340A.413 RESTRICTIONS ON NUMBER OF INTOXICATION LIQUOR LICENSES THAT MAY BE ISSUED.

Subdivision 1. On-sale licenses. No on-sale intoxicating liquor license may be issued in any city except as provided in this section in excess of the following limits:

(1) in cities of the first class, one license for every 1,500 population, up to 200 licenses;
(2) in cities of the second class, not more than 18 licenses plus one for every 2,500 population over 45,000;
(3) in cities of the third class, not more than 12 licenses;
(4) in cities of the fourth class, including cities whose acts of incorporation were repealed by Laws 1973, chapter 123, article V, section 5, not more than seven licenses;
(5) in statutory cities of 5,000 to 10,000 population, not more than six licenses;
(6) in statutory cities of 2,500 to 5,000 population, not more than five licenses;
(7) in statutory cities of 500 to 2,500 population, not more than four licenses; and
(8) in statutory cities under 500 population, not more than three licenses.

Subd. 2. Additional on-sale licenses permitted for cities in St. Louis County. For cities in St. Louis County no on-sale liquor license may be issued in excess of the following limits, without the approval of the commissioner:

(1) in cities of the third class, not more than 15 licenses;
(2) in cities of the fourth class, not more than nine licenses; and
(3) in statutory cities of 2,500 to 5,000 population, not more than six licenses.

Subd. 3. Referendum for additional on-sale licenses. (a) The governing body of a city may issue on-sale intoxicating liquor licenses over the number permitted under subdivision 1 when authorized by the voters of the city at a general or special election.

(b) The governing body may direct that either of the following questions be placed on the ballot:

(1) "Shall the city council be allowed to issue 'on-sale' licenses for the sale of intoxicating liquor at retail in excess of the number permitted by law?"

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(2) "Shall the city council be allowed to issue (a number to be determined by the governing body) 'on-sale' licenses for the sale of intoxicating liquor at retail in excess of the number now permitted by law?"

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(c) If a majority of voters voting on the question in clause (1) vote yes, the governing body may issue an unlimited number of on-sale licenses. If a majority of voters voting on the question in clause (2) vote yes, the governing body may issue additional on-sale licenses in the number stated in the question.

Subd. 4. **Exclusions from license limits.** On-sale intoxicating liquor licenses may be issued to the following entities by a city, in addition to the number authorized by this section:

1. clubs, or congressionally chartered veterans organizations;
2. restaurants;
3. establishments that are issued licenses to sell wine under section 340A.404, subdivision 5;
4. theaters that are issued licenses under section 340A.404;
5. hotels; and
6. bowling centers.

Subd. 5. **Off-sale licenses.** No off-sale intoxicating liquor license may be issued in any city, except as provided in this section, in excess of the following limits:

1. in cities of the first class, not more than one off-sale license for each 5,000 population; and
2. in all other cities the limit shall be determined by the governing body of the city.

Subd. 6. **Area that has been annexed or consolidated.** A license validly issued within the number prescribed in this section is not rendered invalid or illegal by reason of the consolidation or annexation of territory to a city and may continue to remain in effect and be renewed, except that the limitations as to ownership under section 340A.412, subdivision 2.

**History:** 1985 c 305 art 6 s 13; 1987 c 152 art 1 s 1; 1990 c 554 s 13; 1991 c 249 s 16; 1996 c 418 s 9; 2003 c 126 s 9