



## Legislation Text

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**File #:** Ord 23-38, **Version:** 1

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Amending Sections 411.01 and 411.04 of the Legislative Code to remove a reference to previously removed consent requirements and remove the requirement for a prospective licensee to provide off-street parking.

### SECTION 1

WHEREAS, the City Council recently removed parking requirements from the Zoning Code, this change is a housekeeping ordinance change to reflect the Council's intent with the elimination of parking requirements from the Zoning Code; now therefore be it

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

### SECTION 2

Section 411.01 is hereby amended as follows:

#### **Sec. 411.01. Class N-Entertainment license required.**

- (a) *Entertainment license.* No person licensed under Chapter 409 or Chapter 410 may provide or furnish or permit another who is leasing, renting or using with or without consideration the licensed premises to provide or furnish entertainment on the licensed premises without first having obtained a license to do so as hereinafter provided. The provision or furnishing of entertainment without such a license, whether by the licensee or by persons using, renting or leasing the licensed premises, is grounds for adverse action against all the licenses held at and for the licensed premises. It is not a defense in an adverse action against the licenses held at and for the licensed premises that the licensee was not aware or did not know of the provision of such entertainment by persons renting, leasing or using the licensed premises. The license for each class of license provided for in this chapter is a separate license, and all the requirements of this chapter for obtaining a license must be met even though the licensee holds or has held a different class license hereunder.
- (b) *Limited entertainment license.* ~~A person licensed under Chapter 409 or Chapter 410 may obtain a limited Class A or B license without complying with the consent requirements under section 411.04(b) of this chapter, as further provided in section 411.04(b)(5), (b)(6) and (b)(7) below, and such~~ A Limited entertainment license shall be is limited to permitting another who is leasing, renting or using the licensed premises, with or without consideration, to provide or furnish entertainment on the licensed premises for a wedding, anniversary or retirement dinner or reception, or similar family or social function.

- (c) *Extended hours.* The holder of an extended service license under section 409.07.1 of the Legislative Code is subject to the regulations defined therein and may provide entertainment during the hours of extended service, but only in conformity with and as authorized by an existing entertainment license issued under this chapter. Notwithstanding any other provision of law, the council may, at any time and with respect to any establishment, condition or prohibit the provision of entertainment during the hours of extended service (i) in order to protect the public peace, welfare and safety, so long as such conditions or prohibitions do not relate to the content of the entertainment, and (ii) without notice and hearing, or compliance with any of the procedures provided in Chapter 310 of the Legislative Code.

### SECTION 3

Section 411.04 is hereby amended as follows:

#### **Sec. 411.04. Licensing requirements.**

- (a) For Class N licenses issued under this chapter, the Uniform License Procedures laid out in Chapter 310.02(2) of the Saint Paul Legislative Code pertaining to applications, new applications investigation and review, notice, levels of approval, objections and renewal procedures for Class N licenses apply.

For any Class T or temporary license issued under this chapter, the Uniform License Procedures laid out in Chapter 310.02(3) of the Saint Paul Legislative Code pertaining to applications, new applications investigation and review, notice, levels of approval, objections and renewal procedures for Class T licenses apply.

~~(1) *Exemption from consent requirements for limited entertainment licenses.* The consent requirements of this paragraph (b) shall not apply if the person, firm or corporation holding liquor licenses for the premises for which the entertainment is sought (i) has, as a regular and usual part of its business for at least three (3) years immediately prior to the effective date of this ordinance (C.F. No. 92-1799), rented all or part of the licensed premises for wedding, anniversary or retirement dinners or receptions or similar family or social functions and has held itself out to the public during that period of time as being available for such purposes; (ii) applies for a limited Class A or B license valid for the sole purpose of allowing entertainment to be provided by another on that part of the licensed premises which is rented or used, with or without consideration, for a wedding, anniversary or retirement dinner or reception, or similar family or social function; and (iii) makes application for such limited license within one (1) year of the effective date of this ordinance (C.F. No. 92-1799), or before December 31, 1993, whichever date comes later. Notwithstanding the foregoing, this exemption from the aforesaid consent requirements shall not apply in any case to a Class C license.~~

(2) (1) *Conditions of limited licenses.* The limitation on a limited entertainment license issued pursuant

to paragraph (1) is an express term and condition of the license, and failure to comply with such limitation is grounds for adverse action against all licenses held by the licensee or applicant. If the holder of such ~~limited~~ Limited entertainment license provides, furnishes or contracts for any entertainment of any kind on the licensed premises, such action is grounds for adverse action against all licenses held by such licensee. The council may by resolution further condition such ~~limited~~ Limited entertainment licenses and the imposition of such conditions must not be deemed to be an adverse action; provided, however, that the imposition of any condition which directly limits, or whose only purpose is to limit, free expression or the expressive content of the entertainment must be deemed to be an adverse action and governed by the procedural requirements of sections 310.03 and 310.04 of the Legislative Code. Violation of such conditions is grounds for the revocation, suspension or further limitation of a limited entertainment license and any other licenses held by the licensee. Such revocation, suspension or further limitation must not be deemed to be an adverse action; provided, however, that if the violation which is all or part of the grounds of such action involves free expression or the expressive content of the entertainment, such action must be deemed to be an adverse action and subject to the procedural requirements of sections 310.03 and 310.04 of the Legislative Code.

- (3) ~~(2)~~ *Responsibility of licensee under limited Limited entertainment licenses.* Each holder of a ~~limited~~ Limited entertainment license hereunder shall ~~be~~ is responsible for full compliance by all renters and users of the licensed and contiguous premises with all requirements of law. The provisions of section 409.08(7) of the Legislative Code are applicable to and govern holders of limited licenses hereunder.
- (b) *Investigation.* For Class N licenses issued under this chapter, the Uniform License Procedures laid out in Chapter 310.02(2) of the Saint Paul Legislative Code pertaining investigation apply. For any Class T or temporary license issued under this chapter, the Uniform License Procedures laid out in Chapter 310.02 (3) of the Saint Paul Legislative Code pertaining to investigation apply. Whenever an application for an entertainment license is filed, the director must inspect and examine the premises described in the application and determine whether the premises are suitable for entertainment.
- (c) *Floor space.* No live entertainment license may be issued where the floor space available for and which is to be maintained for dancing in which the public participates does not exceed four hundred (400) square feet.
- ~~(d) Interim standards for off-street parking. In any case in which the applicant is seeking a Class B or Class C license, the applicant shall provide additional off-street parking for the licensed premises as follows: Fifty (50) percent of the shortfall in parking spaces between one (1) space for each seventy-five (75) square feet of gross floor area, and the number of parking spaces already provided by the licensee. "Gross floor area" shall mean the sum of the horizontal areas of each floor of a building as specified in section 60.206 of the Zoning Code. This requirement shall not apply to licensed premises which are located in the downtown business district as defined in section 409.11 of the Legislative Code. The license application must include a fully dimensioned floor plan and site plan drawn to scale. Modifications may be granted as specified in section 409.08(11)e.~~
- ~~(e)~~(d) *Limitations based on type of liquor license.* Only establishments holding on sale intoxicating liquor licenses are eligible for class B and class C entertainment licenses. A holder of a wine and/or intoxicating malt liquor licenses may only obtain a class A entertainment license. Any licensee with a wine

and/or intoxicating malt liquor license that holds an entertainment B or C license on the date this paragraph is effective may continue to hold that license unless or until the license is revoked or expires.

#### SECTION 4

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