

PURCHASING & LICENSING COMMITTEE

14-056-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 8-48 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY INTOXICATING LIQUOR LICENSE.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That section 8-48 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 8-48. Same--same--Spirit Mountain recreation area.

(a) That license issued under authority of Laws 1974, Chapter 345, shall be issued for use at one or more locations within the boundaries of the Spirit Mountain recreation area, provided that ~~whenever said license is used at an area other than the chalet swimming pool area, the premises affected be segregated with a fence, ropes or other barrier and~~ any alcoholic beverages served shall be served by Spirit Mountain employees only;

(b) Such license shall be issued only to the Spirit Mountain recreation area authority. Notwithstanding any provision of this Code to the contrary, the Spirit Mountain recreation area authority may lease the food and beverage operations to an independent contractor, provided, however, that said authority shall be responsible for the actions of any such independent contractor as provided in Sections 8-34 and 8-35 of this Chapter;

(c) The Spirit Mountain recreation area authority, when holding said license, shall maintain a liquor liability insurance policy as required by Minnesota Statutes, Chapter 340A, which names said authority and the city of Duluth as insured parties under such policy. Such policy shall be kept on file by said authority in the office of the city clerk of the city of Duluth and shall contain a provision requiring that written notice be delivered to the city of

Duluth not less than ten days prior to the termination of such policy;

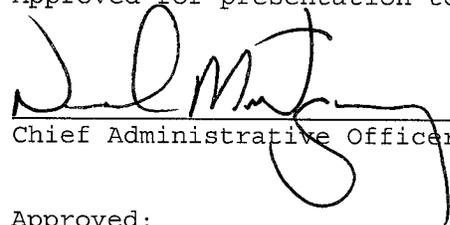
(d) The fee for such license shall be that fee established by Section 8-56 of this Chapter;

(e) Said license shall be treated as an on sale intoxicating liquor license under the provision of this Chapter;

(f) All other provisions of this Chapter shall be applicable to said license and to said authority except as they are inconsistent with the provisions of this Section.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

AGTC/CIK MAL:de 08/19/2014

STATEMENT OF PURPOSE: This ordinance eliminates the fencing restriction related to the consumption of liquor in the outdoor areas at Spirit Mountain. The fencing requirement is not a requirement of Laws of Minnesota 1974, Chapter 327, which authorized issuance of the liquor license to Spirit Mountain.