City of Saint Paul

City Hall and Court House
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Legislation Details (With Text)

File #:	Ord 22-4 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
		In control:	City Council
		Final action:	1/26/2022
Title:	Amending Chapter 246 of the Legislative Code to allow possession and consumption of nonintoxicating malt liquor and intoxicating liquor up to 5.5% alcohol by weight within picnic shelters, facilities or areas within any park, playground or recreation center designated for that purpose by the parks and recreation director instead of only allowing possession and consumption of 3.2% alcohol by weight nonintoxicating malt liquor.		
Sponsors:	Amy Brendmoen		
Indexes:			
Code sections:			
Attachments:	1. Staff Presentation		

Date	Ver.	Action By	Action	Result
1/28/2022	1	Mayor's Office	Signed	
1/26/2022	1	City Council	Adopted	Pass
1/19/2022	1	City Council	Laid Over to Final Adoption	Pass
1/12/2022	1	City Council	Laid Over to Second Reading	

Amending Chapter 246 of the Legislative Code to allow possession and consumption of nonintoxicating malt liquor and intoxicating liquor up to 5.5% alcohol by weight within picnic shelters, facilities or areas within any park, playground or recreation center designated for that purpose by the parks and recreation director instead of only allowing possession and consumption of 3.2% alcohol by weight nonintoxicating malt liquor.

SECTION 1

WHEREAS, under the current Chapter 246 of the Legislative Code no consumption of alcoholic beverages stronger than 3.2% alcohol by weight nonintoxicating malt liquor is permitted in any Park space within Saint Paul; and

WHEREAS, Minnesota is the last state in the country to sell 3.2% alcohol by weight nonintoxicating malt liquor; and

WHERES, many people in Saint Paul are unaware of what 3.2% nonintoxicating malt liquor is and the difference between that and what would be considered “normal” beer and other alcoholic beverages up to 5.5% alcohol by weight; and

WHEREAS, Parks and Recreation Safety and Security and the Saint Paul Police Department have difficulty enforcing the current ordinance because of confusion over what 3.2% alcohol by weight nonintoxicating malt liquor is leading to widespread alcohol consumption of beer and other alcoholic beverages within Parks; and

WHEREAS, amending Chapter 246 of the Legislative Code to allow consumption of up to 5.5% alcohol by weight intoxicating liquor would make it easier for Parks and Recreation Safety and Security and the Saint Paul Police Department to enforce the provision by allowing “normal” beer and comparable beverages to be consumed and prohibit the possession and consumption of stronger alcoholic beverages; Now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul does hereby ordain:

SECTION 2

Section 246.01 of the Saint Paul Legislative Code is hereby amended as follows:

Sec. 246.01. Drinking on streets and in parks.

No person shall upon the public streets, lanes or alleys of the city, or in any park, playground or recreation center owned by or under the jurisdiction or control of the City of Saint Paul or in any parking lot or area within or adjacent to such park, playground or recreation center, or being a trespasser upon the private premises of another, drink or have in his/her possession in an opened container any intoxicating liquor, intoxicating malt liquor, nonintoxicating malt liquor or alcoholic beverage of any kind whatever. No person shall in any park, playground or recreation center owned by or under the jurisdiction or control of the City of Saint Paul or in any parking lot or parking area within or adjacent to such park, playground or recreation center, or being a trespasser upon the private premises of another, have in his possession any intoxicating liquor, intoxicating malt liquor, nonintoxicating malt liquor or alcoholic beverage of any kind whatever. No person shall have in his possession any intoxicating liquor, intoxicating malt liquor, nonintoxicating malt liquor or alcoholic beverage of any kind whatever upon any public street, lane or alley located within the boundaries of such a park, playground or recreation center; provided, however, that it shall be an affirmative defense that possession was for the purpose of transportation of such liquor or beverage through the park, playground or recreation center or to a designated shelter, facility or area as provided herein, and where such liquor or beverage is in an unopened container. Notwithstanding the foregoing, any person may, from 8:00 a.m. to 8:00 p.m., within picnic shelters, facilities or areas within any park, playground or recreation center, which are designated for that purpose by the director of the department of parks and recreation or his delegate, drink or have in possession nonintoxicating malt liquor and intoxicating liquor which contains no more than 5.5% alcohol by weight. Notwithstanding any other provision of this chapter, the director of the department of parks and recreation or his delegate may issue permits for the consumption of intoxicating liquor in Town Square Park and Phalen Park Clubhouse during hours in which the sale of liquor by the drink is permitted by state law. All permits shall be subject to regulations which have been proposed by the director of the department of parks and recreation

and approved by the city council. Copies of the regulations shall be on file in the offices of the city clerk~~,~~ and the director of the department of parks and recreation~~, and the director of parks and recreation~~. Such regulations may be amended by the council by resolution.

SECTION 3

Section 246.04 of the Saint Paul Legislative Code is hereby amended as follows:

Sec. 246.04. Designation of permitted shelters, facilities and areas.

The director of the department of parks and recreation shall promulgate, by filing with the city clerk, a list or description of the picnic shelters, park facilities or park areas within which the possession and consumption of nonintoxicating malt liquor and intoxicating liquor which contains no more than 5.5% alcohol by weight is permitted by this chapter between the hours of 8:00 a.m. and 8:00 p.m., together with such maps or illustrations as may assist the public to comply with this chapter. The director shall also direct that appropriate signs be erected at locations in which the consumption and possession of nonintoxicating malt liquor and intoxicating liquor which contain no more than 5.5% alcohol by weight is permitted. It shall not be a defense to a charge of violation of this chapter that such informational signs, maps or illustrations are defaced or removed from the shelters or facilities designated, so long as the list required by this section has been filed with the city clerk.

SECTION 4

Section 246.06 of the Saint Paul Legislative Code is hereby amended as follows:

Sec. 246.06. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) The term "intoxicating liquor" and the term "intoxicating malt liquor" mean and include ethyl alcohol, distilled, fermented, spirituous, vinous or malt beverages containing in excess of three and two-tenths (3.2) percent of alcohol by weight or containing in excess of four (4.0) percent alcohol by volume.

(2) The term "nonintoxicating malt liquor" means and includes any malt liquor containing not less

than one-half of one percent (½ of 1%) of alcohol by volume nor more than three and two-tenths (3.2) percent of alcohol by weight.

(3) The term "alcoholic beverage" means and includes any beverage containing ethyl alcohol in any quantity or amount.

(4) The term "downtown business district" means and includes that portion of the City of Saint Paul lying within and bounded by the following streets: Beginning at the intersection of Shepard Road with Chestnut Street, Chestnut Street to Interstate Freeway 35E, Interstate Freeway 35E to Tenth Street, Tenth Street to Interstate Freeway 94, Interstate Freeway 94 to Lafayette Bridge, Lafayette Bridge to where the bridge crosses over Warner Road, Warner Road to the Wabasha Bridge, the Wabasha Bridge across the Mississippi River to the water line on the south bank of the river, thence in a westerly direction along the shore line to the point at which it intersects with "Line A," and then in a straight line across the Mississippi River to the intersection of Chestnut Street with Shepard Road. The location and legal description of "Line A" are set forth in the map attached hereto, and incorporated and adopted herein by reference.

(5) The term “intoxicating liquor which contains no more than 5.5% alcohol by weight” means and includes most beer, hard cider, hard seltzer, wine spritzers, wine coolers, and other intoxicating liquor beverages which do not exceed five and one half (5.5) percent alcohol by weight or seven (7) percent alcohol by volume.

SECTION 5

This Ordinance shall take effect and be in force thirty (30) days following passage, approval, and publication.