

1st Reading/

1/28/2011

Referred to (name of) Committee

REFE

Public Hearing

2/17 & 6/6/2011

2nd Reading and Final Passage

2011-Or-_____
AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By Tuthill

Amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to Liquor and Beer: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 360.100 of the above-entitled ordinance be amended to read as follows:

360.100. Regulation of outdoor areas in on-sale liquor, wine, and beer establishments. The following regulations shall apply to all outdoor areas in on-sale liquor, wine, and beer establishments, including establishments holding sidewalk cafe permits:

(a) Every outdoor area must be approved as part of the original licensed premises or by the granting of an application for expansion of the licensed premises. For purposes of this section, the downtown zone shall comprise the area bounded by the Mississippi River, I-35W, I-94, and Plymouth Avenue (extended to the river). For those establishments located outside of the downtown zone, every such application and approval shall specify the maximum customer capacity that will be permitted in the outdoor area. In providing the maximum customer capacity to the city, the applicant shall include all customers in the outdoor areas of establishments located outside of the downtown zone, whether the customers are seated, standing or otherwise present and occupying the area, and shall also include customers who are waiting to be seated. It shall be an affirmative duty of the license holder of an establishment located outside of the downtown zone to ensure that any outdoor area is not occupied in any greater number than the approved maximum customer capacity and to maintain and provide when requested accurate occupancy counts for any outdoor area. Any expansion of the outdoor area of a licensed premises, including an expansion limited solely to a proposed increase in the maximum customer capacity provided in the outdoor area of an establishment located outside of the downtown zone, shall require a public hearing and notification as described in section 265.300 of this Code.

(b) Entertainment:

- (1) Every outdoor area shall be deemed presumptively to be licensed as Class E, unless a higher class of license has been expressly granted to the outdoor area by the city council in the manner required by this Code. It shall be an affirmative duty of the license holder to comply

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with all requirements of this Code regulating such outdoor areas including all regulations governing noise, liquor, nuisance activity, litter and business license management responsibilities.

~~(2) In the downtown and eastbank commercial district described in section 362.430, the city council may grant a license to an outdoor area in any class.~~

~~(32) Outside the downtown and eastbank commercial district described in section 362.430 zone, no outdoor area shall be granted a license higher than Class E use any form of sound amplification or outdoor speakers after 10:00 p.m.~~

(43) Regardless of the class of license issued to an outdoor area, the city council may further restrict the days, hours, nature, volume, and other aspects of entertainment in any outdoor area, including a prohibition against all forms of nonlive music, radio, television, and other entertainment, to protect the safety, repose, and welfare of residents, businesses and other uses near the establishment.

(54) The city council may authorize an establishment to conduct entertainment not otherwise allowed under its license in an outdoor area by permit temporarily for special events. Application for such permit shall be filed with the department of licenses and consumer services on a form prescribed by the director. The fee for a temporary entertainment permit shall be as established in Appendix J, License Fee Schedule.

(c) Service and capacity restrictions outside the ~~downtown/eastbank commercial district~~ downtown zone. It is the policy of the city council that outdoor areas, located outside the ~~downtown and eastbank commercial district described in section 360.10~~ downtown zone, are intended primarily for the service of patrons at tables and for the consumption of alcoholic beverages in conjunction with food service. Outside the ~~downtown and eastbank commercial district described in section 360.10~~ downtown zone, no bar shall be located in an outdoor area except a service bar for the exclusive use of employees. Service shall be provided only at tables, however, this shall not prohibit patrons from carrying beverages from an inside area to the outdoor area. Customers shall not be allowed to occupy the outdoor area in greater numbers than the ~~seating or service area capacity permits~~ maximum customer capacity approved pursuant to subsection (a). An exemption to the service bar requirement of this subsection may be granted to an establishment which demonstrates that it regularly maintained a bar open for service to customers in its outdoor area prior to April 1, 1989.

(d) The licensee shall provide food service in all outdoor areas during all hours of operation. Food service may consist of less than the full menu, but shall at all times offer a substantial choice of main courses, other food items, and nonalcoholic beverages.

(e) All new and remodeled outdoor areas shall be handicap accessible. All existing outdoor areas shall comply with building codes relating to handicap accessibility. No outdoor area shall reduce existing handicap accessibility.

(f) The city council may restrict the hours of operation of any proposed outdoor area and may reduce the hours of operation of any existing outdoor area based upon proximity of the area to residential dwelling units, and upon considerations relating to the safety, repose, and welfare of residents, businesses, and other uses near the establishment. The city council may also impose any reasonable and necessary conditions upon the operation of any outdoor area based upon proximity of the area to residential dwelling units, when necessary to preserve the safety, repose, and welfare of residents, businesses, and other uses near the establishment.

(g) The city council may require that access to and egress from an outdoor area only be through the door connecting it to the remainder of the premises, or to property controlled by the licensee.

(h) The licensee shall be responsible for picking up trash and litter generated by the operation of the outdoor area within a reasonable distance from the area.

(i) The city council may review the operation of any outdoor area in connection with the renewal of the on-sale license for the establishment, or at any other time for good cause. Violation of the terms and conditions of this section shall be grounds for revocation, suspension, or refusal to renew the on-sale license for that portion of the licensed premises pertaining to the outside area.

(j) All special restrictions relating to the hours of operation and types of entertainment in an outdoor area shall be endorsed on an addendum to the license certificate and posted in the establishment with the license certificate.

(k) In any on-sale liquor, wine, and beer establishment where the licensee has city council approval to operate an outdoor area, and which is located within the ~~Central Commercial District, as defined in section 360.10~~ downtown zone, the licensee is prohibited from serving any alcoholic malt beverage or non-alcoholic beverage in an original container manufactured from glass after 11:00 p.m. In

addition to the prohibition on serving alcoholic malt beverages or non-alcoholic beverages in original containers manufactured from glass, the licensee shall not allow patrons to carry such beverage containers from an indoor area into an outdoor area.

Certified as an official action of the City Council:

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Reich							Glidden						
Gordon							Schiff						
Hofstede							Tuthill						
Johnson							Quincy						
Samuels							Colvin Roy						
Lilligren							Hodges						
Goodman													

ADOPTED _____
DATE

APPROVED NOT APPROVED VETOED

ATTEST _____
CITY CLERK

MAYOR RYBAK DATE