

ORDINANCE

By Johnson

Amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing.

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

Section 1. That Section 188.540 of the above-entitled ordinance be amended to read as follows:

188.540. - Regulations of outdoor areas in retail food establishments. The following regulations shall apply to all outdoor areas in retail food establishments which do not hold on-sale liquor, wine, or beer licenses, including establishments holding sidewalk café permits:

(1) 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.

(2) Entertainment:

a. No food establishment shall conduct entertainment, including nonlive entertainment such as radio, taped music, and television, in an outdoor area without approval of the city council.

b. In the downtown and eastbank commercial district described in section ~~362.430~~ 360.10 of this Code, the city council may approve any forms of entertainment unless otherwise prohibited by law.

c. Outside the downtown and eastbank commercial district described in section ~~362.430~~ 360.10 of this Code, the city council may approve only those forms of entertainment which would be authorized under ~~a class-E~~ an on-sale liquor, wine, or beer license with no live entertainment as defined in section 360.50(a)(3) of this Code.

d. Regardless of the forms of entertainment authorized for 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.

e. 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 licensing official on a form prescribed by the official. The fee for a temporary entertainment permit shall be as established in ~~Appendix J,~~ the License Fee Schedule.

(3) 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.

- (4) 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.
- (5) 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.
- (6) 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.
- (7) The city council may review the operation of any outdoor area in connection with the renewal of the 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 license for that portion of the licensed premises pertaining to the outside area.
- (8) 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.
- (9) For those establishments located in the Central Commercial District, as defined in section 360.10, the licensee shall not serve or permit any beverage in an original container manufactured from glass in an outdoor area after 9:00 p.m.