

By Niziolek

**Amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to
Liquor and Beer: Liquor Licenses**

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

Section 1. That Section 362.30 of the above-entitled ordinance be amended to read as follows:

362.30. "On Sale" licenses. (a) [Maximum number; classes]. "On sale" licenses may be issued only to hotels, clubs, restaurants and establishments for the sale of "on sale" liquor exclusively.

(b) Class A. A Class A "on sale" liquor license shall permit all Class B, C, D and E activities, and in addition thereto shall permit dancing and entertainment, provided that the dance floor area shall not exceed two thousand (2,000) square feet.

This entertainment shall include stage shows, skits, vaudeville, theater, contests, dancing by employees or agents of the licensee, including patron participation in any of the aforementioned, and all other forms of entertainment carried on in conformity with the law.

(c) Class B. A Class B "on sale" liquor license shall permit all Class C, D, and E activities, and in addition thereto shall permit live music and singing without limitation as to the number of musicians or singers or the type of amplification. Dancing and singing by patrons of the establishment and the use of the services of a disc jockey are permitted. Stage shows, skits, vaudeville, theater, contests, dancing by employees or agents of the licensee, and patron participation in any of the aforementioned, are prohibited.

(d) Class C. Class C licenses shall be comprised of Class C-1 and Class C-2. A Class C-1 "on sale" liquor license shall permit all Class D and E activities and in addition shall permit amplified or nonamplified music by five (5) or fewer musicians and group singing participated in by patrons of the establishment. A Class C-2 "on sale" liquor license shall permit all Class D and E activities, and in addition thereto shall permit amplified or nonamplified music by three (3) or fewer musicians and group singing participated in by patrons of the establishment.

(e) Class D. A Class D "on sale" liquor license shall permit all Class E activities, and in addition thereto shall permit nonamplified music by one musician, group singing participated in by patrons of the establishment, and ethnic dance, provided that such dance shall be performed only in conjunction with full-service restaurant dining for patrons seated at tables. "Ethnic dance" shall mean a traditional and authentic dance performance native to an ethnic cultural group, performed by dancers attired with fully opaque covering over genitals, pubic area, buttocks, and female breasts below the top of the areola. The maximum number of ethnic dancers shall be the same as the maximum number of musicians permitted by each license class.

(f) Class E. A Class E "on sale" liquor license shall permit the "on sale" of liquor and "on sale" of three and two-tenths (3.2) beer and in addition thereto shall permit, as defined and

when carried on in conformity with the ordinances of the city, the sale of food as a restaurant, and the use of radio, television, ~~taped~~ electronically reproduced music, karaoke and jukebox. All other devices producing musical sound or the use of a disc jockey are prohibited. No live entertainment or dancing shall be allowed.

(g) [Expanded premises.] Permission to expand a licensed premises may allow, in the expanded area, those activities and privileges of a class lesser than or equal to the class of license held for the main premises. The license fee shall be the fee prescribed for the highest class of license held by the premises, and shall not be prorated.

Section 2. That Section 362.390 of the above-entitled ordinance be amended to read as follows:

362.390. "On sale" licenses outside former patrol limits. (a) "On sale" licenses shall be issued for any premises outside the liquor patrol limits existing on January 1, 1975, only to restaurants, hotels, and clubs which qualify under the definitions for such establishments contained in section 360.10 of this Code of Ordinances, and which comply with Minneapolis City Charter, Chapter 4, Section 5 (first) and the additional restaurant requirements in subsection (b).

(b) As used in this section, "restaurant" shall mean an establishment:

- (1) Which is under the control of a single proprietor or manager.
- (2) Which has suitable kitchen facilities including a stove, refrigerator, work table, dishwashing and utensil-washing sink with sanitizing heater.
- (3) Which has facilities for seating not fewer than fifty (50) guests at one time at tables.
- (4) Which employs an adequate staff to provide the usual and suitable table service to its guests.
- (5) Where, in consideration of payment of money, meals are regularly served at tables to the general public.
- (6) Where the meal service consists of no less than four (4) entrees, complete with vegetable, salad, bread or rolls, or sandwiches or other principal food items as approved by the director of licenses and consumer services, and a choice of non-alcoholic beverages. Prepackaged complete meals shall not be included in the enumerated main entrees.
- (7) Where such meal service is provided through the normal ~~noon and evening meal~~ operating hours.
- (8) In which the equipment and premises meet the provisions of all food and health codes.

(c) The business records of the licensee, including federal and state tax returns, shall be available for inspection by duly authorized representatives of the city or of the city council, at all reasonable times.

Section 3. That Section 362.395 of the above-entitled ordinance be amended to read as follows:

362.395. "On sale" licenses in proximity to residentially zoned property. (a) After October 14, 1983, "on sale" licenses for new premises, in which the main entrance is within five hundred (500) feet from residentially zoned property, shall be issued only for premises which qualify as a "restaurant" under subsection 362.390(b) and which comply with the following requirements:

- (1) The establishment shall maintain, on a monthly basis, gross sales revenue during each fiscal year from the sale of food and beverages not containing alcohol in an amount of not less than sixty (60) per cent of its total gross revenue from the sale of food and beverages.
- (2) No such premises shall contain a "bar area" except as permitted herein. A "bar area" shall mean any area not devoted exclusively to full restaurant service to customers seated at tables, in which consumption of alcoholic beverages is ~~the primary~~ a substantial activity, except an area predominantly used as a holding area for customers waiting for restaurant seating. The size and capacity of such an area must bear a relationship to the size and capacity of the restaurant area which is consistent with its purpose as a waiting area. A waiting area of excessive size shall not be approved.

(b) The business records of the licensee, including federal and state tax returns, shall be available for inspection by duly authorized representatives of the city or of the city council at all reasonable times.

(c) In the event the city disputes the license applicant's statements, the matter shall be submitted to a neutral certified public accountant agreed upon, determined upon by the city and the applicant. The certified public accountant shall make a determination based on accepted accounting principles, which shall be binding on both parties. The license applicant shall make any records available to such person as may be necessary to verify the statements. The entire cost of such audit and determination shall be paid by the applicant. Prior to such audit, the applicant shall post a bond or cash in an amount which the city believes reasonably necessary to pay the cost of the audit.