



Request for City Council Committee Action from the Department of Regulatory Services

Date: November 4, 2009

To: Council Member Don Samuels

Referral to: Public Safety and Regulatory Services Committee

Subject: Amending Title 14, Chapter 363, of the Minneapolis Code of Ordinances relating to On Sale Wine Licenses.

Recommendation: That the Public Safety and Regulatory Services Committee approve the amendment to Chapter 363 of the Minneapolis Code of Ordinances related to On Sale Wine Licenses and the entertainment that would be allowed.

Previous Directives: None.

Department Information

Prepared by: Ricardo Cervantes, Deputy Director _____
Licenses and Consumer Services

Approved by: Burt Osborne, Director _____
Licenses and Consumer Services

Approved by: Rocco Forte, Assistant City Coordinator _____
Regulatory Services & Emergency Preparedness

Presenters in Committee: Ricardo Cervantes and Patrick Hilden

Financial Impact No financial impact

Community Impact

Neighborhood Notification: Notice of this proposed amendment was sent to all City of Minneapolis official neighborhood groups and business groups of record. Notice was also sent to all Licensees that currently have a Wine license that will be impacted by a change.

Supporting Information

Staff Report: With the difficult economic environment that is currently impacting the restaurant industry, staff was given direction to review the ordinance that regulates the type of entertainment that is allowed in certain On Sale Wine establishments. The proposed change will allow small restaurants that have a Wine License to offer a form of live entertainment that might enhance their business.

The proposed change to Minneapolis Code of Ordinance 363.10 would allow restaurants that hold a wine license that have at least 25 seats to offer both Class D and Class E entertainment. There are currently 108 On Sale Wine Licenses with Class E entertainment operating in the City of Minneapolis.

Class D. A Class D "on sale" wine license shall permit all Class E activities, and in addition thereto shall permit non-amplified music by one (1) 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.

Class E. A Class E "on sale" wine license shall permit the sale of wine by the glass or bottle for consumption on the premises, 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 music and jukebox. All other devices producing musical sound are prohibited. No live entertainment or dancing shall be allowed.

This proposed change to this Wine License language will bring it into alignment with the language that governs the Charter Wine licenses. This change is consistent with other ordinance amendments that the City Council has passed this year to allow live entertainment in small coffee shops and restaurants. It is also similar to the changes that were made to allow Stand Up Comedy acts to perform in license businesses that hold class A through D licenses.

Reviewing the proposed ordinance change, staff believes that there will be little to no impact to neighborhoods. Notice of this hearing was sent via e-mail on October 23, 2009 to all official neighborhood groups, commercial business associations and Licensees that have a license that may be impacted by this change for their review and comment.