



Request for City Council Committee Action from the Department of REGULATORY SERVICES

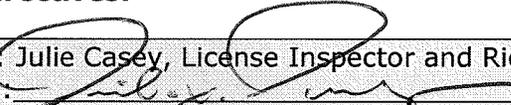
Date: November 17, 2007
To: Council Member Samuels, Chairman
Referral to: Public Safety and Regulatory Services

Subject: Amendments to Chapter 267, Place of Entertainment

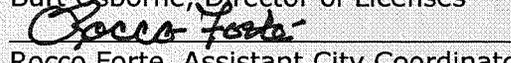
Recommendation: Approve ordinance amendments to Title 13, Chapter 267, Places of Entertainment, exempting food establishments-Restaurants and Food Manufacturers under 2500 square feet from the Place of Entertainment license requirement.

Previous Directives:

Prepared by: Julie Casey, License Inspector and Ricardo Cervantes, Deputy Director

Approved by: 
Ricardo Cervantes, Deputy Director


Burt Osborne, Director of Licenses


Rocco Forte, Assistant City Coordinator

Presenters in Committee: Julie Casey, License Inspector and Ricardo Cervantes, Deputy Director.

Reviews

- Permanent Review Committee(PRC): Approval _____ Date _____
- Policy Review Group(PRG): Approval _____ Date _____

Financial Impact

- **Other Financial Impact:** Loss of approximately \$3280 in license fees

Committee Impact

- **Neighborhood Impact**
- **City Goals:** A Premier Destination: Retain & Grow Businesses in Life Sciences & the Creative Economy.
- **Comprehensive Plans**

Supporting Information

See Staff report.

Place of Entertainment
Chapter 267

STAFF REPORT

Background:

Food Establishments must carry a separate Place of Entertainment license to allow any type of entertainment. Many small restaurants/coffee shops allow their facilities to be used to present entertainment free of charge to their patrons. This practice increases the ability of food establishments to increase their revenues leading to the enhancement of the Minneapolis economic environment. It also gives the entertainment industry a venue for small groups and individuals to showcase their talents, including non-traditional arts.

For some small food establishments-restaurants, food manufacturers, a \$410 license fee is onerous and could result in no entertainment at their business. The ordinance change would allow food establishments with less than 2500 feet to provide entertainment without the need for a Place of Entertainments license

Related Ordinances

Minneapolis Code of Ordinances 520.160-Definition of Limited Entertainment

Entertainment, general. Entertainment that does not meet one (1) or more of the definition requirements of limited entertainment.

Entertainment, limited. Entertainment limited to literary readings, story telling or live music by not more than three (3) persons, using nonamplified musical instruments, with no patron dancing.

Ordinance Changes:

267.1110. Definitions. When used in this article, the following terms shall mean:

Entertainment includes shows, plays, skits, musical revues, children's theater, dance productions, public dance, musical concerts, opera and the production or provision of sights or sounds or visual or auditory sensations which are designed to or may divert, entertain or otherwise appeal to members of the public who are admitted to a place of entertainment, which is produced by any means, including radio, phonograph, television, video reproduction, tape recorder, piano, orchestra or band or any other musical instrument, slide or movie projector, spotlights, or interruptible or flashing light devices and decoration.

Place of entertainment means any privately owned place wherein entertainment is offered or given to the public, whether or not a fee is charged for admission thereto and whether or not sales of property are made upon the premises, other than religious associations or corporations organized for at least three (3) years, pursuant to Minnesota Statutes Chapter 315 or 317A, and the following activities licensed by the city pursuant to provisions of this Code of Ordinances: Theaters under Article XVI, dance halls under Article XIII, carnivals under Article V, places licensed for "on-sale" beer, wine or liquor under Chapter 362, 363 or 366, food establishments licensed under section 188.160 as a restaurant or food manufacturer having a public area less

than 2,500 net square feet which provide limited entertainment as defined under section 520.160 of this Code, or places primarily devoted to the display and sale of radios, phonographs, tape recorders, pianos, musical instruments, records and tapes, moving pictures, television and stage equipment.

Public dance means any event in which dancing, wherein the public may participate, is carried on, and to which admission may be had by the public by payment, either directly or indirectly, of an admission fee, price for dancing, or a fee for a membership in a club.

BEST PRACTICES

The cities of Buffalo, NY, Cincinnati, OH, Kansas City, MO, Omaha, NE, Pittsburg, PA, St. Louis, MO, Toledo, OH and Tulsa, OK do not have licenses concerning entertainment in food establishments. St Paul, MN and Denver, CO do have a requirement for entertainment licenses. These cities require all venues offering entertainment to obtain a license.

INDUSTRY IMPACT

For some small food establishments-restaurants, food manufacturers, a \$410 license fee is onerous and could result in no entertainment at their business. The ordinance change would allow food establishments with less than 2500 feet to provide entertainment without the need for a Place of Entertainments license.

Providing entertainments, increases the ability of food establishments to increase their revenues leading to the enhancement of the Minneapolis economic environment. It also gives the entertainment industry a venue for small groups and individuals to showcase their talents, including non-traditional arts

Currently there are 8 restaurants/coffee shops that have a Place of Entertainment license. Removing the license requirement would result in a \$3280 loss in revenue. The possible increase in business through the offering of entertainment could offset any loss in revenue.

The Business License Division notified 755 restaurants and food manufacturer licensee of the change to the Place of Entertainment ordinance.

COMMUNITY IMPACT

This ordinance change could result in more residents being attracted to use restaurant/food manufacturers as a point of contact with their neighbors.

Use of outdoor entertainment would be forbidden by the Zoning Codes enclosed building requirement. A variance would be required to hold entertainment outside of the food establishment.

Neighborhood groups have been notified by email of the change in ordinance.

STAFFING IMPACT

No change in staffing is anticipated since these establishments already carry food establishment-restaurant and food manufacturer licenses.

RECOMMENDATIONS

Amend Chapter 267, Relating to Place of Entertainment Licenses as follows:

Place of entertainment means any privately owned place wherein entertainment is offered or given to the public, whether or not a fee is charged for admission thereto and whether or not sales of property are made upon the premises, other than religious associations or corporations organized for at least three (3) years, pursuant to Minnesota Statutes Chapter 315 or 317A, and the following activities licensed by the city pursuant to provisions of this Code of Ordinances: Theaters under Article XVI, dance halls under Article XIII, carnivals under Article V, places licensed for "on-sale" beer, wine or liquor under Chapter 362, 363 or 366, food establishments licensed under section 188.160 as a restaurant or food manufacturer having a public area less than 2,500 net square feet which provide limited entertainment as defined under section 520.160 of this Code, or places primarily devoted to the display and sale of radios, phonographs, tape recorders, pianos, musical instruments, records and tapes, moving pictures, television and stage equipment.

2007-Or-___

AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By: Schiff

Amending Title 13, Chapter 267, Article XI of the Minneapolis Code of Ordinances relating to Amusements: Places of Entertainment.

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

That Section 267.1110 of the above-entitled ordinance be amended to read as follows:

267.1110. Definitions. When used in this article, the following terms shall mean:

Entertainment includes shows, plays, skits, musical revues, children's theater, dance productions, public dance, musical concerts, opera and the production or provision of sights or sounds or visual or auditory sensations which are designed to or may divert, entertain or otherwise appeal to members of the public who are admitted to a place of entertainment, which is produced by any means, including radio, phonograph, television, video reproduction, tape recorder, piano, orchestra or band or any other musical instrument, slide or movie projector, spotlights, or interruptible or flashing light devices and decoration.

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