



## Legislation Text

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**File #:** Ord 22-34, **Version:** 1

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Amending Sec. 410.04 of the Legislative Code to align with recent changes in Minnesota statute following the passage of the legislative omnibus bill that allows for extended hours during the World Cup.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

### SECTION 1

WHEREAS, on May 22, 2022, Governor Walz signed Bill SF3008 into effect; and

WHEREAS, Bill SF3008 allows a municipality to adopt language that will allow extended hours during a during a FIFA Women's World Cup competition or FIFA World Cup competition; and Now therefore be it

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

### SECTION 2

Chapter 410.04 of the Saint Paul Legislative Code is hereby amended as follows:

Sec. 410.04. Regulations.

- (a) *Restrictions on minors.* A minor, as used herein, is any person under the age of twenty-one (21) years.
- (1) No licensee, or agent or employee thereof, shall serve or dispense upon the licensed premises any intoxicating liquor or nonintoxicating malt liquors to any minor; nor shall such licensee, agent or employee permit any minor to be furnished with or to consume any such liquors on the licensed premises; nor shall such licensee, agent or employee permit any minor to be delivered any such liquors.
  - (2) No minor shall misrepresent his or her age for the purpose of obtaining intoxicating liquor or nonintoxicating malt liquor; nor shall he or she enter any premises licensed for the retail sale of intoxicating liquor or nonintoxicating malt liquor for the purpose of purchasing or having served or delivered to him or her for consumption of any such intoxicating liquor or beer; nor shall any such person purchase, attempt to purchase, consume or have another person purchase for him or her any intoxicating liquor or beer.
  - (3) No minor shall induce any person to purchase, procure or obtain intoxicating liquor or nonintoxicating malt liquor for him or her.
  - (4) Proof of age for purposes of consuming, purchasing or possessing an alcoholic beverage, the consumption, sale or possession of which is regulated by age, may only be established by a valid driver's license or a Minnesota Identification Card issued pursuant to Minnesota Statutes, Section 171.07 or, in the case of a foreign national, by a valid passport.
- (b) *Intoxicating liquor prohibited.* It shall be unlawful for any person duly licensed to sell nonintoxicating malt liquor, but not duly licensed to sell intoxicating liquor, or for any of his agents, servants or employees, to keep, store, possess, have under his control, sell or permit any person to keep, store or possess any intoxicating liquor upon said premises.



It shall be unlawful for such licensee, his agents, servants or employees to permit the consumption of intoxicating liquor upon said premises.

For the purposes of this chapter, "intoxicating liquor" is hereby defined to mean and include ethyl alcohol and any distilled, fermented, spirituous, vinous or malt liquid of any kind potable as a beverage, which liquid contains an alcoholic content in excess of three and two-tenths (3.2) percent thereof by weight.

(c) *Sales prohibited; hours.* No such nonintoxicating malt liquors shall be sold either on-sale or off-sale between the hours of 1:00 a.m. and 8:00 a.m. on any weekday, Monday through Saturday inclusive, nor between the hours of 1:00 a.m. and 12:00 noon on Sundays. Notwithstanding the foregoing, an establishment which has received a permit from the state which authorizes sale of 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. may make such sales if it has provided a copy of the permit to the director of the department of safety and inspections. No on-sale licensee shall permit any such nonintoxicating malt liquors to be consumed on its premises during the hours when the sale thereof is by this chapter prohibited. Notwithstanding the foregoing, establishments holding on-sale licenses issued under this chapter may remain open for the sale of food after the hours of sale provided therein and until 3:00 a.m. if they have first obtained an extended service license. Such license shall be a class III license. Application shall be made on such forms as may be provided by the department of safety and inspections. The fee for such license shall be established by ordinance as provided in section 310.09 (b) of the Legislative Code. The regulations in section 409.07.1(b), and notice and consent requirements in section 409.07.1(c) of the Legislative Code shall apply to extended service licenses under this chapter.

(c-1) Extended Hours for On-Sale During World Cup. Notwithstanding the restrictions on the days and hours for on-sale of intoxicating liquor in this Chapter, during a FIFA Women's World Cup competition or FIFA World Cup competition, a licensee may obtain a special World Cup Extended Hours permit from the City subject to the following conditions:

(a) The permit will authorize the sale of alcoholic beverages 30 minutes before, during, and 30 minutes after a scheduled broadcast of a live World Cup match.

(b) The permit will not allow sales during broadcasts of previously played matches.

(c) Only holders of an existing on-sale intoxicating liquor license are eligible for a World Cup Extended Hours permit.

(d) The applicant must complete an application provided by the department of safety and inspections.

(e) The applicant must pay the World Cup Extended Hours permit fee of \$250.

(f) This section expires September 1, 2023.

~~*Extended hours during 2008 Republican National Convention.* Notwithstanding the above, between 12:00 p.m. on August 31, 2008 through 4:00 a.m. on September 5, 2008, licensed establishments may obtain an RNC 4:00 a.m. permit. The RNC 4:00 a.m. permit shall allow service, consumption and display of 3.2 percent malt liquor in on sale establishments until 4:00 a.m. The RNC 4:00 a.m. permit shall not allow consumption, display or service of 3.2 percent malt liquor after 2:00 a.m. outdoors including on any patio or sidewalk cafe. Establishments may obtain the RNC 4:00 a.m. permit under the following conditions:~~

~~(1) Applicant must hold a valid on-sale 3.2 percent malt liquor license and a license for Sunday sales.~~

~~(2) Applicant must hold a valid permit for 2:00 a.m. closing permit issued by the state.~~

~~(3) Applicant must complete an application provided by the department of safety and inspections and pay RNC 4:00 a.m. permit fee of two thousand five hundred dollars (\$2,500.00).~~



- (4) ~~In all areas except the downtown development district and commercial development districts, applicant establishment must have at least two hundred ninety-one (291) seats as determined by the department of safety and inspections.~~
- (c-2) ~~*Presumptive penalties during the 2008 Republican National Convention.* For purposes of the penalty matrix at 310.05(m) of the Saint Paul Legislative Code, the presumptive penalty for establishments found to serve, display, or allow consumption of 3.2 percent malt liquor after 2:00 a.m. between August 31, 2008 and September 5, 2008 when that establishment does not hold an RNC 4:00 a.m. permit is two thousand dollars (\$2,000.00) per incident.~~
- (d) *Dancing.* Dancing wherein the public participates and dancing, singing and other vaudeville exhibitions or entertainment are hereby at all times prohibited on the premises of any off-sale licensee; provided, however, that if such premises are duly licensed for entertainment, such dancing, exhibitions or entertainment may be permitted.
- (e) *Music.* All music, by whatever means provided, is hereby prohibited upon the premises of any on-sale licensee between the hours of 9:00 p.m. of any one (1) day and 9:00 a.m. of the following day, except where such premises are duly licensed for entertainment; provided, that an on-sale licensee is hereby permitted to operate a radio and obtain music therefrom between said hours of 9:00 p.m. and 9:00 a.m.; provided further, that the tone of such radio is modulated so as not to annoy the occupants of nearby premises. The failure of any on-sale licensee using a radio between said hours to keep the same from becoming a nuisance to occupants of nearby premises shall be deemed sufficient cause, in the discretion of the council, to revoke his license to sell such nonintoxicating malt liquor.
- (f) *Sales on days of parades.* When a licensee is notified by the police department that a parade will be held within one (1) block of the licensee's establishment, all nonintoxicating malt beverages and liquid of any type sold during the entire day of said parade shall be sold only in plastic or paper containers. In addition, upon receiving such notice, the licensee shall place a person at each entrance and each exit of the establishment at least one (1) hour prior to the time of parade, and the licensee shall require a person to remain at those locations until one (1) hour after the parade to ensure that patrons do not enter or exit with beer or intoxicating liquor.
- (g) *Parking; visual screen.* When an existing building is converted to on-sale nonintoxicating malt liquor purposes, existing off-street parking facilities which serve the building shall be provided with a visual screen where the parking facility adjoins or abuts across an alley any residential use or residential zoning district. The screen shall be between four and one-half (4½) and six and one-half (6½) feet in height and of sufficient density to visually separate the parking facility from the adjacent residential use district. The screen may consist of various fence materials, earth berms, plant materials or a combination thereof. Access by patrons to the parking facility from an adjacent alley should generally be prohibited.
- (h) *Sale of nonintoxicating liquor regulated.* No person shall give, sell, procure or purchase nonintoxicating liquor to or for any person to whom the sale of nonintoxicating liquor is forbidden by law.
- (i) *Consumption in public place prohibited.* No person shall mix or prepare nonintoxicating liquor for consumption, or consume it, in any public place not licensed in accordance with this Code and the State of Minnesota.
- (j) *Sale or consumption in automobiles or on public highways prohibited.* No nonintoxicating liquor shall be sold or consumed on a public highway or in an automobile.
- (k) *Leaving licensed premises with nonintoxicating liquor; responsibility of licensee.* No licensee shall allow any person to leave a premises, for which an on-sale nonintoxicating license has been issued, with a bottle, can or glass containing any nonintoxicating liquor. Each licensee shall be responsible for taking reasonable and adequate steps to prevent persons from leaving the licensed premises with a bottle, can or glass containing any alcoholic beverage, and the failure to do so may subject each licensee to adverse



action against his or her license.

- (l) No person, group or association applying for or holding a license under this chapter shall restrict membership in its club or organization, or restrict access to the licensed premises or any facilities of such person, group or association, on the basis of race, creed, religion, sex, national origin or ancestry, age, disability, marital status or status with respect to public assistance. This provision shall not apply to any religious corporation, association or society with respect to membership or access based on religion, where religion is a bona fide qualification for membership or access. A violation of the foregoing shall constitute sufficient grounds for adverse action against the license or license application, including revocation or denial of the license.

### Section 3

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