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MUNICIPAL GOVERNANCE - MINNESOTA

Linn v. City of Newport

Court of Appeals of Minnesota - April 22, 2013 - Not Reported in N.W.2d - 2013 WL 1707682

Denial of liquor license, premised solely on proximity to existing liquor store, within city council's discretion.

Plaintiffs challenged city council's denial of its application for a liquor license. They argued that the city council abused its discretion and violated their right to equal protection.

During the meeting, council members were troubled by the fact that plaintiff wished to open his liquor store next to an existing liquor store. The two stores would be located along a highway leading into the city, and council members were concerned about the image that adjacent liquor stores might create.

Plaintiffs maintained that this reason for denying the application was insufficient when the city had not adopted specific regulations or standards regarding its preferred mix of businesses or how far apart liquor stores should be. Plaintiffs argued that specific regulations or standards on the placement of liquor stores within the city are required.

But the court held that a city council has broad discretion to deny a liquor license "when, in the judgment of the council, the welfare of the city suggests such action."

The editor of this publication strongly disagrees with the court's finding that there exists no fundamental constitutional right to a liquor store.

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