

ORDINANCE
By Chavez and Stevenson

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

360.150. 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 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. Any expansion of the outdoor area of a licensed premises shall require a public hearing and notification as described in section 265.300 of this Code.

(2) Entertainment:

a. Every outdoor area shall be deemed presumptively to be licensed with no live entertainment as defined in section 360.50(a)(3) of this Code unless a higher class of entertainment has been expressly granted to the outdoor area by the city council in the manner required by this Code.

b. In the central commercial district described in section 360.10, the city council may grant a license to an outdoor area in any class.

c. Outside the central commercial district described in section 360.10, no outdoor area shall be granted a license with general entertainment as defined in section 360.50(a)(1) of this Code.

d. 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 music, radio, television, and other entertainment, to protect the safety, repose, and welfare of residents, businesses, and other uses near the establishment. Amplified sound measurements and time restrictions shall adhere to standards as outlined in ~~sections 389.105(1), 389.105(4), and 389.105(6)~~ Chapter 389 and any other applicable law.

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 licensing official. The fee for a temporary entertainment permit shall be as established in the License Fee Schedule.

(3) In any approved outdoor area located outside of the central commercial district, service shall be provided only at tables located within the approved outdoor area and not at any outdoor bar or other location within the outdoor area, except that service may be provided at an approved outdoor bar or bar area of the licensed brewer taproom or cocktail room. 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. 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.

(4) 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 as approved by the licensing official.

(5) All new and remodeled outdoor areas shall comply with building codes and with the Americans with Disabilities Act and any other applicable code or law.

(6) 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.

(7) 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.

(8) The licensee shall be responsible for picking up trash and litter generated by the operation of the outdoor area within one hundred (100) feet from the area.

(9) 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.

(10) 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.

(11) 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 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.