

An Ordinance amending the definition of “restaurant” in Legislative Code section 409.02.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN

Section 1

That **Sec. 409.02. - Definitions** is amended by changing the definition of “restaurant” as follows:

Restaurant shall mean 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.~~ serving food and beverages, meeting the definition in Minnesota Statutes section 157.15, subd. 12, and classified as a high- or medium-risk establishment under Minnesota Statutes section 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 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 Minnesota Statutes section 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.
- h) Offers a menu including at least 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 10% 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.

Section 2

These ordinance amendments shall take effect and be in force thirty (30) days from and after their passage, approval and publication.