



Legislation Details (With Text)

File #: Ord 22-36 **Version:** 1

Type: Ordinance **Status:** Passed

In control: City Council

Final action: 8/17/2022

Title: Amending Chapter 409.01 of the Legislative Code to align with the requirements for caterer's permits with MN State Statute 340A.404 Subd. 12.

Sponsors: Amy Brendmoen

Indexes:

Code sections:

Attachments: 1. Minn Stat 340A.404, 2. Rental Hall Liquor Service 2022, 3. MLBA letter, 4. Carol Hanson public comment, 5. Comments received by Ward 1, 6. Comments received by Ward 6, 7. Comments received by Ward 7

Date	Ver.	Action By	Action	Result
8/22/2022	1	Mayor's Office	Signed	
8/17/2022	1	City Council	Adopted	Pass
8/10/2022	1	City Council	Laid Over to Final Adoption	
8/3/2022	1	City Council	Laid Over to Second Reading	

Amending Chapter 409.01 of the Legislative Code to align with the requirements for caterer's permits with MN State Statute 340A.404 Subd. 12.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

WHEREAS, Saint Paul Legislative Code Section 409.01 (d) limits private events at which liquor is sold, consumed, or served; and

WHEREAS, one of the conditions is that there shall be no more than three (3) private events in twelve (12) months; and

WHEREAS, Saint Paul Legislative Code Section 409.01 is inconsistent with MN State Statute 340A.404, Subd. 12; and

WHEREAS, Council desires to ensure that that licensed rental halls holding private events have the ability to provide an alcohol option for guests by hiring a caterer who holds either a Class T - Temporary On-Sale Liquor License - Caterer or Class N - On-Sale Caterer's License; and

WHEREAS, Council wishes to remove licensed rental halls from the event limitation of four (4) times per calendar year for the duration of no more than three (3) consecutive days so not to exceed twelve (12) days in a calendar year at one (1) location when holding private events; and

Now, therefore be it

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

SECTION 2

Saint Paul Legislative Code Section 409.01 is hereby amended as follows:

Sec. 409.01. License required; catering approval Class T - Temporary On-Sale Liquor License - Caterer and Class N - On-Sale Caterer's License.

- (a) Unless otherwise allowed under Minnesota Statute 340A, No person may directly or indirectly, on any pretense or by any device, sell, barter, keep for sale, charge for possession, or otherwise dispose of alcoholic beverages as part of a commercial transaction without having obtained the required license or permit. Rental of or permission to use a public facility is not a commercial transaction for the purposes of this chapter. No person shall sell intoxicating liquor for consumption at any time or place in Saint Paul without a license.
- (b) Class T - Temporary On-Sale Liquor License. No person holding a catering permit issued by the state under the provisions of Minnesota Statute section 340A.404, Subd. 12, who does not have an appropriate on-sale liquor license issued by the city shall sell intoxicating liquor at any time or place in the city without first obtaining the required Class T - Temporary On-Sale Liquor License temporary liquor license as prescribed in this chapter. The applicant must follow the procedures for obtaining a Class T license as laid out in Saint Paul Legislative Code Section 310. ~~In addition, the holder of a state catering permit who wishes to obtain a temporary liquor license in the city shall provide the following additional information before the license can be approved by the department of safety and inspections:~~
1. ~~The exact location of the event necessitating the temporary license;~~
 2. ~~A diagram showing the liquor service area;~~
 3. ~~The hours of sale and/or service of intoxicating liquor;~~
 4. ~~The nature of the event or occasion and whether it is public or private; and~~
 5. ~~The approximate number of participants.~~

The sale of intoxicating liquor must be incidental to food service as required under Minnesota Statute, 340A.404, Subd. 12.

The applicant shall also provide adequate security for the event or occasion, which shall must be described in the application. All requirements of law or ordinance relating to the sale and/or service of intoxicating liquor shall must apply to distribution made pursuant to a catering State issued Caterer's permit and Class T - Temporary On-Sale Liquor License city temporary license including, but not limited to, insurance coverages.

- (c) ~~Any person holding the appropriate Saint Paul on-sale liquor and catering license shall be permitted~~

~~to sell liquor at remote locations, if they first obtain an annual special event license as prescribed in section 331.04 of this Code.~~

(c) Class N - On-Sale Caterer's License. A holder of a State of Minnesota caterer's permit issued under the provisions of Minnesota Statute, 340A.404, Subd. 12 to a restaurant that holds an on-sale intoxicating liquor license within the City may apply to sell intoxicating liquor as an incidental part of food service at a place other than the premises for which the holder's on-sale intoxicating liquor license is issued by obtaining a Class N - Caterer's License for the City of Saint Paul. The applicant must follow the procedures for a Class N License Application laid out in Saint Paul Legislative Code Section 310. Holders of a Class N On-Sale Caterer's License must comply with all provisions of the statutes, ordinances, and rules governing the retail sale of alcoholic beverages.

(d) Class T - Temporary On-Sale Liquor License and Class N - On-Sale Caterer's Licensees must also comply with the following provisions for all events that are catered within the City of Saint Paul:

1. A license holder must receive written permission from the Director to hold the event, or to provide ongoing catering services at a Rental/Dance Hall. The written permission may contain reasonable conditions that must be followed during the event. Grounds for denial of a request for permission to hold an event include, but are not limited to:
 - a. The license holder has had prior adverse actions arising out of a private event;
 - b. The license holder has previously failed to obtain permission to host a private event;
 - c. The license holder has had other violations which relate to the licensed establishment.
2. A license holder must keep a record of each event they cater in Saint Paul. The record must include the location of the event, the date and time, the event contact name(s) and phone number(s). The license holder and must provide this register to city staff upon request.
3. The city council may by resolution establish a list of premises for which a liquor caterer may not provide services at an event without explicit approval of city council.
4. A private event cannot last more than one day.
5. Any licensee that is not a licensed Rental Hall being used for a private event may provide liquor catering services to the public up to four (4) times per calendar year for the duration of no more than three (3) consecutive days so as not to exceed twelve (12) days in a calendar year at one (1) location. Licensed Rental Halls, when used for a private event, are exempt from the limitation outlined in this section.
6. No sale of beverage alcohol may occur after 1:00 a.m.
7. All servers of alcohol at a catered event must have received alcohol server training as approved by the Director and shall be at least eighteen (18) years of age.
8. A license holder shall notify the Saint Paul Police Department and Department of Safety and Inspections at least fifteen (15) full business days prior to any alcohol catered event or prior to the beginning of ongoing catering services at a Rental/Dance Hall and provide pertinent details about the event using a form provided by the Director.
9. In addition to general grounds for denial of an application for a Class T - Temporary On-Sale Liquor License and Class N - On-Sale Caterer's Licensees referenced in section 310 of the Saint Paul Legislative code, a license application may be denied, and an issued Class T Temporary On-Sale License may be suspended or revoked without refund, for any of the following reasons:
 - a. The operation of an event does or will unreasonably disturb the peace, quiet or repose of surrounding residential or commercial areas.
 - b. The operation of an event does or will contribute to crime, disorderly behavior, noise, traffic, litter

- or parking problems in the area near the event's location.
- c. Any violation of the laws relating to the sale or service of alcoholic beverages.
 - d. License holder's refusal to supply books of account and contracts pertaining to an event as set forth in this section.
 - e. Any violation of the terms of this section.
 - f. Any other good cause related to the operation of the business or venue.
10. Both state and city permits/licenses must be available for display upon request of any law enforcement officer or investigator designated by the licensing official for any catered event.
11. License holders shall maintain adequate security at catered events in Saint Paul. The license holder may coordinate this with the host facility.
12. If an event is to be held outside, the applicant shall indicate how the alcohol will be confined to a particular area. Exclusive outdoor events must provide at least one (1) portable toilet per every fifty (50) attendees.
13. License holders shall submit to and/or facilitate any site inspections by police, fire, or other regulatory or health agency.

(d) Adverse action may be taken against a licensed establishment acting as a liquor caterer who provides or serves alcohol at an establishment that is in violation of this chapter.

~~(d) Private events. Any person holding a restaurant license under Legislative Code section 331A.04(d) (19) (20) (21), (22) or (23), as amended from time to time, that does not also hold a license to sell liquor may request permission from the department of safety and inspections to hire a liquor caterer for a "private event" at which a liquor caterer licensed to provide alcohol in the city may sell or serve liquor at the non-liquor licensed location. No establishment holding any city license under a chapter other than 331A, 409 or 410 shall sell, serve, display or allow to be served or consumed alcoholic beverages on the licensed premises including if the establishment hires a caterer with the appropriate license. Non-liquor licensed restaurants who are licensed under 331A.04(d) (19)(20)(21)(22), or (23) shall hold private events at which liquor is sold, consumed, or served only under the following conditions:~~

- ~~(1) The private event can be for no more than one day.~~
- ~~(2) The private event shall must not be open to the public.~~
- ~~(3) There shall must be no more than three (3) private events in twelve (12) months.~~
- ~~(4) The department of safety and inspections must be notified in writing fifteen (15) days prior to the private event. The notification must contain a diagram showing the liquor service area, the hours of service of intoxicating liquor, the nature of the event or occasion and the approximate number of participants. The fee for such license shall must be as set forth in Saint Paul Legislative Code § 310.18 310.15.~~
- ~~(5) The restaurant may hold the event only if it receives written permission from the department of safety and inspections to hold the event. The written permission may contain reasonable conditions that must be followed during the event. The department of safety and inspections can refuse to give a restaurant permission to host a private event if:
 - a. ~~The restaurant has had prior adverse actions arising out of a private event;~~
 - b. ~~The restaurant has previously failed to obtain permission to host a private event; or~~
 - c. ~~The restaurant has had other violations which relate to the licensed establishment.~~~~

- (6) ~~Adverse action can be taken against the restaurant license(s) for any violations of state or local law that stem from the private event, or for failure to obtain permission to host a private event. Adverse action may be taken against a licensed establishment acting as a liquor caterer who provides or serves alcohol at an establishment that is in violation of this chapter.~~

SECTION 3

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