



Legislation Text

File #: Ord 20-19, **Version:** 1

Amending Chapter 310 of the Legislative Code to provide relief to certain license types in the form of a one-time reduction of certain license fees and a one-time extension of the due date for license fees.

On March 13, 2020, Minnesota Governor Tim Walz issued Executive Order 20-10 Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19" pursuant to Minn. Stat. § 12.31, Subd. 2.

On March 15, 2020, Saint Paul Mayor Melvin Carter issued an Emergency Declaration in response to the COVID-19 pandemic" pursuant to Minn. Stat. § 12.29; which the City Council consented to on March 17, 2020.

WHEREAS, on April 24, 2020, Mayor Carter signed Emergency Executive Order 2020-8 in an effort to ease the financial burden and aid in the recovery of Saint Paul businesses impacted by Minnesota Governor Walz's Executive Orders that limited the ability of certain businesses to continue operations, provided a 25% one-time reduction of annual license fees, and a one-time ninety-day extension of the due date for payment of the renewal license fees for licenses with renewal dates between April 24; and

WHEREAS, under St. Paul Leg. Code 13.06, Mayor Carter's Emergency Executive Order will expire at the end of forty (40) days after its effective date or at the end of the declared local emergency, whichever occurs first; and

WHEREAS, in Emergency Executive Order 2020-8 Mayor Carter requested that the Saint Paul City Council take immediate action by Ordinance to extend this Emergency Executive Order for 1 year so all impacted businesses will receive both a 25% reduction of their next annual license fee, and businesses with annual license fees due prior to August 1, 2020 will receive a ninety-day extension of the next due date of those fees; now, therefore, be it

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

SECTION 1

Section 310.09 of the Saint Paul Legislative Code is hereby amended to read as follows:
Sec. 310.09. - 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 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 be reasonably related to the costs of administration incurred in connection with each such application, license or permit. Costs of administration 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 shall 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 be charged a late fee for each such license. The late fee shall be in addition to any other fee or payment required, and shall 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 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 be 25% of the environmental plan review fee for each license type.

(f) *Delay of Late Fee.* A late fee will not be imposed for licenses listed below that expire between May 17, 2020 and August 1, 2020 until the renewal fee is more than ninety (90) days past due. This late fee delay will apply to the following licenses:

Bowling Centers

Cabaret - Class A

Cigarette/Tobacco-Product Shop

Dance or Rental Halls

Entertainment (A)

Entertainment (B)

Entertainment (C)

Gambling Location

Health/Sport Club

Health/Sport Club-Exercise Only Facility

Liquor - Microdistillery Cocktail Room

Liquor Catering (State Cater/City Liq)

Liquor On Sale - 100 seats or less

Liquor On Sale - 101-180 Seats

Liquor On Sale - 181-290 Seats

Liquor On Sale - 2 AM Closing
Liquor On Sale - 291 or more Seats
Liquor On Sale - Theater
Liquor On Sale-Club 201-500 Mbrs - B
Liquor On Sale-Club 501-1000 Mbrs - C
Liquor On Sale-Club under 200 Mbrs - A
Liquor-Outdoor Service Area (Patio)
Liquor-Outdoor Service Area (Sidewalk)
Malt On Sale (3.2)
Malt On Sale (Brewery Taproom)
Malt On Sale (Strong)
Massage Center - A (Commercial)
Massage Center - B (Home Location)
Massage Practitioner
Recycling Collection Center
Recycling Processing Center
Tanning Facility
Theaters and Movie Theaters
Wine On Sale

SECTION 2

Section 310.19 of the Saint Paul Legislative Code is hereby amended to read as follows:
Sec. 310.19. - 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 be reduced seven (7) percent, contingent upon each of the following conditions:

(1) *Driver's license guide; compilation of laws.* The licensee shall maintain 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 include license specifications for both adults and minors for each state (including Canadian provinces), and shall 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](https://library.municode.com/mn/st._paul/codes/code_of_ordinances?) through [246](https://library.municode.com/mn/st._paul/codes/code_of_ordinances?)

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and 410 of the Saint Paul Legislative Code.

(2) *Signage.* The licensee shall 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 ($\frac{1}{2}$) 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 shall participate in a training program with an approved private security agency, firm or association (hereafter "security agency") which is selected and contracts with the city for the purpose of providing investigations and training to the licensee pursuant to this subsection. The city contract shall provide (i) that the security agency shall not be reimbursed by the city, but that it shall 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 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 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 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 require that all such investigations shall 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 employ reasonable measures to minimize or eliminate conflicts of interest in providing and reporting on investigations of licensees.

c. *Training.* The contract shall 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 receive such training within four (4) weeks following their hiring, and 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 cover all of the topics listed herein. The content of each training course shall 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 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 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 be identified and charged equally to each participant.

The (7) seven percent shall 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](https://library.municode.com/mn/st._paul/codes/code_of_ordinances?nodeId=PTIILECO_TITXXIXLI_CH331AFOPRST) [<https://library.municode.com/mn/st._paul/codes/code_of_ordinances?nodeId=PTIILECO_TITXXIXLI_CH331AFOPRST>](https://library.municode.com/mn/st._paul/codes/code_of_ordinances?nodeId=PTIILECO_TITXXIXLI_CH331AFOPRST). 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.

(c) A discount of 25% of the annual license fee due between April 24, 2020 and April 23, 2021 will be provided to the following licenses:

Bowling Centers

Cabaret - Class A

Cigarette/Tobacco-Product Shop

Dance or Rental Halls

Entertainment (A)

Entertainment (B)

Entertainment (C)

Gambling Location

Health/Sport Club

Health/Sport Club-Exercise Only Facility

Liquor - Microdistillery Cocktail Room

Liquor Catering (State Cater/City Liq)

Liquor On Sale - 100 seats or less

Liquor On Sale - 101-180 Seats
Liquor On Sale - 181-290 Seats
Liquor On Sale - 2 AM Closing
Liquor On Sale - 291 or more Seats
Liquor On Sale - Theater
Liquor On Sale-Club 201-500 Mbrs - B
Liquor On Sale-Club 501-1000 Mbrs - C
Liquor On Sale-Club under 200 Mbrs - A
Liquor-Outdoor Service Area (Patio)
Liquor-Outdoor Service Area (Sidewalk)
Malt On Sale (3.2)
Malt On Sale (Brewery Taproom)
Malt On Sale (Strong)
Massage Center - A (Commercial)
Massage Center - B (Home Location)
Massage Practitioner
Recycling Collection Center
Recycling Processing Center
Tanning Facility
Theaters and Movie Theaters
Wine On Sale

SECTION 3

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