, ORDAINS:

SECTION 1. Section 114.36 of the Shakopee City Code is amended to read as follows:

114.36 Small Brewer License

- A. *License required.* It is unlawful for a brewer to offer for off-sale purchase, malt liquor that has been produced and packaged by the brewer at the brewery premises without a small brewer license issued by the city.
- B. *Small brewer license restrictions.*
 - 1. The amount of malt liquor sold at off-sale for purchase may not exceed ~~500~~ 750 barrels annually.
 - 2. Malt liquor sold at off-sale shall be limited to the legal hours for off-sale at exclusive liquor stores in the city, except that a small brewer may also sell malt liquor off-sale from 8:00 a.m. until 10:00 p.m. on Sunday. The malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time.
 - 3. Containers:
 - a) The malt liquor sold off-sale shall be packed in 64-ounce containers commonly known as “growlers” or in 750 milliliter bottles. The containers shall bear a twist-type closure, cork, stopper, or plug. At the time of the sale, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extended over the top of the twist-type enclosure, cork, stopper, or plug forming a seal that must be broken upon opening of the container or bottle. The adhesive band, strip, or sleeve shall bear the name and address of the brewer. The containers or bottles shall be identified as malt liquor contain the name of the malt liquor, bear the name and address of the brewer selling the malt liquor, and shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise in accordance with the provisions of Minn. Rules 7515.1100.
 - b) Brewers that produce 7,500 barrels or less of malt liquor annually may sell at off sale up to 128 ounces per customer per day of mal liquor that has been produced and packaged by the brewer, provided that the malt liquor is packaged in a container or combination of containers that is in compliance with Minn. Rules, parts 7515.1080 to 7515.1120.
 - 4. A brewer may, but is not required to refill any growler with malt liquor for off-sale at the request of a customer. A brewer refilling a growler must do so at its licensed

premises and the growler must be filled at the tap at the time of sale. A growler refilled under this division (B)(4) must be sealed and labeled in the manner described in division (B)(3) above.

5. A brewer may only have 1 small brewer license issued by the city.
6. A small brewer license will not be issued to a brewer if the brewer seeking the license or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews more than ~~20,000~~ 150,000 barrels of its own brand of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually.
7. It is unlawful for a smaller brewer licensee, or an employee of a licensee to sell malt liquor on any day, or during any hour, when sales of liquor are not permitted by state statutes.

SECTION 2. Publication by Summary. The City Council determines that publication of the title and the approved summary of this ordinance would clearly inform the public of the intent and effect of the ordinance and therefore directs that only the title of the ordinance and the approved summary be published.

SECTION 3. Effective Date. This ordinance becomes effective from and after its adoption and publication.

Adopted in regular session of the City Council of the City of Shakopee, Minnesota, held this 21st day of June, 2022

Mayor of the City of Shakopee

ATTEST:

City Clerk

Text with ~~strikeout~~ is proposed for deletion.

Text with underline is proposed for insertion.