

**ORDINANCE NO. 310 3RD SERIES**

**AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, AMENDING CITY CODE TITLE XI BUSINESS REGULATIONS CHAPTER 117 ENTITLED "(ALCOHOLIC BEVERAGES" BY ADDING SECTION 117.70 ENTITLED CATERER'S PERMIT; AND BY ADOPTING BY REFERENCE CITY CODE TITLE I, CHAPTER 10 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.**

**WHEREAS**, the City of East Grand Forks monitors on-sale intoxicating liquor licenses and catering permits issued to businesses located within the City of East Grand Forks, and

**WHEREAS**, the City of East Grand Forks has been made aware that businesses with on-sale intoxicating liquor licenses with caterer's permits who are located outside the City are authorized under Minnesota Statutes to sell liquor at social events in locations other than their licensed premise, and

**WHEREAS**, the City of East Grand Forks believes that, for public safety purposes, it is a fundamental duty that the City be aware of and monitor all locations within the City where liquor is sold;

THE CITY OF EAST GRAND FORKS ORDAINS:

Section 1. Title XI, Chapter 117 of the City of East Grand Forks' Ordinances entitled "Alcoholic Beverages" shall be amended by adding a new Section, Caterer's Permit which shall read as follows:

- 117.70     **Illegal Sale.**** It shall be unlawful for the holder of a Caterer's Permit to sell alcoholic beverages off the holder's licensed premises in the City of East Grand Forks, except as an incidental part of the service of prepared meals at an event sponsored by a person with whom the holder has contracted for such prepared meal service.
  
- 117.71     **Illegal Interest.**** It shall be unlawful for the person who has contracted with the holder for prepared meal service to have any legal, equitable or pecuniary interest in the holder, or the holder's compensation from the catered event.
  
- 117.72     **Information Required.**** Except for holders who also hold an on-sale intoxicating liquor license issued by the City of East Grand Forks, it is unlawful for any person holding a Caterer's Permit to sell or otherwise provide alcohol to any individual or group located within the corporate boundaries of the City of East Grand Forks unless said person has first provided the Police Chief for the City of East Grand Forks with the following:

1. A copy of their valid caterer's permit as issued by the State of Minnesota, and
2. A copy of their valid on-sale liquor license as issued by the city where their primary on-sale liquor premises is located, and
3. A copy of their dram shop insurance policy clearly indicating that dram shop coverage is currently in force, and
4. A completed caterer's permit application form, and
5. Payment of an application fee as set by resolution by the City Council of East Grand Forks.

**117.73 Aiding and Abetting.** It is unlawful for any person to intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another to commit the prohibited act.

**117.74 Enforcement.** This ordinance shall be enforced by any duly licensed law enforcement officer.

**117.75 Severability.** If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

**117.76 Penalty.** Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in §10.99.

Section 2: Effective Date. This ordinance shall take effect upon its summary publication in the City's official newspaper. Said publication shall read as follows:

Ordinance #310, 3<sup>rd</sup> Series amends East Grand Forks City Ordinances by adding a new Section outlining the requirements for a person with a State issued caterer's license to sell alcohol within the corporate boundaries of the City of East Grand Forks. A complete copy of the ordinance is available for review or purchase at East Grand Forks City Hall.

Section 3. City Code Title I entitled "General Provisions" Applicable to Entire City Code Including "General Penalty Section 10.99" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 4. This ordinance shall take effect and be in force from and after its passage and publication as indicated in Section 2 above, and be given the Number 310, 3<sup>rd</sup> Series.

Voting Aye: Pokrzywinski, DeMers, Grassel, Buckalew, Tweten, Gregoire, and Leigh.  
Voting Nay: None.  
Absent: None.

The President declared the Ordinance passed.

Passed: March 2, 2010

Attest:

\_\_\_\_\_  
City Administrator/Clerk-Treasurer

\_\_\_\_\_  
President of Council

I hereby approve the foregoing ordinance this 2<sup>nd</sup> of March, 2010.

\_\_\_\_\_  
Mayor

Application to Conduct Business as Allowed by a Caterer's Permit,  
Issued in Accordance with Minnesota Statutes 340A.404 Subdivision 12

Full legal name of the business associated with the Caterer's Permit:

---

---

Physical address of business for which the associated on-sale license is issued:

---

Business Telephone number: \_\_\_\_\_

Home or Cell telephone number: \_\_\_\_\_

The name(s) of the person(s) for whom the licensee will be providing catering services:

---

The home address of the person(s) for whom the licensee will be providing catering services:

---

The telephone number(s) of person(s) for whom the licensee will be providing catering services:

---

The location and address of the location where the catered event will take place:

---

State the intended/requested start date and time of the event: \_\_\_\_/\_\_\_\_/\_\_\_\_ \_\_\_\_:\_\_\_\_

State the intended/requested end date and time of the event: \_\_\_\_/\_\_\_\_/\_\_\_\_ \_\_\_\_:\_\_\_\_

*Applicant and his/her associates in this application will strictly comply with all the laws of the State of Minnesota governing the taxation and sale of intoxicating liquor; the rules and regulations promulgated by the Liquor Control Commissioner; and all ordinances of the municipality. I hereby certify that I have read and understand every question in this application and attachment forms, and that the answer to every question is true of my own knowledge, information, and belief. I further understand that the giving of false information in this application, and/or the failure to give required pertinent information constitutes cause for the immediate revocation of the permit issued hereunder.*

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date