



Legislation Text

File #: Ord 22-46, **Version:** 1

Amending Chapter 310 of the Legislative Code to eliminate petition requirements, reference and establish uniform license procedures for Class N, R, and T Licenses, shorten the notification process, eliminate the license renewal public hearing provision, and update gender specific language and other outdated terms.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

WHEREAS, current individual city licensing Ordinances contain notification, hearing, and petition requirements for specific business license types; and

WHEREAS, different license processes in different city licensing ordinances have created confusion among city staff and prospective license applicants as to the proper process to follow; and

WHEREAS, some of these requirements unnecessarily increase the time it takes individuals to open a business; and

WHEREAS, the city seeks to improve the process by which community members learn about and provide input to support Council decision making related to business licenses; and

WHEREAS, time costs entrepreneurs money and impacts their interest and ability to open a business in Saint Paul; and

WHEREAS, throughout the life cycle of a license, the city council has the same rights, requirements, and abilities to take adverse license action (e.g. imposing conditions on a license); and

WHEREAS, after community listening sessions a stakeholder workgroup discussed business and administrative needs and brainstormed/researched solutions; and

WHEREAS, the workgroup recommended uniform license procedures, the removal of petition requirements, a shortened notification process, elimination of the license renewal public hearing provision, and retaining the requirement that all Class N License Applications be put before City Council; and

WHEREAS, the City Attorney has determined that laws that include references to gender do not promote gender equality, and advises that gender-specific words should be replaced with gender-neutral words that have the same meaning when possible; and

WHEREAS, because the City Attorney has determined that the use of the word “shall” in legal instruments is ambiguous depending upon context, and advises that the best practice of substituting the word “shall” with a more precise term, such as *must, will, may, should, or is* should be followed when possible, now, therefore be it

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

SECTION 2

Chapter 310.01 of the Saint Paul Legislative Code is hereby amended as follows:

Chapter 310. Uniform License Procedures

The procedures in this chapter are meant to govern the issuance of all licenses and certain permits in the City of Saint Paul unless a different process is required by statute. The requirements laid out in this chapter are meant to supersede all requirements laid out in ordinance related to Applications for the Grant or Issuance of a License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures.

Sec. 310.01. Definitions.

For the purposes of this chapter, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for Class R, for routinely issued licenses, Class T for temporary licenses and Class N for licenses in which neighbors are required to be notified, under authority of the City of Saint Paul, the terms defined in this section shall will have the following meanings ascribed to them:

Adverse action means the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee, or applicant for a license. “Adverse action” includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. “Adverse action” also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license.

Bond means a bond meeting the requirements of section ~~310.07~~ 310.05 and indemnifying the city against all claims, judgments or suits caused by, resulting from or in connection with any licensed business, activity, premises, thing, facility, occurrence or otherwise under these chapters.

Building official means the official in the department of safety and inspections charged with the responsibility of enforcement of the building code.

Chapters and these chapters shall mean this uniform license ordinance, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for class R, class T, and class N licenses under authority of the city.

Class R licenses means those licenses and certain permits which can be issued by the Director without council approval if no conditions are imposed upon the license and which do not require a hearing if there is an objection. Class R Licenses follow the Procedures for Application for the Grant or Issuance of a License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures laid out in Section 310.02(1). ~~which can be approved and issued or denied by the director of the department of safety and inspections, subject to the procedures required by these chapters.~~ The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

SEE ATTACHMENT 3

Class R Licenses	Legislative Code Chapter
Alarm Systems (Burglar) for Emergency Calls	<u>329</u>
Amusement Rides	<u>317</u>
Animal Day Care and Animal Boarding Facilities	<u>348</u>

Mechanical Amusement Devices	318
Animal Foods Manufacturing and Distributing	316
Amusement Rides	317
Auctioneer	390
Bed and Breakfast Residence	378
Bituminous Contractors	320
Bowling Centers; Pool Halls	322
Building Contractors	326
Building Trades Licenses	369
Building Trades Certificates of Competency	370
Rooming and Boardinghouses; Dormitories	324
Christmas Tree Sales	323
Cigarettes/Tobacco	324
Commercial Pedal Car Driver	374
Commercial Vehicles	167
Building Contractors	326
Courtesy Benches	127
Dry Cleaning Establishments and Pickup Stations; /Laundries	327
Alarm Devices	329
Finishing Shops	371
Food Protection Standards	331A
Vending Machines	363
Fuel Dealers-Liquid Fuel	332
Fuel Dealers-Solid Fuel	333
Game Rooms	406
Pest Control	334
House Sewer Contractors	338
Keeping of Animals	338
Lawn Fertilizer and Pesticide Application	377
Massage and Bodywork Centers	412
Massage and Bodywork Practitioners	414
Mechanical Amusement Devices	318
Mercantile Broker	340
Mobile Retail	346
Motor Vehicle and Parts Dealer	401
Oil-Bulk Storage	342
Peddlers	345
Pedicabs	375

Solicitors	345
Pest Control	334
Pet Grooming Facility Facilities	382
Pet Shops/Animal Facilities	347
Pool Halls	322
Public Pools	360
Solid Waste Hauler	357
Rental of Hospital Equipment	350
Rental of Kitchenware	351
Rental of Trailers	352
Roller Rinks	353
Rooming and Boardinghouses; Dormitories	321
Sanitary Disposal Vehicle	354
Secondhand Dealers _ (Single Location, Multiple Dealers)	355
Short Term Rentals	379
Sidewalk Cafe	406
Sidewalk Contractors	356
Solid Waste Transfer Station	357
Sign and Billboard Construction	66 and 33
Sound Trucks and Broadcasting Vehicles	359
Public Swimming Pools	360
Tanning Facility Facilities	380
Taxicab Drivers Taxicabs	376
Taxicab Vehicle	376
Theatres and Movie Theatres	415
Tire Recapping Plants	372
Tobacco Shops/Tobacco Product Shops	324
Transportation Network Company	373
Tree Trimming	362
Food Vending Machines	363
Vehicle Immobilization Services	383
Veterinary Hospital	364
Window Cleaning	365
Block Parties	366
Wreckers/Tow Trucks	361
Wrecking of Buildings	368
Building Trades Business License	369
Building Trades Certificates of Competency	370

Finishing Shop	371
Tire Reccaping Plants	372
Massage Center	412
Therapeutic Massage Practitioner	414
Vehicle Immobilization Services	383
Short-term Rental Platform	379
Short-term Rental Host	379

Class T licenses means those licenses which must can be approved or denied by the d Director, if no conditions are imposed upon the license and which do not require a hearing if there is an objection. Class T Licenses follow the Procedures for Application for the Grant or Issuance of the License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures laid out in Section 310.02(3). subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

SEE ATTACHMENT #4

Class T Licenses	
Amusement Rides-Temporary	
Close-Out Sales	
Entertainment-Temporary	
Gambling	
Liquor-Extension of Service Area	
Liquor and Wine-Temporary	
Massage Practitioner - Temporary	
Non-Intoxicating Malt Liquor Temporary Extension of Service Area (patio)	
On-sale Beer - Temporary	
Secondhand Dealers-Exhibition	
Soliciting Funds-Tag Days	
Transient Merchants	
Gambling - Temporary	
Entertainment - Temporary	
Extension of Service Area - Liquor	
Soliciting Funds- Tag Days	
Temporary On-Sale Malt 3.2	
Temporary Wine, Wine Licenses for Festivals and Liquor	
Secondhand Dealer Exhibition	

Class N licenses means those licenses which can must be approved or denied only by the Council. Class N Licenses follow the Procedures for Application for the Grant or Issuance of the License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures laid out in Section 310.02(2), subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

SEE ATTACHMENT #5

Class N Licenses	Legislative Code Chapter
Automobile Repair Garage and Body Shop	423
Pool Hall, Bowling Center	322
New Motor Vehicle Dealer	401
Bingo <u>Lawful Gambling</u>	402
Bingo Halls	403
Brewery/Off-Sale	409
Cabarets	426
Conversation/Rap Parlors	413
Private Clubs – Liquor	409
Currency Exchanges	381
Dance Halls or Rental Halls	405
Entertainment	411
Firearms Dealer	225
Gambling Hall	278
Game Rooms	406
Gambling in Liquor Establishments	409
Gas Station	424
Gambling Location	409
Gas Station	424
Hotel/Motel	407
Health/Sports Club	427
Infectious Waste Processing Facilities	429
Intoxicating Liquor-On- and Off- Sale	409
Liquor - Extension of Service Hours	409
Liquor Outdoor Service Area (Patio)	409
Recycling Collection Center/Recycling Processing Center	408

Second Hand Dealer-Motor Vehicle Parts	401
Motor Vehicle and Parts Dealer	401
Motor Vehicle Salvage Dealer	422
Motion Picture Drive-In Theatres	416
Intoxicating Liquor - On and Off Sale	409
Brewpub/Off-Sale	409
Nonintoxicating Malt Liquor - On and Off Sale	410
Off-Sale Brewery	409
Parking Lots and Parking Garages	417
Motorcycle Dealer	401
Pawn Shop	344
Private Clubs - Liquor	409
Recycling Collection Center/ Recycling Processing	408
Nonintoxicating Liquor - On - and Off - Sale	410
Entertainment	411
Conversation/Rap Parlors	413
Steam Room/Bathhouse	428
Theatres and Movie Theatres	415
Motion Picture Drive-In Theatres	416
Parking Lots and Parking Garages	417
Second Hand Dealer-Motor Vehicle	401
Scrap and Metal Processor	420
Liquor Extension of Service Hours	409
Liquor Outdoor Service Area (Patio)	409
Currency Exchange	381

Department means the ~~department of safety and inspections~~ Department of Safety and Inspections.

Director means the ~~director of the department of safety and inspections~~ Director of the Department of Safety and Inspections and/or the Director's designee or designees, unless otherwise defined in the specific chapter, section or subdivision referred to.

Fee means and includes both the license fee and application fee unless otherwise provided.

Inspector as used in these chapters means the ~~director of the department of safety and inspections~~ or his or her designee.

License means and includes all licenses and permits provided for or covered by these chapters. License also includes licenses issued by the state under statutory provisions which permit the governing body to disapprove

the issuance of such licenses, for the purposes of making procedures in chapter 310 of the Legislative Code applicable to the approval or disapproval of such licenses.

Class N License District Council Notification Form means the form, provided by the Department to the license applicant as part of the Class N License application packet, which must be mailed or personally delivered to the District Council by the license/applicant prior to the submission of the application for a license.

Person means and includes any person, firm, corporation, partnership, company, organization, agency, club or any group or association thereof. It shall also include any executor, administrator, trustee, receiver or other representative appointed by law.

Zoning Administrator means the official in the Department of Safety and Inspections charged with responsibility for enforcement of the zoning code.

SECTION 3

Section 310.02 of the Saint Paul Legislative Code is hereby deleted

~~Sec. 310.02. Application.~~

~~(a) *Form.* All applicants for licenses or permits issued pursuant to these chapters shall make both original and renewal applications to the inspector on such forms as are provided by the division. Such applications shall not be received by the inspector until completely filled out, accompanied by all fees, insurance policies, bonds, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph (b) below.~~

~~(b) *Taxes.* No person shall be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, prior to and in addition to any other requirements, rules or ordinances heretofore or hereafter required, the Ramsey County Department of Property Taxation certifies that said applicant has paid any and all taxes, real or personal, before said taxes become delinquent, on any property, real or personal, situated within the City of Saint Paul and used in connection with the business operated under said license.~~

~~Notwithstanding the previous paragraph, the council, the director or the inspector may issue or renew a license if it is found that:~~

~~(1) The applicant has made an agreement satisfactory to the Ramsey County attorney to pay delinquent taxes in periodic installments;~~

~~(2) The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of his property, and has made all partial payments required by law in connection with such proceeding; or~~

~~(3) The business property with respect to which taxes are delinquent is not owned by the applicant, but by a lessor, and it would be inequitable to require the lessee to pay such taxes.~~

~~If a license is issued or renewed because of the existence of an agreement as described in subsection (1) above, the license may be revoked if the licensee defaults upon such agreement.~~

~~(c) *Additional information.* The inspector shall prescribe the information required to be submitted by~~

~~each applicant in their application, in addition to that required by specific sections in these chapters, as may be necessary to carry out and enforce any provision hereunder. The inspector shall require in every case the applicant to submit their name; business or corporate name; names of partners, officers, directors, shareholders or trustees involved in the business; age; address; description or blueprint of the premises, if any, and the owner thereof, and locations and addresses of other business locations in Minnesota.~~

~~(d) *No reapplication within one (1) year after denial or revocation.* Unless an applicant is claiming that they have evidence of rehabilitation as outlined in Minnesota Statute 364.03, subd. 3, no person may apply for any license within one (1) year of the denial or revocation of the same or similar license by the city council, if such denial or revocation was based solely or partially upon misconduct or unfitness of the applicant, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. A license is "similar," within the meaning of this paragraph, if the basis upon which the revocation or denial of the original license was made would have been a relevant basis on which to deny or revoke a license of the type subsequently applied for.~~

~~(e) *Reapplication after denial; "interest" of applicant in revoked license.* An application by a person having an interest in, or whose shareholders or officers have an interest in, any premises or enterprise whose license has been revoked or to which a license has been denied shall be treated as an application by the person whose license was denied or revoked. The term "interest," as used in this paragraph, includes any pecuniary interest in the ownership, operation, management or profits of an establishment, but does not include: bona fide loans; bona fide rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; an interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license.~~

~~(f) *Prohibition on reapplication; exception.* The prohibition on reapplication herein provided shall not apply in cases where it is otherwise expressly provided by statute or ordinance.~~

~~(g) *Waiting period after filing of petition.* Any petition required to be filed with the application for any license shall not be considered as officially filed and irrevocable until seven (7) working days after a petition is received in the inspector's office. During the seven-day waiting period, any signator of any petition may withdraw their name therefrom by written request, and such request shall be appended to the subject petition and made a part thereof. After the seven-day waiting period, signatures may not be withdrawn unless it is shown they were obtained by fraud or duress. Signatures withdrawn or obtained by fraud or duress shall not be counted in determining the sufficiency of the petition. This subdivision shall apply in any case where the applicant for a license must present a statement in writing signed by a specified number or percentage of persons that they have given their consent to the grant of the license.~~

Section 4

Section 310.03 is hereby deleted.

~~Sec. 310.03. Investigation and review of new applications, etc.~~

Sec. 310.03. – Investigation and review of new applications, etc.

The inspector shall determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minnesota Statutes, chapter 364, and is otherwise available by law. The inspector shall make reasonable and appropriate investigation of the premises or personal property, vehicles or facilities, as may be involved in or related to the licensed activity, and shall request, where appropriate, the assistance of other city divisions or departments in making additional investigations for the purpose of determining whether the applicant is or will be in compliance with all applicable ordinances and statutes. The approval of such other divisions or departments is not required for issuance of a license unless otherwise required by specific sections in these chapters. All new applications shall be reviewed by the zoning administrator or his designee for compliance with all requirements of the Saint Paul Zoning Code, and no new license shall be granted without full compliance with said requirements. All new applications involving a premises, location, building or structure shall be referred to the department of safety and inspections for investigation and recommendation.

SECTION 5

Section 310.04 is hereby renumbered 310.02 and amended as follows to enumerate Uniform Procedures for Application for the Grant or Issuance of the License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections and Renewal Procedures by License Type:

Sec. 310.02. 310.04 Levels of approval; recommendations. Uniform Procedures for Application for the Grant or Issuance of the License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections and Renewal Procedures by License Type.

- (a) *Class R licenses.* Where an application for the grant, issuance or renewal of a Class R license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.
- (b) *Class T licenses.* Where an application for the grant, issuance or renewal of a Class T license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.
- (c) *Class R and Class T licenses, if denied by director.* In the event the director, in the case of both Class R and Class T licenses, determines that the application for grant, issuance or renewal of the license does not meet all the requirements of law or that there exist grounds for denial, revocation, suspension or other adverse action against the license or the licensee, the director shall recommend denial of the application and follow the procedures for notice and hearing as set forth in section 310.05.
- (d) *Class N licenses.*
 - (1) *Grant, issuance or transfer.* Upon receipt of a fully completed application and required fees for a Class N license, the director shall conduct such investigation as is required to determine whether the application meets all the requirements of law or whether there exist grounds for denial or imposition of conditions on the license. The director shall, in writing, notify the council, and the affected neighborhood organization(s) established for citizen participation purposes, of the existence of the application for all Class N licenses. In any case where the director recommends denial of the

~~grant, issuance or renewal of a Class N license, the director on his or her own initiative, or at the direction of the council, shall follow the procedures for notice and hearing as set forth in section 310.05. If the director is recommending issuance of the license, but the affected neighborhood organization(s) or other interested persons give notice within thirty (30) days of receipt of notice of the existence of the application (or within forty-five (45) days if the application involves a liquor license) of objection to issuance of the license, the matter shall be referred for a hearing before the legislative hearing officer, who shall give notice of the time, place and date of the hearing to the affected neighborhood organization(s) and the applicant. The legislative hearing officer shall take testimony from all interested persons and shall make a recommendation to the council as to whether the matter should be referred for a hearing before an independent hearing examiner in accordance with the procedures set forth in section 310.05. Where the application for the grant, issuance or renewal of a Class N license meets all the requirements of law, and where there exists no ground for adverse action, the director shall issue such license in accordance with law.~~

~~(2) *Renewal.* The director shall in writing notify the council, and the affected neighborhood organization(s) established for citizen participation purposes, at least sixty (60) days before the expiration date of all Class N licenses. A public hearing on the renewal of any such license shall not be held except on the request of a councilmember, which request shall be incorporated in the form of a council resolution. Upon the passage of such resolution, the director shall give written notice of such hearing to the affected neighborhood organizations. Such public hearing does not replace or amend any of the procedures set forth in section 310.05 of the Legislative Code. If no request for a public hearing is made before the expiration of any such license, and where there exists no ground for adverse action, the director shall issue the license in accordance with law.~~

~~(e) *Appeal; Class R or Class T licenses.* An appeal to the city council may be taken by any person aggrieved by the grant, issuance or renewal of a Class R or Class T license; provided, however, that the appeal shall have been filed with the city clerk within thirty (30) days after the action by the director. The only grounds for appeal shall be that there has been an error of law in the grant, issuance or renewal of the license. The appeal shall be in writing and shall set forth in particular the alleged errors of law. The council shall conduct a hearing on the appeal within thirty (30) days of the date of filing and shall notify the licensee and the appellant at least ten (10) days prior to the hearing date. The procedures set forth in section 310.05, insofar as is practicable, shall apply to this hearing. Following the hearing, the council may affirm or remand the matter to the inspector or director, or may reverse or place conditions upon the license based on the council's determination that the decision was based on an error of law. The filing of an appeal shall not stay the issuance of the license.~~

~~(f) *No waiver by renewal.* The renewal of any license, whether Class R, T or N, shall not be deemed to be a waiver of any past violations or of any grounds for imposition of adverse action against such license.~~

1) Class R Licenses.

(a) Application.

1. *Form.* All applicants for a Class R License issued pursuant to these chapters must make both original and renewal applications to the Director on such forms as are provided by the Department. Such applications will not be received by the Director until the Director deems the application meets the substantially complete criteria. Subsequently, issuance of a license cannot occur until insurance policies, 01s, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph 2 below, are received and approved.

2. Taxes. No applicant will be granted a License or a renewal of a License required by the Saint Paul Legislative Code unless, in addition to any other requirements, rules or ordinances heretofore or hereafter required, the Director determines that said Applicant has paid all taxes, real or personal, before said taxes become delinquent, on any property, real or personal, situated within the City of Saint Paul and used in connection with the business operated under said License.
3. Notwithstanding the previous paragraph, the Council or the Director may issue or renew a License if it is found that:
 - (a) The applicant has made an agreement satisfactory to the Ramsey County Attorney to pay delinquent taxes in periodic installments;
 - (b) The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of their property, and has made all partial payments required by law in connection with such proceeding; or
 - (c) The business property with respect to which taxes are delinquent is not owned by the applicant, but by a lessor, and it would be inequitable to require the lessee to pay such taxes.

If a License is issued or renewed because of the existence of an agreement as described in subsection (a) above, the license may be revoked if the licensee defaults upon such agreement.

4. Additional information. The Director will prescribe the information required to be submitted by each applicant in their application, in addition to that required by specific sections in these chapters, as may be necessary to carry out and enforce any provision hereunder. The Director will require in every case the applicant to submit their name; business or corporate name; names of partners, officers, directors, shareholders, or trustees involved in the business; age; address; description or blueprint of the premises, if any, and the owner thereof, and locations and addresses of other business locations in Minnesota.
5. No reapplication within one (1) year after denial or revocation. Unless an applicant is claiming evidence of rehabilitation as outlined in Minnesota Statute 364.03, subd. 3, no applicant may apply for any license within one (1) year of the denial or revocation of the same or similar license by the city council, if such denial or revocation was based solely or partially upon misconduct or unfitness of the applicant, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. A license is "similar," within the meaning of this paragraph, if the basis upon which the revocation or denial of the original license was made would have been a relevant basis on which to deny or revoke a license of the type subsequently applied for.
6. Reapplication after denial; "interest" of applicant in revoked license. An application by a person having an interest in, or whose shareholders or officers have an interest in, any premises or enterprise whose license has been revoked or to which a license has been denied will be treated as an application by the person whose license was denied or revoked. The term

"interest," as used in this paragraph, includes any pecuniary interest in the ownership, operation, management or profits of an establishment, but does not include: bona fide loans; bona fide rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; an interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license.

7. Prohibition on reapplication; exception. The prohibition on reapplication herein provided will not apply in cases where it is otherwise expressly provided by statute or ordinance.

- (b) New Application Investigation and Review. The Director will determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minnesota Statutes, chapter 364, and is otherwise available by law. The Director will make reasonable and appropriate investigation of the premises or personal property, vehicles, or facilities, involved in or related to the licensed activity, and will request, where appropriate, the assistance of DSI divisions and other city divisions or departments in making additional investigations for the purpose of determining whether the applicant is or will be in compliance with all applicable ordinances and statutes. The approval of such other divisions or departments is not required for issuance of a license unless otherwise required by specific sections in these chapters. All new applications will be reviewed by the Zoning Administrator or their designee for compliance with all requirements of the Saint Paul Zoning Code, and no new License will be granted without full compliance with said requirements. All new applications involving a premise, location, building or structure will be reviewed by the Building Official or their designee for investigation and recommendation.

(c) Application Denial

1. Denial of a Class R License application is adverse action and the procedures for notice and hearing outlined in Saint Paul Legislative Code Section 310.03 must be followed.

(d) Notice.

1. Upon verification that an application for a Class R License is substantially complete, the notification requirements outlined in ENS Chapter A-11(11)(c) must be followed and the required ENS notice must be provided within two (2) public business days.

(e) Levels of Approval:

1. Approval recommended without conditions. Where an application for the grant, issuance or renewal of a Class R License meets all the requirements of law, and there exists no grounds for denial, revocation or suspension of, or the imposition of conditions upon, such license, the Director must grant, issue, or renew said license in accordance with the application.

2. Approval recommended with conditions. If upon review of an application for the grant, issuance, or renewal of a Class R License the Director determines that there exist grounds for imposition of conditions, the Director must provide the applicant or licensee notice and an opportunity to be heard in accordance with Section 310.03.
3. If the prospective licensee does not object to the proposed conditions, the Director will request that the matter be placed on the council consent agenda. The Director shall notify the prospective licensee.
4. If the prospective licensee objects to the conditions proposed by the Director, the Director must follow the hearing procedures outlined in Saint Paul Legislative Code Section 310.03 and refer the matter to a hearing examiner.
5. Revocation or suspension. If the Director determines that the renewal application for the renewal of a license does not meet all of the requirements of law or that there exist grounds for revocation or suspension of a Class R License the Director will follow the hearing procedures as outlined in Saint Paul Legislative Code Section 310.03.

(f) Objections. An appeal to the city council may be taken by any person aggrieved by the grant, issuance, or renewal of a Class R License provided that:

1. The appeal must be filed with the city clerk within thirty (30) days after the action by the Director.
2. The only grounds for appeal will be that there has been an error of law in the grant, issuance, or renewal of the license.
3. The appeal will be in writing and will set forth in particular the alleged errors of law.
4. The council will conduct a public hearing on the appeal within thirty (30) days of the date of filing and will notify the licensee and the appellant at least ten (10) days prior to the hearing date.
5. The procedures set forth in section 310.03, insofar as is practicable, will apply to this hearing. Following the hearing, the council may affirm or remand the matter to the Director, may reverse the Director's decision, or place conditions upon the license based on the council's determination that the Director's decision was based on an error of law.
6. The filing of an appeal will not stay the issuance of the license.

(g) Renewal Procedures.

1. Class R Licenses may be automatically renewed by the Director.
2. No waiver by renewal. The renewal of a Class R License will not be deemed to be a waiver of any past violations or of any grounds for imposition of adverse action against such license.

2) Class N Licenses

(a) Application.

1. Form. All applicants for a Class N License issued pursuant to these chapters will make both original and renewal applications to the Director on such forms as are provided by the Department. Such applications will not be received by the Director until the Director deems the application meets the substantially complete criteria. Subsequently, issuance of a license cannot occur until insurance policies, bonds, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph 2 below are received and approved.

2. Taxes. No applicant will be granted a License or a renewal of a License required by the Saint Paul Legislative Code unless, in addition to any other requirements, rules or ordinances heretofore or hereafter required, the Director determines that said Applicant has paid all taxes, real or personal, before said taxes become delinquent, on any property, real or personal, situated within the City of Saint Paul and used in connection with the business operated under said License.

3. Notwithstanding the previous paragraph, the Council or the Director may issue or renew a License if it is found that:
 - (a) The applicant has made an agreement satisfactory to the Ramsey County Attorney to pay delinquent taxes in periodic installments;
 - (b) The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of their property, and has made all partial payments required by law in connection with such proceeding; or
 - (c) The business property with respect to which taxes are delinquent is not owned by the applicant, but by a lessor, and it would be inequitable to require the lessee to pay such taxes.

If a License is issued or renewed because of the existence of an agreement as described in subsection (a) above, the license may be revoked if the licensee defaults upon such agreement.

4. Additional information. The Director will prescribe the information required to be submitted by each applicant in their application, in addition to that required by specific sections in these chapters, as may be necessary to carry out and enforce any provision hereunder. The Director will require in every case the applicant to submit their name; business or corporate name; names of partners, officers, directors, shareholders, or trustees involved in the business; age; address; description or blueprint of the premises, if any, and the owner thereof, and locations and addresses of other business locations in Minnesota.

5. No reapplication within one (1) year after denial or revocation. Unless an applicant is claiming that they have evidence of rehabilitation as outlined in Minnesota Statute 364.03, subd. 3, no applicant may apply for any license within one (1) year of the denial or revocation of the same or similar license by the city council, if such denial or revocation was based solely or partially upon misconduct or unfitness of the applicant, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. A license is "similar," within the meaning of this paragraph, if the basis upon which the revocation or denial of the original

license was made would have been a relevant basis on which to deny or revoke a license of the type subsequently applied for.

6. Reapplication after denial; "interest" of applicant in revoked license. An application by a person having an interest in, or whose shareholders or officers have an interest in, any premises or enterprise whose license has been revoked or to which a license has been denied will be treated as an application by the person whose license was denied or revoked. The term "interest," as used in this paragraph, includes any pecuniary interest in the ownership, operation, management or profits of an establishment, but does not include: bona fide loans; bona fide rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; an interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license.
7. Prohibition on reapplication; exception. The prohibition on reapplication herein provided will not apply in cases where it is otherwise expressly provided by statute or ordinance.

(b) New Application Investigation and Review. The Director will determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minnesota Statutes, chapter 364, and is otherwise available by law. The Director will make reasonable and appropriate investigation of the premises or personal property, vehicles, or facilities, as may be involved in or related to the licensed activity, and will request, where appropriate, the assistance of DSI divisions and other city divisions or departments in making additional investigations for the purpose of determining whether the applicant is or will be in compliance with all applicable ordinances and statutes. The approval of such other divisions or departments is not required for issuance of a license unless otherwise required by specific sections in these chapters. All new applications will be reviewed by the Zoning Administrator or their designee for compliance with all requirements of the Saint Paul Zoning Code, and no new License will be granted without full compliance with said requirements. All new applications involving a premise, location, building or structure will be reviewed by the Building Official or their designee and Inspections for investigation and recommendation.

1. Verification of Class N License District Council Notification Form. The Director must ensure that the District Council has notified the Department by email that the Class N License District Council Notification Form has been received.

(c) Application Denial

1. Denial of a Class N License application is adverse action and the procedures for notice and hearing outlined in Saint Paul Legislative Code Section 310.03 must be followed.

(d) Notice.

1. Upon receipt of an application for a Class N License, the notification requirements outlined in ENS Chapter A-11(11)(c) must be followed.

The application must then be reviewed and once the Director deems the application fully reviewed as required by these chapters and makes a recommendation, both the notice requirements outlined in ENS Chapter A-11 (14) and the required mailing must be provided. Notices must describe the license application received, staff recommendations (e.g., any conditions) and the process for public comment and objections.

- (a) Required mailing. The Director must notify by mail all owners and occupants who own property or reside within three hundred fifty (350) feet of the establishment to which the license is to be issued, of any such application, said three hundred fifty (350) feet being calculated and computed as the distance measured in a straight line from the property line of the building where the prospective license will be located to the property line owned, leased or under the control of the resident and owners of the existence of an application and set the deadline for public comment at least 15 days after the date of mailing. The Director must submit to the council a list of the names and addresses of each person or organization to whom notice was sent, and certification of such list by the Director will be conclusive evidence of such notice and such notice will be attached to the resolution before council.
- (b) The failure to give mailed notice to owners or occupants residing within three hundred fifty (350) feet, or to community organizations, or defects in the notice, does not invalidate the Council approval provided a bona fide attempt to comply with this section has been made. A bona fide attempt is evidenced by a notice addressed to "owner" and to "occupant" of the listed address. Only one (1) notice need be mailed to each house or each rental unit within a multiple-family dwelling regardless of the number of occupants.
- (c) *Notice requirement not applicable in downtown business district.* The notification requirements of this section shall are not be applicable where the license is to be transferred to a place located within the downtown business district. For purposes of this section, downtown business district shall includes all 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" is indicated on the map attached hereto and incorporated and adopted herein by reference.

(e) Levels of Approval.

1. Approval with or without conditions. All Class N Licenses require council approval. If there are no conditions or the prospective licensee does not object to the proposed conditions, the Director will request that the matter be placed on the council consent agenda. The Director will notify the prospective licensee.
2. If the prospective licensee objects to the conditions proposed by the Director and/or the conditions added by the Legislative Hearing Officer after a hearing, the Director must follow the hearing procedures as outlined in Saint Paul Legislative Code Section 310.03 and refer the matter to a Hearing Examiner.
3. Revocation or suspension. If the Director determines that the application for renewal does not meet all of the requirements of law or that there exist grounds for revocation or suspension of a Class N License, the Director must follow the hearing procedures as outlined in Saint Paul Legislative Code Section 310.03.

(f) Objections. If the Director is recommending issuance of the Class N License, but the affected neighborhood organization(s) or other interested persons give notice within the fifteen (15) day period for public comment of objection to issuance of the license, the Director must refer the matter for a hearing before the Legislative Hearing Officer.

- a. The Legislative Hearing Officer will set a hearing date and give notice of the time, place, and date of the hearing to the affected neighborhood organizations(s) and the applicant.
- b. At the hearing, the Legislative Hearing Officer will take testimony from all interested persons.
- c. If the applicant cannot agree with license conditions suggested by the Legislative Hearing Officer, the Legislative Hearing Officer will make a recommendation to the Council as to whether the matter should be referred for a hearing before an independent hearing examiner in accordance with the procedures set forth in section 310.03.
- d. After the legislative hearing, the Legislative Hearing Officer must prepare a report and recommendations for Council and set the matter on the council consent agenda.

If no objections are received, the Legislative Hearing Officer will notify the Director and have the matter placed on the council consent agenda. The Director will notify the applicant and the affected neighborhood organizations established for citizen participation purposes of the placement of the application on the Council agenda.

(g) Renewal Procedures.

1. Renewal Procedures. Class N Licenses may be automatically renewed by the Director.

2. No waiver by renewal. The renewal of a Class N License will not be deemed to be a waiver of any past violations or of any grounds for imposition of adverse action against such license.

3) Class T Licenses (Temporary).

(a) Application.

1. Form. All applicants for a Class T License issued pursuant to these chapters will make original applications to the Director on such forms as are provided by the Department. Such applications will not be received by the Director until the Director deems the application meets the substantially complete criteria. Subsequently, issuance of a license cannot occur until insurance policies, bonds, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph 2 below are received and approved.

2. Taxes. No applicant will be granted a License or a renewal of a License required by the Saint Paul Legislative Code unless, in addition to any other requirements, rules or ordinances hereafter required, the Director determines that said Applicant has paid all taxes, real or personal, before said taxes become delinquent, on any property, real or personal, situated within the City of Saint Paul and used in connection with the business operated under said License.

3. Notwithstanding the previous paragraph, the Council or the Director may issue a License if it is found that:

- a. The applicant has made an agreement satisfactory to the Ramsey County Attorney to pay delinquent taxes in periodic installments;
- b. The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of their property, and has made all partial payments required by law in connection with such proceeding; or
- c. The business property with respect to which taxes are delinquent is not owned by the applicant, but by a lessor, and it would be inequitable to require the lessee to pay such taxes.

If a License is issued because of the existence of an agreement as described in subsection (a) above, the license may be revoked if the licensee defaults upon such agreement.

4. Additional information. The Director will prescribe the information required to be submitted by each applicant in their application, in addition to that required by specific sections in these chapters, as may be necessary to carry out and enforce any provision hereunder. The Director will require in every case the applicant to submit their name; business or corporate name; names of partners, officers,

directors, shareholders, or trustees involved in the business; age; address; description or blueprint of the premises, if any, and the owner thereof, and locations and addresses of other business locations in Minnesota.

5. No reapplication within one (1) year after denial or revocation. Unless an applicant is claiming that they have evidence of rehabilitation as outlined in Minnesota Statute 364.03, subd. 3, no applicant may apply for any license within one (1) year of the denial or revocation of the same or similar license by the city council, if such denial or revocation was based solely or partially upon misconduct or unfitness of the applicant, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. A license is "similar," within the meaning of this paragraph, if the basis upon which the revocation or denial of the original license was made would have been a relevant basis on which to deny or revoke a license of the type subsequently applied for.

6. Reapplication after denial; "interest" of applicant in revoked license. An application by a person having an interest in, or whose shareholders or officers have an interest in, any premises or enterprise whose license has been revoked or to which a license has been denied will be treated as an application by the person whose license was denied or revoked. The term "interest," as used in this paragraph, includes any pecuniary interest in the ownership, operation, management or profits of an establishment, but does not include: bona fide loans; bona fide rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; an interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license.

7. Prohibition on reapplication; exception. The prohibition on reapplication herein provided will not apply in cases where it is otherwise expressly provided by statute or ordinance.

(b) New Application Investigation and Review. The Director will determine the sufficiency and accuracy of each new application and obtain any pertinent criminal history information as may be used under Minnesota Statutes, chapter 364, and is otherwise available by law. The Director will make reasonable and appropriate investigation of the premises or personal property, vehicles, or facilities, as may be involved in or related to the licensed activity, and will request, where appropriate, the assistance of DSI divisions and other city divisions or departments in making additional investigations for the purpose of determining whether the applicant is or will be in compliance with all applicable ordinances and statutes. The approval of such other divisions or departments is not required for issuance of a license unless otherwise required by specific sections in these chapters. All new applications will be reviewed by the Zoning Administrator or their designee for compliance with all requirements of the Saint Paul Zoning Code, and no new License will be granted without full compliance with said requirements. All new applications involving a premise, location, building or structure will be reviewed by the Building Official or their designee for investigation and recommendation.

(c) Application Denial

a. Denial of a Class T License application is adverse action and the procedures for notice and hearing outlined in Saint Paul Legislative Code Section 310.03 must be followed.

(d) Notice. There is no notice requirement for Class T licenses.

(1) Temporary Liquor License applications do not require notification action by the Director upon receipt of an application under Chapter A-11. Notification requirements, if any, are handled by the applicant as part of the application process as outlined in the relevant section of the Saint Paul Legislative Code.

(e) Levels of Approval

(1) Approval Recommended without conditions. Where an application for the grant or issuance of a Class T License meets all the requirements of law, and there exists no grounds for denial, revocation suspension of, or the imposition of conditions upon such license, the Director must grant or issue said license in accordance with the application.

(2) Approval Recommended with conditions. If upon review of an application for the grant, or issuance of a Class T License the Director determines that there exist grounds for imposition of conditions the Director must provide the applicant or licensee notice and an opportunity to be heard in accordance with the hearing procedures outlined in Saint Paul Legislative Code Section 310.03.

(f) Objections. An appeal to the city council may be taken by any person aggrieved by the grant, issuance or renewal of a Class T License provided that:

1. The appeal must be filed with the city clerk within thirty (30) days after the action by the Director.

2. The only grounds for appeal will be that there has been an error of law in the grant, issuance, or renewal of the license.

3. The appeal will be in writing and will set forth in particular the alleged errors of law.

4. The council will conduct a hearing on the appeal within thirty (30) days of the date of filing and will notify the licensee and the appellant at least ten (10) days prior to the hearing date.

5. The procedures set forth in section 310.05, insofar as is practicable, will apply to this hearing. Following the hearing, the council may affirm or remand the matter to the Director, may reverse the Director's decision or place conditions upon the license based on the council's determination that the Director's decision was based on an error of law.

6. The filing of an appeal will not stay the issuance of the license.

(e) Renewal Procedures. Class T Licenses are not automatically renewed. If a Licensee wishes to Renew a Class T License, they must file a new application for a new Class T License.

SECTION 5

Section 310.05 is renumbered 310.03 and amended as follows:

(a) Sec. 310.05. 310.03. Hearing procedures.

(a)Adverse action; notice and hearing requirements. In any case where the council may or intends to consider any adverse action, including the revocation or suspension of a license, the imposition of conditions upon a

license, or the denial of an application for the grant, issuance or renewal of a license, or the disapproval of a license issued by the State of Minnesota, the applicant or licensee ~~shall~~ must be given notice and an opportunity to be heard as provided herein. The council may consider such adverse actions when recommended by the ~~inspector~~, by the Director, by the director of any executive department established pursuant to Chapter 9 of the Charter, by the city attorney or on its own initiative.

(b)*Notice.* In each such case where adverse action is or will be considered by the council, the applicant or licensee ~~shall have been~~ must be notified in writing that adverse action may be taken against the license or application, and that ~~he or she is~~ they are entitled to a hearing before action is taken by the council. The notice ~~shall~~ must be served or mailed a reasonable time before the hearing date, and ~~shall~~ must state the place, date and time of the hearing. The notice ~~shall~~ must state the issues involved or grounds upon which the adverse action may be sought or based. The council may request that such written notice be prepared and served or mailed by the Director or by the city attorney.

(c)*Hearing.* Where there is no dispute as to the facts underlying the violation or as to the facts establishing mitigating or aggravating circumstances, the hearing ~~shall~~ must be held before the council. Otherwise the hearing ~~shall~~ must be conducted before a hearing examiner appointed by the council or retained by contract with the city for that purpose. The applicant or the licensee ~~shall~~ must be provided an opportunity to present evidence and argument as well as meet adverse testimony or evidence by reasonable cross-examination and rebuttal evidence. The hearing examiner may in its discretion permit other interested persons the opportunity to present testimony or evidence or otherwise participate in such hearing.

(c-1)*Procedure; hearing examiner.* The hearing examiner ~~shall~~ will hear all evidence as may be presented on behalf of the city and the applicant or licensee, and ~~shall~~ must present to the council written findings of fact and conclusions of law, together with a recommendation for adverse action.

The council ~~shall~~ will consider the evidence contained in the record, the hearing examiner's recommended findings of fact and conclusions, and ~~shall~~ may not consider any factual testimony not previously submitted to and considered by the hearing examiner. After receipt of the hearing examiner's findings, conclusions, and recommendations, the council ~~shall~~ must provide the applicant or licensee an opportunity to present oral or written arguments alleging error on the part of the examiner in the application of the law or interpretation of the facts, and to present argument related to the recommended adverse action. Upon conclusion of that hearing, and after considering the record, the examiner's findings and recommendations, together with such additional arguments presented at the hearing, the council ~~shall~~ must determine what, if any, adverse action ~~shall~~ should be taken, which action ~~shall~~ must be by resolution. The council may accept, reject or modify the findings, conclusions and recommendations of the hearing examiner.

(c-2) *Ex-parte contacts.* If a license matter has been scheduled for an adverse hearing, council members shall not discuss the license matter with each other or with any of the parties or interested persons involved in the matter unless such discussion occurs on the record during the hearings of the matter or during the council's final deliberations of the matter. No interested person shall, with knowledge that a license matter has been scheduled for adverse hearing, convey or attempt to convey, orally or in writing, any information, argument or opinion about the matter, or any issue in the matter, to a council member or his or her staff until the council has taken final action on the matter; provided, however, that nothing herein ~~shall~~ will prevent an inquiry or communications regarding status, scheduling or procedures concerning a license matter. An interested person, for the purpose of this

paragraph, ~~shall mean and include~~ means and includes a person who is an officer or employee of the licensee which is the subject of the scheduled adverse hearing, or a person who has a financial interest in such licensee.

(d) *Licensee or applicant may be represented.* The licensee or applicant may represent himself or choose to be represented by another.

(e) *Record; evidence.* The hearing examiner shall receive and keep a record of such proceedings, including testimony and exhibits, and shall receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

(f) *Council action, resolution to contain findings.* Where the council takes adverse action with respect to a license, licensee or applicant for a license, the resolution by which such action is taken shall must contain its findings and determination, including the imposition of conditions, if any. The council may adopt all or part of the findings, conclusions and recommendations of the hearing examiner, and incorporate the same in its resolution taking the adverse action.

(g) *Additional procedures where required.* Where the provisions of any statute or ordinance require additional notice or hearing procedures, such provisions shall must be complied with and shall supersede inconsistent provisions of these chapters. This shall ~~include~~ includes, without limitation by reason of this specific reference, Minnesota Statutes, Chapter 364 and Minnesota Statutes, Section 340A.415.

(h) *Discretion to hear notwithstanding withdrawal or surrender of application or license.* The council may, at its discretion, conduct a hearing or direct that a hearing be held regarding revocation or denial of a license, notwithstanding that the applicant or licensee has attempted or purported to withdraw or surrender said license or application, if the attempted withdrawal or surrender took place after the applicant or licensee had been notified of the hearing and potential adverse action.

(i) *Continuances.* Where a hearing for the purpose of considering revocation or suspension of a license or other disciplinary action involving a license has been scheduled before the council, a continuation of the hearing may be granted by the council president or by the council at the request of the licensee, license applicant, an interested person or an attorney representing the foregoing, upon a showing of good cause by the party making the request.

(j) If the council imposes an adverse action as defined in section 310.01 above, a generic notice of such action shall must be prepared by the ~~license inspector~~ Director and posted by the licensee so as to be visible to the public during the effective period of the adverse action. The licensee shall be responsible for taking reasonable steps to make sure the notice remains posted on the front door of the licensed premises, and failure to take such reasonable precautions may be grounds for further adverse action.

(k) *Imposition of costs.* The council may impose upon any licensee or license applicant some or all of the costs of a contested hearing before an independent hearing examiner. The costs of a contested hearing include, but are not limited to, the cost of the administrative law judge or independent hearing examiner, stenographic and recording costs, copying costs, city staff and attorney time for which adequate records have been kept, rental of rooms and equipment necessary for the hearing, and the cost of expert witnesses. The council may impose all or part of such costs in any given case if (i) the position, claim or defense of the licensee or applicant was

frivolous, arbitrary or capricious, made in bad faith, or made for the purpose of delay or harassment; (ii) the nature of the violation was serious, or involved violence or the threat of violence by the licensee or employees thereof, or involved the sale of drugs by the licensee or employees thereof, and/or the circumstances under which the violation occurred were aggravated and serious; (iii) the violation created a serious danger to the public health, safety or welfare; (iv) the violation involved unreasonable risk of harm to vulnerable persons, or to persons for whose safety the licensee or applicant is or was responsible; (v) the applicant or licensee was sufficiently in control of the situation and therefore could have reasonably avoided the violation, such as but not limited to, the nonpayment of a required fee or the failure to renew required insurance policies; (vi) the violation is covered by the Intoxicating Liquor; Nonintoxicating Malt Liquor; Presumptive Penalty Matrix in subsection (m) below. ~~matrix in section 409.26 of the Legislative Code~~; or (vii) the violation involved the sale of cigarettes to a minor.

(l)*Imposition of fines.* The council may impose a fine upon any licensee or license applicant as an adverse license action. A fine may be in such amount as the council deems reasonable and appropriate, having in mind the regulatory and enforcement purposes embodied in the particular licensing ordinance. A fine may be in addition to or in lieu of other adverse action in the sole discretion of the council. To the extent any other provision of the Legislative Code provides for the imposition of a fine, both provisions shall must be read together to the extent possible; provided, however, that in the case of any conflict or inconsistency, the other provision shall must be controlling.

(m)*Presumptive penalties for certain violations.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, ~~and shall apply the General Presumptive Penalty Matrix applies to all license types, except that in the case of a violation involving a liquor license § 409.26 shall apply the Penalty Matrix for Intoxicating Liquor; Nonintoxicating Malt Liquor applies and for a violations involving tobacco, the Penalty Matrix for Tobacco applies.~~ where a specific violation is listed. In the case of an adverse action filed for a violation of chapter 331A, the licensee shall be given a fine for each individual violation of chapter 331A. The total fine amount for violations of chapter 331A may exceed the maximum fine outlined below due to multiple violations in one (1) appearance. All penalty recommendations for chapter 331A violations shall be based on the food penalty guideline referred to in chapter 331A. These penalties are presumed to be appropriate for every case; however the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council shall must provide written reasons that specify why the penalty selected was more appropriate.

1.General presumptive penalties matrix - The general penalty matrix is to be used if there is not a specific penalty matrix for the license type or a category within the specific penalty matrix does not address the violation.

SEE ATTACHMENT #6

2. Intoxicating liquor; malt liquor; presumptive penalty matrix.

Presumptive penalties for intoxicating liquor and nonintoxicating malt liquor violations. If a violation is not covered under this penalty matrix, the General presumptive penalty matrix should be used. Penalties for convictions or violations are presumed to be appropriate for every case; however, the council may deviate

therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council must provide written reasons that specify why the penalty selected was more appropriate (unless specified, numbers below indicate consecutive days' suspension):

SEE ATTACHMENT #7

- (b) For on-sale intoxicating liquor establishments with a seating capacity of one hundred fifty (150) or more, the monetary penalty for any violation (including violations found in chapter 310) must be doubled.
- (c) For off-sale intoxicating liquor establishments with five thousand one (5,001) or more square feet of retail space, the monetary penalty for any violation (including violations found in chapter 310) must be doubled.
- (d) *Other penalties.* Nothing in this section restricts or limits the authority of the council to suspend licenses for up to sixty (60) days, revoke the license, or impose a civil fine not to exceed two thousand dollars (\$2,000.00), to impose conditions or take any other adverse action in accordance with law, provided, that the license holder has been afforded an opportunity for a hearing in the manner provided for in section 310.02 of this Code.
- (e) *Effect of responsible business practices in determining penalty.* In determining the appropriate penalty, the council may, in its discretion, consider evidence submitted to it in the case of uncontested adverse actions or submitted to a hearing examiner in a contested hearing upon which findings of fact have been made that a licensee has followed or is likely to follow in the future responsible business practices in regard to sales to intoxicated persons and sales to minors.

(1) For the purposes of service to intoxicated persons, evidence of responsible business practices may include, but is not limited to, those policies, procedures and actions that are implemented at time of service and that:

- a) Encourage persons not to become intoxicated if they consume alcoholic beverages on the defendant's premises;
- b) Promote availability of nonalcoholic beverages and food;
- c) Promote safe transportation alternatives other than driving while intoxicated;
- d) Prohibit employees and agents of defendant from consuming alcoholic beverages while acting in their capacity as employees or agents;
- e) Establish promotions and marketing efforts that publicize responsible business practices to the defendant's customers and community;
- f) Implement comprehensive training procedures;
- g) Maintain an adequate, trained number of employees and agents for the type and size of defendant's business;

- h) Establish a standardized method for hiring qualified employees;
 - i) Reprimand employees who violate employer policies and procedures; and
 - j) Show that the licensee has enrolled in recognized courses providing training to self and one (1) or more employees of the licensed establishment in regard to standards for responsible liquor service.
- 2) For the purposes of service to minors, evidence of responsible business practices may include, but is not limited to, those listed in subsection (1) and the following:
- a) Management policies that are implemented at the time of service and that ensure that proof of identification (as established by state law) is examined for all persons seeking service of alcoholic beverages who may reasonably be suspected to be minors;
 - b) Comprehensive training of employees who are responsible for such examination regarding the detection of false or altered identification; and
 - c) Enrollment by the licensee in recognized courses providing training to self and one (1) or more employees of the licensed establishment in regard to standards for responsible liquor service.

3. Tobacco presumptive penalties matrix.

Tobacco Presumptive penalties. Penalties for convictions or violations are presumed to be appropriate for every case; however, the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council must provide written reasons that specify why the penalty selected was more appropriate (unless specified, numbers below indicate consecutive days' suspension):

SEE ATTACHMENT #8

(a) Purpose. The purpose of this section is to establish a standard by which the city council determines the amount of fines, length of license suspensions and the propriety of revocations for licensees. These penalties are presumed to be appropriate for every case; however, the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons which make it appropriate to do so, except, the council may not deviate below statewide minimum penalties for licensees. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate. Where no penalty is listed below, the presumptive penalty under the General Presumptive Penalty Matrix will apply.

(b) Presumptive penalties for licensees for violations. Adverse penalties for licensees for violations or convictions shall be presumed as follows:

(c) Computation of time for violations under the Tobacco Presumptive Penalties Matrix. If a violation is not covered under this penalty matrix, the General presumptive penalty matrix should be used. Except as otherwise provided by Minn. Stats. § 461.12, subd. 2, subsequent tobacco violations are subject to the following:

(1) Second, third and fourth appearances for violations under the Tobacco Presumptive Penalties Matrix. . A second violation within twenty four (24) months must be treated as a second appearance, a third within twenty four (24) months treated as a third appearance, and a fourth within twenty four (24) months treated as a fourth appearance for the purpose of determining the presumptive penalty.

(2) Any appearance not covered by subsections (1) above must be treated as a first appearance for violations under the Tobacco Presumptive Penalties Matrix. . Measurement of the twenty four (24) month period must be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(i) Fines payable without hearing.

A. Notwithstanding the provisions of section 340.05(e) 310.03(c), a licensee who would be making a first or second appearance on a violation that calls for a monetary fine before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

~~B. For adverse action initiated under chapter 331A of this Code, a fine may be paid without a hearing regardless of how many prior appearances that licensee has made before the council. The above council hearing requirement applies to violations under chapter 331A unless the fine recommended by the department of safety and inspections is equal to or less than the fine amount outlined in the above matrix. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations. A non-critical violation under chapter 331A shall not be considered an "appearance" for purposes of determining presumptive penalties for non-331A violations. A council hearing is required if the department of safety and inspections recommends a fine that is an upward departure for the amount outlined above.~~

(ii) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in ~~paragraph (b) the Penalty Matrixes~~ above. The occurrence of multiple violations shall be is grounds for departure from such penalties in the council's discretion.

(iii) *Violations occurring after the date of the notice of hearing.* Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an

administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) up to 20 days before the hearing, and shall ~~may~~ must in that case be treated as though part of the "1st Appearance" unless grounds for upward deviation from the presumptive penalties outlined in the presumptive penalty matrix outlined in 310.03(m) are included in the amended notice of the violation. In all other cases, violations occurring after the date of the formal notice of hearing shall must be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures shall must apply to a second, third or fourth appearance before the council.

~~Violations occurring after the date of the notice of hearing. Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts agrees to their addition or if Council or the Administrative Law Judge grants the City's motion to amend the notice and add the additional violations, and shall may in that case be treated as though part of the "1st Appearance" unless grounds for upward deviation from the presumptive penalties outlined in the presumptive penalty matrix outlined in 310.03(m) are included in the amended notice of the violation. In all other cases, violations occurring after the date of the formal notice of hearing shall must be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The addition of additional violations is grounds for upward departure. The same procedures shall must apply to a second, third or fourth appearance before the council.~~

(iv) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. ~~However, non-critical violations of chapter 331A shall not be counted as an "appearance" before the council in relation to any violation other than another violation of chapter 331A.~~

(v) *Computation of time.*

(1) *Second appearance.* A second violation within twelve (12) months shall must be treated as a second appearance for the purpose of determining the presumptive penalty.

(2) *Third appearance.* A third violation within eighteen (18) months shall must be treated as a third appearance for the purpose of determining the presumptive penalty.

(3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall must be treated as a fourth appearance for the purpose of determining the presumptive penalty.

(4) Any appearance not covered by subsections (1), (2) or (3) above shall must be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period shall is as follows: The beginning date shall be the earliest violation's date of appearance before the council or payment of the fine related to the violation, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(5) Notwithstanding subsections (iv)(1), (2), (3) or (4) above, a second appearance before the council regarding a death or great bodily harm in a licensed establishment that is related to a violation of the law or license conditions shall must be counted as a second appearance, regardless of how much time has passed since the first appearance if the first appearance was also regarding a death or great bodily harm in a licensed establishment. A third appearance for the same shall must be counted as a third appearance regardless of how much time has passed since the first or second appearance.

(6) Violations of the General presumptive penalty matrix, the Intoxicating liquor, malt liquor presumptive penalty matrix and the Tobacco presumptive penalty matrix are meant to be cumulative. For the purpose of a second, third or fourth appearance under this section, "violation" shall must mean either one of those violations listed in paragraph (m) 1, 2, or 3. ~~or a violation of section 409.26(b).~~

SECTION 5

Section 310.06 is renumbered as 310.04 and amended as follows:

Sec. ~~310.06~~ 310.04. Revocation; suspension; adverse actions; imposition of conditions.

(a) *Council may take adverse action.* The council is authorized to take adverse action, as defined in section 310.01 above, against any or all licenses or permits, licensee or applicant for a license, as provided in and by these chapters. Adverse actions against entertainment licenses issued under chapter 411 of the Legislative Code may be initiated for the reasons set forth in subsection (b) below, or upon any lawful grounds which are communicated to the license holder in writing prior to the hearing before the council. Such actions shall must be initiated and carried out in accordance with the procedures outlined in section ~~310.05~~ 310.03; provided, however, that the formal notice of hearing shall must be used to initiate the adverse action, ~~without the use of prior procedural steps.~~

(b) *Basis for action.* Such adverse action may be based on one (1) or more of the following reasons, which are in addition to any other reason specifically provided by law or in these chapters:

(1) The license or permit was procured by misrepresentation of material facts, fraud, deceit or bad faith.

(2) The applicant or one acting in his or her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.

(3) The license was issued in violation of any of the provisions of the zoning code, or the premises which are licensed or which are to be licensed do not comply with applicable health, housing, fire, zoning and building codes and regulations.

(4) The license or permit was issued in violation of law, without authority, or under a material mistake of fact.

(5) The licensee or applicant has failed to comply with any condition set forth in the license, or set forth in the resolution granting or renewing the license.

(6) a. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or

applicant) has violated, or performed any act which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith;

b. The licensee or applicant has been convicted of a crime that may disqualify said applicant from holding the license in question under the standards and procedures in Minnesota Statutes chapter 364; or

c. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.

(7) The activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner.

(8) The licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.

(9) Failure to keep sidewalks or pedestrian ways reasonably free of snow and ice as required under chapter 114 of the Saint Paul Legislative Code.

(10) The licensee or applicant has shown by past misconduct or unfair acts or dealings: physical abuse, assaults or violent actions done to others, including, but not limited to, actions meeting the definition of criminal sexual conduct pursuant to Minnesota Statutes sections 609.342 through 609.3451; sexual abuse, physical abuse or maltreatment of a child as defined in Minnesota Statutes section 626.556, subdivisions 2 and 10e, including, but not limited to, acts which constitute a violation of Minnesota Statutes sections 609.02, subdivision 10; 609.321 through 609.3451; or 617.246; neglect or endangerment of a child as defined in Minnesota Statutes section 626.557, subdivision 2; the manufacture, distribution, sale, gift, delivery, transportation, exchange or barter of a controlled substance as defined in Minnesota Statutes chapter 152; the possession of a controlled substance as defined in Minnesota Statutes chapter 152 in such quantities or under circumstances giving rise to a reasonable inference that the possession was for the purpose of sale or distribution to others; or by the abuse of alcohol or other drugs, that such licensee or applicant is not a person of the good moral character or fitness required to engage in a licensed activity, business or profession.

(11) The licensee or applicant has materially changed or permitted a material change in the design, construction or configuration of the licensed premises without the prior approval of the city council in the case of Class N licenses, the ~~director~~ Director in the case of Class T licenses, and the ~~inspector~~ Director in the case of Class R licenses, or without first having obtained the proper building permits from the city.

(12) The licensee or applicant has violated section 294.01 of the Legislative Code, or has made or attempted to make a prohibited ex parte contact with a council member as provided in section ~~340.05~~ 310.03 (c-2) of the Legislative Code.

(13) The licensee violated the law or any license condition and that violation is related to a death or great bodily harm, as defined in Minnesota Statute section 609.02, subd. 8, in or near the establishment.

(14) The licensee has failed to pay license fees within sixty (60) days of the date the fees are due. Licensee must pay any outstanding fees and delinquent fees in total. Failure to do so within sixty (60) days of the due date may result in revocation of the license. A revocation for this reason, however, is not considered a revocation resulting from misconduct or unfitness of the licensee, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. Therefore, the requirement of § 310.02 prohibiting re-application within one year of revocation shall not apply to revocations under this paragraph.

The terms "licensee" or "applicant" for the purpose of this section ~~shall mean and include~~ means and includes any person who has any interest, whether as a holder of more than five (5) percent of the stock of a corporation, as a partner, or otherwise, in the premises or in the business or activity which are licensed or proposed to be licensed.

With respect to any license for activities entitled to the protection of the First Amendment, notwithstanding the foregoing provisions, neither the lack of good moral character or fitness of the licensee or applicant nor the content of the protected speech or matter shall must be the basis for adverse action against the license or application.

(c) *Imposition of reasonable conditions and/or restrictions.* When a reasonable basis is found to impose reasonable conditions and/or restrictions upon a license issued or held under these chapters, any one (1) or more such reasonable conditions and/or restrictions may be imposed upon such license for the purpose of promoting public health, safety and welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting security and safety in nearby neighborhoods. Such reasonable conditions and/or restrictions may include or pertain to, but are not limited to:

(1) A limitation on the hours of operation of the licensed business or establishment, or on particular types of activities conducted in or on said business or establishment;

(2) A limitation or restriction as to the location within the licensed business or establishment where particular type of activities may be conducted;

(3) A limitation as to the means of ingress or egress from the licensed establishment or its parking lot or immediately adjacent area;

(4) A requirement to provide off-street parking in excess of other requirements of law;

(5) A limitation on the manner and means of advertising the operation or merchandise of the licensed establishment;

(6) Any other reasonable condition or restriction limiting the operation of the licensed business or establishment to ensure that the business or establishment will harmonize with the character of the area in which it is located, or to prevent the development or continuation of a nuisance.

The ~~inspector~~ Director ~~may impose such conditions on Class R licenses with the consent of the license holder, or may recommend the imposition of such conditions as an adverse action against the license or licenses; the inspector has the same power with respect to Class T licenses.~~ recommend the imposition of such reasonable conditions and/or restrictions as an adverse action against the license or licenses. The council may impose such conditions ~~on Class N licenses with the consent of the license holder, as an adverse action against the license or licenses following notice and hearing as may be required.~~ Such conditions may be imposed on a license or licenses upon issuance or renewal thereof, or upon and as part of any adverse action against a license or licenses, including suspension. Conditions imposed on a license or licenses ~~will shall~~ remain on such licenses when renewed and ~~shall must~~ continue thereafter until removed by the council ~~in the case of conditions on Class N licenses or conditions imposed by adverse action, and by the inspector in the case of Class R and T licenses.~~

(d) Restrictions on intoxicating liquor, non-intoxicating and malt liquor licenses.

When a reasonable basis is found by the council to impose restrictions or conditions upon an intoxicating liquor license held under this chapter, the council, upon issuing a new license or renewing a license or approving a transfer of a license, may impose reasonable conditions and restrictions pertaining to the manner and circumstances in which the business to preserve the public peace and protect and promote good order and security. These reasonable conditions or restrictions may pertain to:

- (1) the hours when intoxicating liquor may be sold and/or consumed on the licensed premises;
- (2) the exact location within a building where intoxicating liquor will be served and/or sold and/or consumed;
- (3) the means of ingress to or egress from the licensed establishment;
- (4) a requirement that certain off-street parking facilities be provided;
- (5) a condition that the license will be in effect only so long as the establishment remains a drugstore, restaurant or hotel as defined by the state liquor act or regulations adopted pursuant thereto;
- (6) the means and methods of advertising the sale of intoxicating liquor on the building and/or on the premises adjacent thereto;
- (7) Reasonable conditions limiting the operation of the licensed premises so as to ensure that the

licensed business will comport with the character of the district in which it is located and/or to the end that nuisances will be prevented; and

- (8) Additional conditions upon hotels and restaurants which may in the discretion of the council tend to ensure that the sale of liquor will take place only in conjunction with the sale and service of food.

(d e) *Standards for multiple license determination.* In any case in which the council is authorized to take adverse action against less than all of the licenses held by a licensee, or applied for by an applicant, the following standards may be used:

- (1) The nature and gravity of the grounds found by the council to exist upon which the adverse action would be based;
- (2) The policy and/or regulatory goals for the particular licenses involved, either as embodied in the Legislative Code or as found and determined by the council;
- (3) The interrelationship of the licenses and their relative importance to the overall business enterprise of the licensee or applicant;
- (4) The management practices of the licensee or applicant with respect to each of such licenses;
- (5) The extent to which adverse action against less than all of the licenses or applications would result in difficulty in enforcing and monitoring the adverse action taken;
- (6) The hardship to the licensee or applicant that would be caused by applying adverse action to all licenses or applications; and
- (7) The hardship and/or danger to the public, or to the public health and welfare, that would result from adverse action against less than all of the licenses or applications.

SECTION 6

Section 310.07 is renumbered as 310.05 and amended as follows:

Sec. ~~310.07~~ 310.05. Termination of licenses; surety bonds; insurance contracts.

- (a) Automatic termination, reinstatement; responsibility of licensee. All licenses or permits which must, by the provisions of these chapters or other ordinances or laws, be accompanied by the filing and maintenance of insurance policies, deposits, guarantees, bonds or certifications ~~shall~~ will automatically terminate on cancellation or withdrawal of said policies, deposits, bonds or certifications. No licensee may continue to operate or perform the licensed activity after such termination. The licensee is liable and responsible for the filing and maintenance of such policies, deposits, guarantees, bonds or certifications as are required in these chapters, and ~~shall~~ is not be entitled to assert the acts or omissions of agents, brokers, employees, attorneys or any other persons as a defense or justification for failure to comply with such filing and maintenance requirements. In the event the licensee reinstates and files such policies, bonds or

certifications without a lapse within thirty (30) days, the license is automatically reinstated on the same terms and conditions, and for the same period as originally issued. After thirty (30) days, the applicant must apply for a new license as though it were an original application.

If there is a lapse in insurance, the licensee is subject to adverse action in accordance with Saint Paul Legislative Code § ~~340.05~~ 310.03. License is null and void during the lapse.

(b) *Bonds and insurance requirements:*

(1) Surety Companies: All surety bonds running to the City of Saint Paul shall must be written by surety companies authorized to do business in the State of Minnesota. All insurance policies required by these chapters shall must be written by insurance companies authorized to do business in the State of Minnesota.

(2) Approved as to Form: All bonds filed with the City of Saint Paul in connection with the issuance of licenses for whatever purpose, and all policies of insurance required to be filed with or by the City of Saint Paul in connection with the issuance of licenses for any purpose whatsoever, shall must first be approved as to form by the city attorney.

~~(3) Uniform Endorsement: Each insurance policy required to be filed pursuant to these chapters shall contain the endorsement set forth in Chapter 7 of the Saint Paul Legislative Code.~~

~~(4) Conditions: All bonds required by these chapters shall be conditioned that the licensee shall observe all ordinances and laws in relation to the licensed activity, business, premises or facilities and that he shall conduct all such activities or business in conformity therewith. Such bonds shall also indemnify the City of Saint Paul against all claims, judgments or suits caused by, resulting from or in connection with the licensed business, premises, activity, thing, facility, occurrence or otherwise licensed under these chapters.~~

~~(c) Termination of bonds and insurance required by city. Termination of bonds and insurance required to be filed with the city pursuant to these chapters shall be in accordance with the requirements of Chapter 8 of the Saint Paul Legislative Code.~~

~~(d) Expiration date to be concurrent with term of license or permit. The expiration date of all such policies, bonds, guarantees or certifications shall be concurrent with the expiration date of the license or permit.~~

SECTION 7

Section 310.08 is renumbered as 310.06 and amended as follows: ~~Sec. 340.08~~ 310.06. Terms of licenses; uniform dates.

(a) All licenses or permits shall are valid for a period of one (1) year from the date of issuance by the Director ~~inspector~~, except as otherwise provided herein or in these chapters or in cases of revocation, suspension or termination under section 310.04.

(b) Licensees may continue to operate their business after the expiration date of their license; provided, that the licensee has filed with the ~~inspector~~ Director on or before the expiration date the appropriate license application, license fees, insurance and bonds. The Director ~~inspector~~ shall will process the renewal application in the manner provided for in this Code.

(c) Whenever any licensee is the holder of the two (2) or more licenses of the City of Saint Paul which expire on different dates, the Director ~~inspector~~ is authorized, at the request of the licensee, to determine a uniform date for the expiration of all or any number of such licenses, notwithstanding the term and expiration dates of such licenses as originally issued, and notwithstanding any provision as to term of license of any ordinance of the city heretofore or hereafter enacted. The provisions hereof shall must govern the issuance of any new license to one already holding a license.

(d) In order to conform to the foregoing provisions, new licenses may be issued for a term of less than one (1) year, and the license fee therefor shall must be prorated for the period of issuance.

SECTION 8

Section 310.09 is renumbered as 310.07 and amended as follows:

Sec. ~~310.09~~ 310.07. Fees.

(a) *Exempt organizations.* The Legislative Code exempts certain organizations from paying the customary license or permit fees or establishes a nominal fee of less than seven dollars (\$7.00). The terms and conditions of such exemptions are stated within the applicable chapters. Such organizations shall must pay a five dollars (\$5.00) minimum processing fee for each and every application for a license or permit to be issued by the division manager, director or council of the city.

(b) *Fee schedule.* The council may by ordinance determine and establish one (1) fee schedule for any or all licenses and permits issued pursuant to these chapters, and a separate fee schedule for applications for such licenses and permits, which may include fees to cover costs incurred by reason of the late filing. Such fees, in either schedule, shall must be reasonably related to the costs of administration incurred in connection with each such application, license or permit. Costs of administration means ~~shall mean and include, but without limitation by this specification,~~ both direct and indirect costs and expenses, such as salaries, wages, benefits and all personnel costs including training, seminars and schooling, expenses of investigations and inspections, handling of inquiries and requests for assistance, telephone and communications, stationery, postage, paper, reproduction, office capital equipment and all office supplies. Such fee schedules as adopted by ordinance and posted ~~in the office of the inspector~~ online by the Department of Safety and Inspections supersede inconsistent fee provisions in these chapters or in other ordinances or laws.

(c) *Fee for one year; may be prorated.* Unless otherwise specifically provided, the license fee stated is for a period of one (1) year. Such fee may be prorated where a license is issued for a period of less than a year.

(d) *Late fee.* Unless otherwise specifically provided by the particular licensing provisions involved, an applicant for the renewal of a license who makes application for such renewal after the expiration date of such license shall will be charged a late fee for each such license. The late fee shall must be in addition to any other fee or payment required, and shall must be ten (10) percent of the annual license fee for such license for each thirty-day period or portion thereof which has elapsed after the expiration date of such license. The late fee shall must not exceed fifty (50) percent of the annual license fee. If any provision of these chapters imposes more stringent or additional requirements for the issuance of an original license than would be the case for mere renewal, those requirements must be met when the license has lapsed by reason of expiration.

(e) *Environmental change of ownership fee.* Unless otherwise stated, the environmental change of ownership fee shall will be 25% of the environmental plan review fee for each license type.

SECTION 9

Section 310.10 is renumbered as 310.08 and amended as follows:

Sec. ~~310.10~~ 310.08. Refunds of fees.

(a) *Refund where application withdrawn; service charge.* Unless otherwise specifically provided by the particular licensing provisions involved, where an application for any license is withdrawn, the Director ~~inspector~~ shall must refund to the applicant the license fee submitted less a service charge to recover in part the costs incurred in processing the application in the amount of twenty-five (25) percent of the annual license fee.

(b) *Limitation on refund; other cases.* In all other cases as provided in paragraph (c), the Director ~~director of the department of safety and inspections, or his designee~~, may upon receipt of a written request refund the license fee, less a service charge to recover in part the costs incurred in processing the application up to twenty-five (25) percent of the annual ~~licensee~~ license fee.

(c) *Bases for refunds.* Refunds under paragraph (b) may be made to the licensee or his estate:

(1) Where the place of business of the licensee or his principal equipment is destroyed or so damaged by fire or any other cause that the licensee ceases for the remainder of the licensed period to engage in the licensed activity or business;

(2) Where the business or licensed activity ceases by reason of the death or illness of the licensee or the sole employee or manager; or

(3) Where it has become unlawful for the licensee to continue in the business or licensed activity other than by cancellation, termination, revocation, suspension, denial or any criminal activity on the part of the licensee.

SECTION 10

Section 310.11 is renumbered as 310.10 and amended as follows:

Sec. ~~310.11~~ 310.09. Transfers; general.

(a) *License a privilege, not property.* All licenses or permits issued by the City of Saint Paul pursuant to these chapters or other ordinances or laws confer a privilege on the licensee to engage in the activity or occupation so licensed, and do not constitute property or property rights or create any such rights in any licensee. No such license or permit may be seized, levied upon, attached, executed upon, assessed or in any manner taken for the purpose of satisfaction of any debt or obligation whatever.

(b) *Licenses not transferable; conditions.* Notwithstanding any other provision of the Saint Paul Legislative Code to the contrary, no licenses issued by the City of Saint Paul ~~shall~~ are transferable.

(c) *Transfer; definition.* "Transferable" means the ability to transfer a license or licenses from one (1) person to another, or from one (1) location to another. "Transfer," as used in these chapters, includes a transfer from person to person, or from place to place, or a transfer of stock in a corporate licensee, or of shares or interests in a partnership or other legal entity. "Transfer," as used in these chapters, ~~shall~~ does not include the instance where a license is held by an individual or partnership and the transfer is by said individual or partnership to a corporation in which the majority of the stock is held by said individual or by the members of said partnership.

(d) *Deceased licensee.* Notwithstanding any other provision of these chapters, in any case where a liquor license is held by a person not incorporated and where the license would, by reason of the death of said licensee, lapse to the city in the absence of this paragraph, the authorized representative of the estate of the deceased licensee may consent to and seek to reissue said license to the beneficiary to the licensed establishment. The reissuance ~~shall~~ must be subject to all applicable requirements of these chapters and existing law.

SECTION 11

Section 310.12 is renumbered as 310.10 and amended as follows:

Sec. ~~310.12~~ 310.10. Inspection of premises.

The premises, facilities, place, device or anything named in any license issued pursuant to any provision of the Saint Paul Legislative Code or other law ~~shall~~ must at all times while open to the public or while being used or occupied for any purpose be open also to inspection and examination by any police, fire, or health officer or any building inspector of the city, as well as the inspector.

SECTION 12

Section 310.13 is renumbered as 310.11.

Sec. ~~310.13~~ 310.11. Renewal.

Every license renewal under these chapters may be denied for any licensee who is delinquent in any payment or contribution to a health and welfare trust or pension trust, or similar program, established for the benefit of his employees.

SECTION 13

Section 310.14 is renumbered as 310.12 and amended as follows:

Sec. ~~310.14~~ 310.12. Savings clause.

(a) If any provision in these chapters is held unconstitutional or invalid by a court of competent jurisdiction, the invalidity ~~shall~~ will extend only to the provision involved and the remainder of these chapters ~~shall~~ will remain in force and effect to be construed as a whole.

(b) The repeal of any ordinance by this ordinance (which enacts the Uniform License Ordinance) ~~shall~~ does not affect or impair any act done, any rights vested or accrued, or any suit, proceeding or prosecution had or commenced in any matter, prior to the date this ordinance became effective. Every such act done or right vested or accrued ~~shall~~ remains ~~remain~~ in full force and effect to all intents and purposes as if the repealed ordinances had themselves remained in force and effect. Every such suit, proceeding or prosecution may be continued after repeal as though the repealed ordinances were fully in effect. A suit, proceeding or prosecution which is based upon an act done, a right vested or accrued, or a violation committed prior to repeal of the repealed ordinances, but which is commenced or instituted subsequent to repeal of the repealed ordinances, ~~shall~~ must be brought pursuant to and under the provisions of such repealed ordinances as though they continued to be in full force and effect.

SECTION 14

Section 310.15 is renumbered as 310.13 and amended as follows:

Sec. ~~310.15~~ 310.13. Penalty.

Any person who violates any provision of these chapters, or other ordinances or laws relating to licensing, or

who aids, advises, hires, counsels or conspires with or otherwise procures another to violate any provision of these chapters or other ordinances or laws relating to licensing is guilty of a misdemeanor and may be sentenced in accordance with section 1.05 of the Saint Paul Legislative Code. For the purpose of this section, the The term "person," in addition to the definition in section 310.01, shall for the purpose of this section ~~include~~ includes the individual partners or members of any partnership or corporation, and as to corporations, the officers, agents or members thereof, who ~~are~~ shall be responsible for the violation.

SECTION 15 Section 310.16 is deleted

Sec. 310.16. Reserved.

SECTION 16

Section 310.17 is renumbered as 310.14 and amended as follows:

Sec. ~~310.17~~ 310.14. Licensee's responsibility.

Any act or conduct by any clerk, employee, manager or agent of a licensee, or by any person providing entertainment or working for or on behalf of a licensee, whether compensated or not, which act or conduct takes place either on the licensed premises or in any parking lot or other area adjacent to (or under the lease or control of) the licensed premises, and which act or conduct violates any state or federal statutes or regulations, or any city ordinance, ~~shall~~ must be considered to be and treated as the act or conduct of the licensee for the purpose of adverse action against all or any of the licenses held by such licensee. To the extent this section is in conflict with sections 409.14 and 410.09 of the Legislative Code, this section ~~shall~~ must be controlling and prevail; but ~~shall~~ must not otherwise amend, alter or affect such sections.

SECTION 17

Section 310.18 is renumbered as 310.15 and amended as follows:

Sec. ~~310.18~~ 310.15. License fee schedule.

Notwithstanding the provision of any other ordinance or law to the contrary, the following fees are hereby provided for all the licenses listed herein. These fees supersede all inconsistent provisions, including, but not limited to, graduated fee provisions, in these chapters and in other ordinances and laws, and include the fee for the license application as part of the license fee; provided, however, that this section does not amend or modify sections ~~310.09~~ 310.07(a) or ~~310.09~~ 310.07(d) of the Legislative Code with respect to exempt organizations or late fees. Pursuant to section ~~310.09~~ 310.07 (b) of the Legislative Code, these schedules shall will be posted online ~~in the office of the director~~. These fees shall are be effective for license renewals and new license applications ~~occurring on and after January 1, 1995, or on the effective date of this section, whichever is later~~; provided, however, that with respect to all licenses whose renewal dates occur after the effective date of this new schedule, there shall must be no increases in, nor offsets or refunds of, the existing fees paid, or due and owing.

(a) ENFORCEMENT LEVEL 1

Chapter/Section		
No.	License Description	Fee
165	Agricultural Vehicle	\$21.00
316.02	Animal Foods Manu	79.00
317.01	Amusement Rides	79.00
323.02	Christmas Tree Sal	79.00
325.02	Close Out Sale	79.00
327.03	Laundry Dry Cleani	79.00
332.03	Liquid Fuel Vehicle	79.00
333.03	Solid Fuel Vehicle	79.00
340.04	Mercantile Broker	79.00
345.04	Peddler (Solicitor/T	79.00
346.03	Mobile Retail Vehic	79.00
348.01	Animal Day Care	77.00
348.01	Animal Boarding	77.00
350.02	Rental of Hospital B	79.00
350.02	Rental of Hospital B	79.00
351.03	Rental of Kitchenwa	79.00
353.02	Roller Rinks	79.00
355.02	Secondhand Deale	79.00
357.03	Solid Waste Hauler	79.00
359.03	Sound Trucks and	79.00
371.02	Finishing Shop	79.00
361.01	Tow Truck/Wrecker	79.00
362.02	Tree Trimmer-Addit	79.00
372.02	Tire Recapping Pla	79.00
377.03	Lawn Fertilizer and	79.00
382.03	Pet Grooming Facil	79.00
409.05(b), 410.07(c)	Liquor Outdoor Ser	79.00
424.02	Gas Stations	104.00

(b) ENFORCEMENT LEVEL 2

Chapter/Section		
No.	License Descri	Fee
320.03	Bituminous Co	\$194.00
322.02(a)	Pool Halls	194.00
322.02(b)	Bowling Cente	194.00

326.06	Building Contr	194.00
327.03	Laundry/Dry C	194.00
332.03	Fuel Dealers-L	194.00
333.03	Fuel Dealers-S	194.00
334.03	Pest Control	194.00
338.02	House Sewer	194.00
342.02	Bulk Oil Storage	194.00
347.03	Pet Shop	194.00
352.03	Rental of Trail	194.00
355.02	Secondhand D	194.00
356.02	Sidewalk Cont	194.00
362.02	Tree Trimming	194.00
364.02	Veterinary Hos	194.00
365.02	Window Clean	194.00
401.02	Motorcycle De	194.00
405.02	Dance or Rent	297.00
406.04	Game Room	194.00
408.03	Recycling Coll	194.00
415.04	Theaters and I	194.00
416.03	Motion Picture	194.00
426.04	Cabaret (Class	194.00

(e) ENFORCEMENT LEVEL 3

Chapter/Section		
No.	License Descri	Fee
225.04(a)	Firearms	\$375.00
324.04	Tobacco Cigar	495.00
354.02	Sanitary Dispo	375.00
355.02	Secondhand D	375.00
357.03	Solid Waste H	375.00
361.13	Tow Truck/Wr	375.00
383.03	Vehicle Immok	375.00
376.04	Taxicabs	434.00
376.05	Taxicabs (Rec	34.00
379.02	Short-term Re	10,353.00
379.02	Short-term Re	42.00
381.02(d)	Currency Exch	375.00

401.02	New Motor Ve	375.00
401.02	Secondhand	469.00
401.02	Secondhand M	469.00
409.07.1(a), 410.04(c)	Liquor-Extensi	375.00
412A.03	Massage Cent	375.00
412A.03	Environmental	413.00
413.04	Conversation/I	375.00
415.04	Mini-Motion Pi	375.00
417.04	Parking Lots a	375.00
417.04	Parking Garag	0.00
417.04	Parking Garag	367.00
422.02	Motor Vehicle	375.00
423.02(b)	Auto Body Rep	469.00
423.02(a)	Auto Repair G	469.00
427.04	Health/Sports	375.00
427A.04	Health/Sports	375.00
428.04	Steam Room/E	375.00
423.02(b)	Auto Body Rep	469.00

(d) ENFORCEMENT LEVEL 4

Chapter/Section		
No.	License Descri	Fee
331A.04	Catering-Limit	\$ 326.00
331A.04	Environmental	380.00
331A.04	Catering	570.00
331A.04	Environmental	625.00
331A.04	Catering-Add	250.00
331A.04	Environmental	380.00
331A.04	Customer App	55.00
331A.04	Day Care Foo	109.00
331A.04	Food Give-Aw	55.00
331A.04	Food Processi	217.00
331A.04	Environmental Processing/Pa	380.00
331A.04	Food Vehicle	92.00
331A.04; 363. (a)	Food Vending	16.00

331A.04: 363. (a)	Food Vending	136.00
331A.04	Food/Boarding	353.00
331A.04	Environmental	380.00
331A.04	K-12 School F	217.00
331A.04	Environmental Service	272.00
331A.04	K-12 School F	109.00
331A.04	Environmental Service-Limited	136.00
331A.04	Mobile Food V	244.00
331A.04	Mobile Food C	110.00
331A.04	Mobile Food C	217.00
331A.04	Environmental	381.00
331A.04	Environmental	381.00
331A.04	Environmental	625.00
331A.04	Environmental	625.00
331A.04	Environmental	625.00
331A.04	Restaurant (D)	272.00
331A.04	Environmental	381.00
331A.04	Restaurant (D)	109.00
331A.04	Environmental (Bar Only)	190.00
331A.04	Restaurant (E)	164.00
331A.04	Environmental Extension	136.00
331A.04	Environmental	381.00
331A.04	Restaurant (L)	272.00
331A.04	Restaurant (1)	435.00
331A.04	Restaurant (2)	478.00
331A.04	Restaurant (3)	580.00
331A.04	Restaurant (4)	631.00
331A.04	Restaurant (5)	673.00
331A.04	Retail Food Es	82.00
331A.04	Environmental Establishment	136.00
331A.04	Retail Food Es	109.00
331A.04	Environmental Establishment	272.00
331A.04	Retail Food Es	408.00

331A.04	Environmental Establishment	408.00
331A.04	Retail Food Es	652.00
331A.04	Environmental Establishment	516.00
331A.04	Retail Food Es Ft.	978.00
331A.04	Environmental Establishment	652.00
331A.04	Retail Food Es	1,413.00
331A.04	Environmental Establishment	816.00
331A.04	Retail Food Es	164.00
331A.04	Retail Food Es	65.00
331A.04	Retail Food Es	27.00
331A.04	Environmental Establishment	55.00
331A.04	Retail Food Es	82.00
331A.04	Environmental Establishment	381.00
331A.04	Retail Food Es	79.00
331A.04	Special Event (feet)	190.00
331A.04	Special Event (sq. feet)	217.00
331A.04	Special Event (sq. feet)	217.00
331A.04	Special Event	50% of special event food sales fee
331A.04	Special Event (feet)	55.00
331A.04	Special Event (feet)	109.00
331A.04	Special Event (square feet per event foods sales fee)	25% of special event foods sales fee
331A.04	Special Event fee	85.00
331A.04	Nonprofit 1 Da	275.00
331A.04	Nonprofit 1 Da Stands or Port	275.00
331A.04	Seasonal Tem	244.00

(e) ENFORCEMENT LEVEL 5

Chapter/Section		
No.	License Description	Fee
409.27	2:00 a.m. closing	\$55.00
409.05(i)	Intoxicating Licenses for agencies	0.00
409.01(c)	Liquor Catering	178.00
409.02	Off-Sale Micro	190.00
409.05(b)	Liquor Catering	55.00
409.05(b)	On-Sale-100 seats	4,964.00
409.05(b)	On-Sale-101-150 seats	15,497.00
409.05(b)	On-Sale-181-250 seats	25,889.00
409.05(b)	On-Sale-291-400 seats	5,970.00
409.05(b)	On-Sale-Theater	1,772.00
409.25(b)	Temporary Liquor	55.00
409.05(f)	On-sale Club-100 seats	300.00
409.05(f)	On-sale Club-101-150 seats	500.00
409.05(f)	On-sale Club-151-200 seats	650.00
409.05(f)	On-sale Club-201-250 seats	800.00
409.05(f)	On-sale Club-251-300 seats	1,000.00
409.05(f)	On-sale Club-301-350 seats	2,000.00
409.05(f)	On-sale Club-351-400 seats	3,000.00
409.05(h)	Additional family	57.00
409.02	Brewpub/Off-sale	190.00
409.02	Off-Sale Brewery	190.00
409.05	Off-Sale	1,398.00
409.07(b)(2)	Sunday On-Sale	200.00
409.11(b)	Extension of Sale	63.00
410.07(a)(8), 409.15(b)	Wine On-Sale	2,000.00
409.25	Temporary Wine	55.00
409.25	Wine Licenses	55.00
409.15(d)	On-Sale Malt	659.00
409.28	Brewery Taproom	659.00
409.31	Microdistillery	659.00
410.02	On-Sale Malt	659.00
410.02, 410.10	On-Sale Malt	10.00
410.02	Off-Sale Malt	208.00
410.10(a)	Temporary Malt	55.00

411.03	Entertainment	257.00
411.03	Entertainment	622.00
411.03	Entertainment	2,955.00
411.05	Entertainment	32.00
409.08	Live Music Eve	32.00
409.15(e)	Culinary On-sa	236.00
409.01	Private Event	32.00

(f) ENFORCEMENT LEVEL 6

Chapter/Section		
No.	License Description	Fee
329.02	Alarm Permits	\$40.00
317.01	Amusement R	30.00
127.04	Courtesy Bend	24.00
127	Courtesy Bend	16.00
293.09	Noise Variance	178.00
368.02	Wrecking of B	60.00
369.03	Building Trade	174.00
370.09	Building Trade	22.00
370.17	Trade Worker	34.00
370.17	Trade Worker	65.00
278.03	<u>Lawful</u> Gambli	412.00
318.02	Mechanical Ar	19.00
318.02	Music Machine	19.00
318.02	Amusement R	19.00
318.02	T.V. Units	19.00
344.02(a)	Pawn Shops	2,955.00
344.02(b)	Pawn Shop Bi	3.00
373	Transportation	38,069.00
374.3	Commercial P	47.00
374.3	Commercial P	109.00
374.3	Commercial P	326.00
375.2(a)	Pedicab Vehic	105.00
375.2(b)	Pedicab Drive	47.00
376	Taxicab Vehic	19.00
376	Taxicab Repla	52.00
376.05	Taxicab Drive	33.00

376.16(d)	Taxicab Driver	47.00
376.16(i)	Taxicab Driver	47.00
376	Taxicab Driver	6.00
376.17(d)	Taxicab Driver	47.00
391.02	Soliciting Fund	24.00
402.08	Temporary Law	55.00
403.03	Bingo Halls	212.00
409.05(g)	Lawful Gambli	78.00
409.08(11)	Modification of	445.00
359.03	Sound Trucks Organizations)	29.00
380.04	Tanning Facilit	98.00
380.04	Environmental	178.00
414.02	Massage or Be	98.00
414.02	Massage or Be Location	29.00
414.02	Massage Cent	93.00
412.04	Massage Cent	243.00
412.04	Therapeutic M	46.00
412.04	Environmental A)	437.00
412.04	Massage Cent	98.00
412.04	Environmental B)	178.00
357.03	Solid Waste Tr	1,771.00
408.03	Recycling Proc	887.00
429.03	Infectious Was	1,771.00
198.04(c)	Keeping of Ani chickens	77.00
198.04(c)	Keeping of Ani	28.00
198.04(c)	Tier 1 Chicken	26.00
198.04(c)	Tier 1 Chicken	16.00
198.04(c)	Tier 2 Chicken	77.00
198.04(c)	Tier 2 Chicken	28.00
198.04(c)	Keeping of Me	77.00
198.04(c)	Keeping of Me	28.00
200.03	Dog License A	20.00
200.03	Dog License A	81.00
200.03	Dog License A	10.00
200.03	Dog License L	142.00

200.03	Dog License Fee (altered)	71.00
	Dog License Fee (Microchip, una	34.00
	Declared, Animal	142.00
	Declared, Animal	284.00
200.04	Dog License Fee	10.00
200.07	Impounding Fee	36.00
200.02(a)	Unlicensed Driver	59.00
200.121(e)	Dangerous Driver	305.00
200.07	Boarding Fee	19.00
	Animal Adoption	51.00
	Rabies Vaccination (ferrets)	30.00
	Microchipping	30.00
	Delinquent License	5.00
376.17	Taxicab Service	422.00

SECTION 18

Section 310.19 is renumbered as 310.16 and amended as follows:

Sec. ~~310.19~~ 310.16. Discount from certain license fees.

(a) A discount will be provided for on-sale and off-sale liquor licenses, on-sale and off-sale 3.2 malt liquor licenses and on-sale strong beer and wine licenses. Such fees mentioned ~~shall~~ will be reduced seven (7) percent, contingent upon each of the following conditions:

(1) *Driver's license guide; compilation of laws.* The licensee ~~shall maintain~~ maintains on the premises, in a location accessible at all times to all employees of the licensed establishment:

a. A current driver's license guide, which ~~shall~~ must include license specifications for both adults and minors for each state (and including Canadian provinces), and ~~shall~~ must list such information from at least five (5) years prior to the present date; and

b. A current compilation of the laws relating to the sale and possession of alcoholic beverages in the state as outlined in Chapter 7515 of the State of Minnesota Rules and Minn. Stat. Ch. 340A. This compilation must also include chapters 240 through 246, 409 and 410 of the Saint Paul Legislative Code.

(2) *Signage.* The licensee ~~shall~~ must maintain on the premises, in all customer areas, current signage relating to underage consumption of alcoholic beverages, and relating to driving under the influence of alcohol. One

(1) sign must be located behind the bar, and one (1) sign must be present in each additional room or section within the lounge area in which the writing on the sign behind the bar is not clearly legible. The sign(s) must have dimensions of at least one (1) foot by one (1) foot with letters at least one-half (½) inch in height. All signs must be comfortably readable from a distance of fifteen (15) feet.

(3) *Contract with security agency.*

a. *Generally.* The licensee ~~will~~ shall participate in a training program with an approved private security agency, firm or association (hereafter "security agency") which is selected by and contracts with the city for the purpose of providing investigations and training to the licensee pursuant to this subsection. The city contract ~~shall~~ must provide (i) that the security agency ~~shall~~ is not be reimbursed by the city, but that it ~~shall~~ will recover its costs and profit by fees collected from the licensees which choose to receive the training program and investigative services, and (ii) that the security agency ~~shall~~ will charge the same amount to all licensees who choose to receive such services, so that all such licensees are treated equally and without discrimination.

b. *Investigation.* The contract with the city ~~shall~~ must provide for and require one (1) or more investigations by the security agency each calendar year into the practices of the licensee with respect to (i) age identification of customers in order to prevent sales of alcoholic beverages to minors, and (ii) preventing the sale of alcoholic beverages to persons who are obviously intoxicated. The contract ~~shall~~ must require that the security agency disclose the results of all such investigations to both the licensee and, at no cost to the city, to the department, within ten (10) days after such investigations are concluded. Failure to do so will be grounds for adverse action against the licensee's licenses. The contract ~~shall~~ must require that all such investigations ~~shall~~ must include unannounced and random attempts by minors to purchase alcoholic beverages in the licensed premises, and surveillance within the licensed premises. The security agency ~~shall~~ must employ reasonable measures to ~~minimize or~~ eliminate conflicts of interest in providing and reporting on investigations of licensees.

c. *Training.* The contract ~~shall~~ must also provide for alcohol awareness training by the security agency of all officers, employees or agents of the licensee who work in the licensed premises at least once during the calendar year. All newly hired employees or new officers or agents hired during the calendar year ~~shall~~ must receive such training within four (4) weeks following their hiring, and if they have not completed the training in that period, they may ~~shall~~ not work in the premises ~~after that four week period~~ until they have received such training.

d. *Standards for approval.* In addition to the requirements specified elsewhere in this subsection, the security agency and its investigations and training must meet or exceed the following:

1. The alcohol awareness course ~~shall~~ must cover all of the topics listed herein. The content of each training course ~~shall~~ must include, but need not be limited to:

- (a) Pertinent laws and ordinances regarding the sale of alcohol.

- (b) Verification of age, forms of identification, and forms of false or misleading age identification.
- (c) The effect of alcohol on humans and the physiology of alcohol intoxication.
- (d) Recognition of the signs of intoxication.
- (e) Strategies for intervention to prevent intoxicated persons from consuming further alcohol.
- (f) The licensee's policies and guidelines, and the employee's role in observing these policies.
- (g) Liability of the person serving alcohol.
- (h) Effect of alcohol on pregnant women and their fetuses, and in other vulnerable situations.
- (i) Training available in languages other than English that are spoken by the license holders and/or the license holders employees.

2. The security agency ~~shall~~ must have a minimum of two (2) years actual experience in alcohol awareness training. The courses may be given by one (1) or more instructors, but each instructor must have a formal education and/or training in each area they teach. The courses may be supplemented by audio-visual instruction.

3. The security agency ~~shall~~ must have sufficient personnel and physical resources to provide an alcohol awareness training course to newly hired employees within four (4) weeks after their hiring by the licensee with whom there is a contract. The cost covering the training and investigation service provided to license holders ~~shall~~ must be identified and charged equally to each participant.

The (7) seven percent ~~shall~~ will be applied to the following licenses:

Brew pub

Off-sale brewery

Liquor catering permit

On-sale-Over 200 seats

On-sale-Over 100 seats

On-sale-100 seats or less

On-sale club-Under 200 members

On-sale club-201-500 members

On-sale club-501-1,000 members

On-sale club-1,001-2,000 members

On-sale club-2,001-4,000 members

On-sale club-4,001-6,000 members

- On-sale club-6,000+ members
- On-sale extended service hours
- On-sale theatre
- Off-sale
- Sunday on-sale
- Liquor-Outdoor service area
- Wine on-sale
- On-sale malt (strong)
- On-sale malt (3.2)
- Off-sale malt

(b) ~~A discount will be provided for restaurant and catering licenses issued under Chapter 331A. Such fees shall be reduced seven (7) percent, contingent upon each of the following conditions:~~

(1) ~~The licensee shall employ a person in charge, who, in the absence of the certified food manager, shall be on duty at all times and who can demonstrate that he/she have viewed a video concerning food allergies. The video presentation shall be provided by and will be viewed at the department of safety and inspections. If the person in charge leaves the licensee's employment, the establishment will have two months to either:~~

a. ~~Have the new person in charge view the video on food allergy at a presentation by the department of safety and inspection; or~~

b. ~~If there is no presentation within two months of that person being hired, ensure that the new person in charge is registered for the next available video presentation.~~

(2) ~~Allergic customer alert process. The licensee shall produce a written procedure to alert all employees of an allergic customer. That policy shall, at a minimum, require that once a customer has notified any employee of an allergy to particular food item(s) or group(s), the establishment shall notify the above-referenced person in charge or certified food manager, and all employees who may handle any food item served to that customer of the food allergy.~~

SECTION 19

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