

**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 360.70 of the above-entitled ordinance be amended to read as follows:

**360.70. Special late hours food license.** (a) Any person operating under an on-sale liquor, wine or beer license who desires to remain open for the service of food later than the hours provided in section 364.100 and section 368.70 may apply to the city council for a special late hours food license. Application shall be made on a form provided by the division of licenses and consumer services, containing such information as the division deems necessary to verify that the conditions of this section have been met and to make a recommendation regarding the application. The annual fee for a special late hours food license shall be ~~seventy-five dollars (\$75.00)~~ as established in Appendix J, License Fee Schedule.

(b) The number of special late hours food licenses at any time issued and outstanding shall not exceed fifty (50).

(c) No special late hours food license shall be issued unless the establishment complies at all times with the following conditions:

(1) The establishment shall be a banquet facility as defined in section 362.425(b) in which the meal service required by section 362.425(b) is actually available during the special hours of operation authorized under the license, or

(2) The establishment shall be a restaurant which:

(i) Meets the standards set forth in section 362.390 and the standards in section 362.395 relating to percentage of revenue derived from the sale of food and nonalcoholic beverages, and

(ii) Maintains a substantial menu available during special late hours which includes at least four entrees, sandwiches, or other principal food items, and

(iii) Keep its business open for at least eight (8) continuous hours daily except Sunday, twelve (12) months a year, not including any hours authorized by its special late hours food license.

(d) The city council may issue a special late hours food license subject to additional conditions including, but not limited to:

(1) Limitation on the special late hours of operation or the days of the week on which special late hours are authorized;

(2) Requirements concerning menu items;

(3) Requirements concerning staffing or security levels;

(4) Any other requirement reasonably related to concerns of security, noise, litter, parking or traffic.

(e) The city council may deny, revoke, suspend or refuse to renew a special late hours food license for any of the following reasons:

(1) The existence of special late hours disturbs the peace, quiet or repose of surrounding residential or commercial areas;

(2) The existence of special late hours contributes to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the establishment;

(3) Any violation of the laws relating to sale or service of alcoholic beverages;

(4) Any violation of the terms of this section;

(5) Any other good cause related to the operation of the establishment.

(f) Nothing herein shall permit the operation of live entertainment, singing or dancing after 1:00 a.m. regardless of the class of on-sale license held by an establishment. The operation of live entertainment, singing, or dancing after 1:00 a.m. shall require a special late hours entertainment license under section 360.75.

Section 2. That Section 360.80 of the above-entitled ordinance be amended to read as follows:

**360.80. Special all-night bowling, pool or billiards permit.** (a) Any person operating under an "on sale" license for the sale of beer or liquor who desires to remain open twenty-four (24) hours each day for the operation of the game of bowling, pool and billiards, may apply to the city council for a special bowling, pool and billiards permit in the manner provided for the making of application for a regular bowling, pool and billiards license. The annual license fee for such special bowling, pool and billiards permit shall be ~~seventy-five dollars (\$75.00)~~ as established in Appendix J, License Fee Schedule, which shall be in addition to the fee for a regular bowling, pool and billiards license. The city council may grant or deny any such application and, if granted, the permit may be revoked for cause by the city council after due notice to the licensee and a hearing, and shall be revoked for any of the causes requiring revocation of licenses for the "on sale" of beer or liquor. No

special bowling, pool and billiards permit shall be issued to anyone who is not the owner of a regular bowling, pool and billiards license. All persons holding special bowling, pool and billiards permits may keep their places of business open continuously twenty-four (24) hours each day for twelve (12) months in a year for the purpose of permitting the public to play the game of bowling, pool and billiards upon the premises covered by the special bowling, pool and billiards permit.

(b) No special all-night bowling, pool and billiards permit is necessary for any place or premises upon which the game of bowling, pool and billiards is played where no beer or liquor is sold at any time.

Section 3. 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.

(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.

(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.

(3) Outside the downtown and eastbank commercial district described in section 362.430, no outdoor area shall be granted a license higher than Class E.

(4) 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.

(5) 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 ~~one hundred fourteen dollars (\$114.00)~~ as established in Appendix J, License Fee Schedule.

(c) Service and capacity restrictions outside the downtown/eastbank commercial district: It is the policy of the city council that outdoor areas, located outside the downtown and eastbank commercial district described in section 362.430, are intended primarily for the service of patrons seated at tables and for the consumption of alcoholic beverages in conjunction with food service. Outdoor areas, created, maintained, or operated so as to enlarge an establishment's capacity to serve stand-up patrons tend to adversely impact upon residential and smaller commercial areas, and to overburden off-street parking facilities. Outside the downtown and eastbank commercial district described in section 362.430, 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 capacity permits. 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 an 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.

(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, the licensee is prohibited from serving any alcoholic malt beverage or non-alcoholic beverage in an original container manufactured from glass after 9:00 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.