



## Legislation Text

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Amending Section 409.02 of the Legislative Code to allow restaurants to stay open and serve food and beverages until 1:00 a.m. on January 1<sup>st</sup>.

### SECTION 1

WHEREAS, Minnesota State Statute Section 340A.404 allows a city to issue an on-sale intoxicating liquor license to a restaurant; and

WHEREAS, Saint Paul Legislative Code currently requires that a restaurant that holds an on-sale intoxicating liquor license ends all food and beverage service no later than 12:00 a.m., and closes no later than 12:30 a.m.; and

WHEREAS, the Saint Paul City Council wishes to allow restaurants that hold an on-sale intoxicating liquor license additional service time on January 1<sup>st</sup>, (New Year's Eve); Now, therefore be it

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

### SECTION 2

Chapter 409.02 of the Saint Paul Legislative Code is hereby amended as follows:

*Restaurant* shall mean:

(1) For establishments licensed to serve liquor at on-sale prior to February 1, 2016, an establishment other than a hotel, whose food and liquor services are under the control of a single proprietor or manager, having appropriate facilities for the serving of meals for no fewer than fifty (50) guests at one (1) time, having a full service kitchen and a menu, offering meals and full menu service on a daily basis to at least 11:00 p.m. or to the closing time of the entire establishment, and whose gross receipts are at least sixty (60) percent attributable to the sale of food during each and every calendar month. A full service kitchen for the purpose of this chapter shall include at the least a cooking line with mechanical ventilation, having two (2) or more ovens and ranges; food preparation areas having sinks, cutting boards, and facilities and equipment for the preparation, holding at safe temperatures, and processing of food on site; refrigerators and/or coolers for the safe storage of food; and mechanical dishwashing facilities and equipment; all of the foregoing meeting the requirements of Chapter 331 of the Legislative Code and NSF International standards.

(2) For establishments first licensed to serve liquor at on-sale on February 1, 2016, or thereafter, an establishment other than a hotel, whose food and liquor services are under the control of a single proprietor or manager, serving food and beverages, meeting the definition in Minn. Stats. § 157.15, subd. 12, and classified as a high- or medium-risk establishment under Minn. Stats. § 157.20, subd. 2a, that meets the following additional criteria:

- a. Derives a substantial amount of its income from the sale of foods and non-alcoholic beverages.
- b. Has a full-service kitchen, including:
  - 1. At least one (1) cooking line with required ventilation;
  - 2. One (1) or more ovens and ranges, or other cooking equipment as approved by the director;
  - 3. Food preparation areas having sinks;
  - 4. Refrigerators and/or coolers for the safe storage of food;
  - 5. All of the above elements meeting relevant NSF International standards.
- c. Maintains all food- and health-related licenses and permits necessary to operate as a high or medium risk establishment as defined in Minn. Stats. § 157.20, subd. 2a.
- d. Offers adequate interior seating for not less than thirty (30) guests at a time.
- e. Prepares meals on-premises, which are served to guests seated at tables or other eating surfaces.
- f. Only sells intoxicating liquors to patrons who are seated at an eating surface, unless the patron being served is on a bona fide waiting list for available seating.
- g. Ends all food and beverage service no later than 12:00 a.m., and closes no later than 12:30 a.m., except on January 1<sup>st</sup> during which all food and beverage service must end no later than 1:00 a.m., and closes no later than 1:30 a.m.

- h. Offers a menu including at least four (4) entrees, or as otherwise approved by the department.
- i. Offers full menu service during all hours of operations, with the exception of the hour prior to closing.
- j. Actively promotes food sales to all guests within the licensed premises of the restaurant during all hours of full menu service.
- k. Maintains a kitchen open for meal service, which is appropriately staffed and supplied to fulfill orders from the menu in effect during all hours of full menu service.
- l. Allows no greater than ten (10) percent of the area of the licensed premises to be used for entertainment purposes, including, but not limited to, dancing or musical performance.
- m. Makes business records, including, but not limited to, federal and state tax returns, available for inspection by the Director or the Director's designee at all reasonable times.

The failure of a restaurant holding an on-sale liquor license to abide by the above criteria shall constitute grounds for adverse action against said license. Restaurants holding an on-sale liquor license prior to February 1, 2016, may elect to operate pursuant to the definition outlined in subsection (2), above, by notifying the department in writing. Any restaurant electing to operate pursuant to the definition outlined in subsection (2) may not subsequently elect to operate under the definition outlined in subsection (1).

### SECTION 3

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