



## Legislation Details (With Text)

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**Final action:** 12/2/2015

**Title:** Amending Chapter 409.02 of the Legislative Code, changing the definition of restaurant.

**Sponsors:** Chris Tolbert

**Indexes:**

**Code sections:**

**Attachments:** 1. D1 Liquor License Changes Letter of Support, 2. SPACC Letter of Support, 3. District 5 Letter, 4. Meeting Packet 11-10-15, 5. Highland District Council Resolution, 6. Minnesota Licensed Beverage Association Letter, 7. memo to charter commission on petition signatures, 8. Business Review Council letter of support, 9. District 1 Letter of Support, 10. Highland District Council Letter, 11. Chamber of Commerce Letter of Support, 12. Email Exchange, 13. 2015RestaurantOn-SaleLiquorLaws, 14. LiquorRestaurantDefintionComparison9-20151, 15. ProposedRestaurantDefintionOrdinanceChange, 16. November 10, 2015 Charter Commission Meeting Packet, 17. City Clerk Transmittal Letter, 18. RES 15-1801, 19. Cervantes Email to Charter Commission, 20. FW Proposed Restaurant On-Sale Liquor Charter Amendment, 21. Charter Commission Meeting Minutes 6-2-15, 22. Hendrickson Memo Suspending the Rules, 23. ProposedCharterAmendmentExecutiveSummary (003), 24. Hendrickson Memo Suspending the Rules, 25. Availability-FullOnSaleLiquorLicenses (002), 26. 1707charterresolution, 27. ProposedRestaurantOn-SaleLiquorCharterAmendment (002), 28. MGCC Charter Change Recommendation Nov 2015, 29. Hamline Midway Coalition Support

Date	Ver.	Action By	Action	Result
12/4/2015	2	Mayor's Office	Signed	
12/2/2015	2	City Council	Adopted	Pass
11/18/2015	1	City Council	Laid Over to Final Adoption	Pass
11/12/2015	1	City Council	Laid Over to Third Reading/Public Hearing	
11/4/2015	1	City Council	Laid Over to Second Reading	

Amending Chapter 409.02 of the Legislative Code, changing the definition of restaurant.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN

### Section 1

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

*Restaurant* shall mean:

1. For establishments licensed to serve liquor at on-sale prior to February 1, 2016, an establishment other than a hotel, whose food and liquor services are under the control of a single proprietor or manager, having appropriate facilities for the serving of meals for no fewer than fifty (50) guests at one (1) time, having a full service kitchen and a menu, offering meals and full menu service on a daily basis to at least 11:00 p.m. or to the closing time of the entire establishment, and whose gross receipts are at

least sixty (60) percent attributable to the sale of food during each and every calendar month. A full service kitchen for the purpose of this chapter shall include at the least a cooking line with mechanical ventilation, having two (2) or more ovens and ranges; food preparation areas having sinks, cutting boards, and facilities and equipment for the preparation, holding at safe temperatures, and processing of food on site; refrigerators and/or coolers for the safe storage of food; and mechanical dishwashing facilities and equipment; all of the foregoing meeting the requirements of Chapter 331 of the Legislative Code and NSF International standards.

2. For establishments first licensed to serve liquor at on-sale on February 1, 2016, or thereafter, an establishment other than a hotel, whose food and liquor services are under the control of a single proprietor or manager, serving food and beverages, meeting the definition in Minnesota Statutes section 157.15, subd. 12, and classified as a high- or medium-risk establishment under Minnesota Statutes section 157.20, subd. 2a, that meets the following additional criteria:
  - a) Derives a substantial amount of its income from the sale of foods and non-alcoholic beverages.
  - b) Has a full-service kitchen, including:
    - 1) at least one cooking line with required ventilation;
    - 2) one (1) or more ovens and ranges, or other cooking equipment as approved by the director;
    - 3) food preparation areas having sinks;
    - 4) refrigerators and/or coolers for the safe storage of food;
    - 5) all of the above elements meeting relevant NSF International standards.
  - c) Maintains all food- and health-related licenses and permits necessary to operate as a high or medium risk establishment as defined in Minnesota Statutes section 157.20, subd. 2a.
  - d) Offers adequate interior seating for not less than thirty (30) guests at a time.
  - e) Prepares meals on-premises, which are served to guests seated at tables or other eating surfaces.
  - f) Only sells intoxicating liquors to patrons who are seated at an eating surface, unless the patron being served is on a bona fide waiting list for available seating.
  - g) Ends all food and beverage service no later than 12:00 a.m., and closes no later than 12:30 a.m.
  - h) Offers a menu including at least 4 entrees, or as otherwise approved by the department.
  - i) Offers full menu service during all hours of operations, with the exception of the hour prior to closing.
  - j) Actively promotes food sales to all guests within the licensed premises of the restaurant during

all hours of full menu service.

- k) Maintains a kitchen open for meal service, which is appropriately staffed and supplied to fulfill orders from the menu in effect during all hours of full menu service.
- l) Allows no greater than 10% of the area of the licensed premises to be used for entertainment purposes, including, but not limited to, dancing or musical performance.
- m) Makes business records, including, but not limited to, federal and state tax returns, available for inspection by the Director or the Director's designee at all reasonable times.

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

## Section 2

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