



**Request for City Council Committee Action
from Licenses and Consumer Services**

Date: July 14, 2015

To: Council Member Lisa Goodman, Chair
Community Development and Regulatory Services Committee

Subject: Ordinance amendment related to late night food licenses

Recommendation: That the Community Development and Regulatory Services Committee approve amending Chapter 360.70 of the Minneapolis Code of Ordinances to allow entertainment to be provided with Special Late Night Food licenses and the License Fee Schedule to change the annual license fee.

Previous Directives: This subject matter was introduced to the Minneapolis City Council on May 15, 2015.

Department Information

Prepared by: Grant Wilson, Manager of Business Licenses, 673-3902

Approved by:

D. Craig Taylor, Executive Director

Grant Wilson, Manager of Business Licenses

Presenters in Committee: Grant Wilson

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: Public Hearing notices were sent to all license holders, business associations, neighborhood organizations and posted on the Business Licenses' website.
- City Goals: Businesses – big and small – start, move, stay and grow here.

Supporting Information

A **Special Late Night Food License** allows restaurants with an on-sale liquor, wine or beer license to remain open for business after 2:00 a.m. Proprietors note that many patrons prefer to stay at on-sale establishments for late night food services if entertainment is offered.

Staff recommends amending Chapter 360.70 of the Minneapolis Code of Ordinances to eliminate the prohibition of entertainment after 2:00 a.m. for establishments with a Special Late Hours Food license. Entertainment authorized under this proposal is limited to that assigned to the establishment (Class A, Class B, etc.).

The business license application process will include a public hearing, a police security review and a noise abatement plan. Businesses must be in good standing to be eligible for a license.

Alcohol service laws will not change. Alcohol sales must cease by 2 a.m. and alcohol may not be available or consumed after 2:30 a.m., pursuant to state law, but food service and, if approved, entertainment will continue. Businesses that apply for this license must demonstrate in their business plan that they will remove alcohol and ensure that customers are not consuming alcohol after 2:30 a.m.

Researchers and police practitioners recommend two strategies to minimize negative behaviors related to bar crowds. 1) Comprehensive enforcement tools to address problem establishments and 2) Staggered closing times so that business do not all empty out at once. This proposed amendment seeks to address over crowded exiting at 2:30 a.m. as well as supporting those businesses contributing to our vibrant late night scene.

There have been significant strides made in developing comprehensive enforcement tools. City ordinances allow the imposition of business operating conditions, reduction of hours, and requiring alcohol server training for all businesses that sell or serve alcohol. Additionally, Minnesota state statute authorizes us to take action against a business that is operating in a manner that negatively impacts the community.

Enforcement will be provided by License Inspectors who work nights, weekends, special events and respond to complaints. Crowd management will be provided by the Minneapolis Police Department's dog watch shift which has experienced a need to holdover staff resulting in overtime being paid in order to manage bar crowds. Evaluation of these hours and complaints will be conducted after a year of implementation to identify consequences to the City's overtime budget or scheduling.

Minneapolis currently has 12 Special Late Night Food licenses. See attached table for list of establishments and type of entertainment. In the past three years, only one establishment has violated license requirements. Progressive enforcement included a four month suspension in 2014 and a pending revocation at the drafting of this report.

The current license fee for a special late night food license is \$97.00. Staff recommends increasing this fee to \$400.00 annually to support processing license applications, late night inspections and complaint investigations.

Establishments with Late Night Hours

License Type	DBA	Address	Ward	Entertainment
Establishments WITH On Sale Liquor, Wine or Beer License				
SPECIAL LATE HOURS FOOD	BRYANT LAKE BOWL	810 LAKE	10	Class A
SPECIAL LATE HOURS FOOD	DOWNTOWN CABARET	115 4TH	07	Class A
SPECIAL LATE HOURS FOOD	DULONO'S PIZZA	607 LAKE	08	Class A
SPECIAL LATE HOURS FOOD	EL NUEVO RODEO RESTAURANT	2709 LAKE	02	Class A
SPECIAL LATE HOURS FOOD	LA QUE BUENA	1609 LAKE	09	Class E
SPECIAL LATE HOURS FOOD	MINTAHOE HOSPITALITY GROUP	40 POWER	03	
SPECIAL LATE HOURS FOOD	PIZZA LUCE	119 4TH	03	Class E
SPECIAL LATE HOURS FOOD	PROFILE EVENT CENTER	2630 UNIVERSITY	02	Class B
SPECIAL LATE HOURS FOOD	THIRD BIRD	1612 HARMON	07	Class B
SPECIAL LATE HOURS FOOD	TONY'S DINER	1327 4TH	03	Class E
SPECIAL LATE HOURS FOOD	VILLAGE WOK RESTAURANT	610 WASHINGTON	02	Class E
SPECIAL LATE HOURS FOOD	Y'ALL COME BACK SALOON	830 HENNEPIN	07	Class A
Establishments WITHOUT On Sale Liquor, Wine or Beer License				
EXTENDED HOURS	DOMINOS PIZZA #1908	1901 JOHNSON	01	
EXTENDED HOURS	A SLICE OF NEW YORK	2407 NICOLLET	10	
EXTENDED HOURS	ANYTIME FITNESS #3129	2104 WEST BROADWAY	05	
EXTENDED HOURS	BOSES PIZZA & CHICKEN	5501 34TH	12	
EXTENDED HOURS	D P DOUGH	1501 UNIVERSITY	02	
EXTENDED HOURS	DOMINOS PIZZA #1901	215 OAK	02	
EXTENDED HOURS	DOMINOS PIZZA #1906	2801 26TH	02	
EXTENDED HOURS	DOMINOS PIZZA #1918	1113 HENNEPIN	07	
EXTENDED HOURS	DOMINOS PIZZA #1923	5957 PENN	13	
EXTENDED HOURS	DOMINOS PIZZA #1945	4552 BLOOMINGTON	11	
EXTENDED HOURS	DOMINOS PIZZA #1947	2441 HENNEPIN	10	
EXTENDED HOURS	FIVE GUYS BURGERS & FRIES	1413 4TH	03	
EXTENDED HOURS	GIANT WASH OF LAKE ST	2112 LAKE	09	
EXTENDED HOURS	INSOMNIA COOKIES	402 14TH	03	
EXTENDED HOURS	JIMMY JOHN'S	3001 HENNEPIN	10	

Establishments with Late Night Hours

Establishments WITHOUT On Sale Liquor, Wine or Beer License				
EXTENDED HOURS	KILIMANJARO RESTAURANT	3021	5TH	09
EXTENDED HOURS	LITTLE CAESARS PIZZA	2218	LAKE	09
EXTENDED HOURS	MCDONALDS	3110	LAKE	02
EXTENDED HOURS	MESA PIZZA	921	WASHINGTON	02
EXTENDED HOURS	MESA PIZZA	1440	LAKE	07
EXTENDED HOURS	NET SUPER MARKET	1845	NICOLLET	06
EXTENDED HOURS	PAPPY'S	2006	WASHINGTON	05
EXTENDED HOURS	PENN GAS STOP	2606	PENN	05
EXTENDED HOURS	PIZZA LA VISTA	504	1ST	03
EXTENDED HOURS	PIZZA STUDIO	1415	4TH	03
EXTENDED HOURS	SAL'S ON FIFTH	10	5TH	03
EXTENDED HOURS	SANAAG COFFEE AND RESTAURANT	3007	CEDAR	09
EXTENDED HOURS	SNAP FITNESS	5409	PENN	13
EXTENDED HOURS	SOLCANA FITNESS	1915	22ND	06
EXTENDED HOURS	SPYHOUSE COFFEE	945	BROADWAY	01
EXTENDED HOURS	TACO BELL	425	WEST BROADWAY	05
EXTENDED HOURS	TANGLETOWN CROSSFIT	383	60TH	11
EXTENDED HOURS	TAQUERIA LOS OCAMPO	809	LAKE	09
EXTENDED HOURS	THE NICOLLET DINER	1428	NICOLLET	07
EXTENDED HOURS	TOPPERS PIZZA	5447	NICOLLET	11
EXTENDED HOURS	TWIN CITY LAUNDRY	2856	26TH	09
EXTENDED HOURS	VAN DUSEN MANSION AND EVENT CENTER	1900	LASALLE	07
EXTENDED HOURS	WINGS N THINGS	324	WEST BROADWAY	05

Class of Entertainment Information Sheet

On-sale alcoholic beverage licenses (liquor, wine, strong beer and 3.2% beer) are assigned a Class of Entertainment. The following entertainment is permitted:

Entertainment Class	A	B	C-1	C-2	D	E
Radio; TV; jukebox; karaoke or electronically reproduced music	X	X	X	X	X	X
Non-amplified music by one musician; customer singing; ethnic dance in full costume	X	X	X	X	X	
One comedian	X	X	X	X	X	
Music by three or fewer musicians; customer singing	X	X	X	X		
Music by five or fewer musicians; customer singing	X	X	X			
Music & singing by any number of performers; dancing; customer singing; disc jockey	X	X				
All legal forms of entertainment (including adult); dancing	X					
Zoning District	C2 or Higher				C1 or Higher	
Adult Use	B-4					
Night Club	B-4; Possible exception for C-2 or higher with a CUP					

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Frey

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 licensing official, containing such information as the licensing official 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 as established in the License Fee Schedule.

(b) The number of special late hours food licenses at any time issued and outstanding shall not exceed ~~fifty~~ three hundred (~~50~~ 300).

(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 360.10 in which the meal service required by section 360.10 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 definition of a restaurant defined in Chapter 360.10 of this Code while the establishment is operating with a special late hours food license, and

(ii) Maintains a substantial menu available during special late hours which includes at least four (4) 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 2:00 a.m. regardless of~~ Businesses licensed under this section may provide live entertainment of the same level as permitted by the class of on-sale alcohol license held ~~by an~~ at the establishment.