



Inspections Department – Administration Division

Dear Food and Beverage License Applicant:

Enclosed is an informational packet for the 2008 Food and Beverage License. The packet contains the 2008 license application, general requirements for all licensing and specific requirements for the food and beverage licenses.

You will need to complete the application and return with payment before January 1, 2008. Any application received after January 1, 2008 will be subject to a late fee of either \$25 or 20%, which ever is greater.

The council approved all fees at the November 5, 2007 meeting. Listed below are the 2008 license fees:

<u>Class</u>	<u>License Fee</u>
Food Low	\$ 285
Food Medium	\$ 550
Food High	\$ 810
Food High + Small Grocery Store (to 25,000 sq. ft.)	\$ 860
Food High + & Large Grocery Store (greater than 25,000 sq. ft.)	\$1,180
Food V – vending machines (pre-packaged foods and mixing/dispensing beverages only)	\$ 15 per machine

Payment is due at the same time as the application is submitted. The application must be postmarked no later than December 31, 2007. Any applications received after that date will be subject to the late fee. We have the capability of accepting cash, check (payable to the City of St. Louis Park) or credit card (Visa and Mastercard only).

Please contact the Inspections Department at 952-924-2588 with any questions you may have regarding the 2008 Food and Beverage License requirements or application.

Sincerely,

Ann M. Boettcher
Administrative Supervisor, Inspections Department

ARTICLE I. IN GENERAL

Sec. 8-1. Definitions.

Food or beverage establishment means any building, room, stand, enclosure, vehicle, space, area or other place where food or beverages are manufactured, prepared, stored, distributed, served, sold or offered for sale to the public at retail, regardless of whether there is a charge for the article, or otherwise provides foods or beverages, or both, for human consumption.

Food vending machine means food vending machines as defined in M.S.A. § 28A.09.

Health authority means the duly appointed health officials of the city.

Health department, health officer, state board of health and board mean, if used at any place in this chapter and in the requirements adopted by reference, the health authority of the city.

ARTICLE II. LICENSES

DIVISION 1. GENERALLY

Sec. 8-31. Application of article.

The general provisions provided under this article shall apply to all licenses required under this chapter unless otherwise provided under the applicable licensing criteria.
(Ord. No. 2181-00, § 4(16-101), 11-6-2000)

Sec. 8-32. Required.

It is unlawful for any person to engage in any business or activity for which a license or permit is required by any provision of this chapter or any other law or ordinance of the city without first obtaining the license or permit required under this chapter.
(Ord. No. 2181-00, § 4(16-103), 11-6-2000)

Sec. 8-33. Fees.

Except as otherwise provided in this chapter, all fees for licenses under this chapter, including investigation fees, shall be fixed and determined by the city council, adopted by resolution and uniformly enforced. Such license fees may, from time to time, be amended by council resolution. A copy of the resolution setting forth currently effective license fees shall be kept on file by the city and open to inspection during regular business hours. In the case of contractor, business and animal licenses, license applications received within the last 30 days of the license term will be issued a license for the following year in the fee amount set for the following calendar year.
(Ord. No. 2181-00, § 4(16-104), 11-6-2000)

Sec. 8-34. Refunds.

No part of a paid license fee shall be refunded, except as otherwise provided in this chapter or by state law.
(Ord. No. 2181-00, § 4(16-105), 11-6-2000)

Sec. 8-35. Applications.

(a) All applications for licenses under this chapter shall be made upon forms furnished by the city for such purpose. All information required on the application form must be completed by the applicant for the application to be considered by the city. All applications for a license under this chapter shall be signed and sworn to. If the application is that of a natural person, the application shall be signed and sworn to by such person; if that of a corporation, by an officer of the corporation; if that of a partnership, by one of the general partners of the partnership; and if that of an unincorporated association, by the manager or managing officer of the unincorporated association.

(b) All initial applications which require an investigation shall be accompanied by payment of a nonrefundable investigation fee which fee shall be set from time to time by the city and a schedule of such fees is listed in appendix A to this Code, to cover the cost of the investigation, if required by the specific provisions of the individual license.

(c) All applications shall be accompanied by the required fee and any and all other information or documentation required for issuance of the specific license.

(d) It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement or willful omission will result in automatic denial of the license, or if the license has already been issued, will render any license or permit void, and shall constitute an automatic revocation of the license without further action by the city council.

(e) The city may investigate the truth of statements made in an application as deemed necessary. The city may enlist the aid of the police department for such investigation.
(Ord. No. 2181-00, § 4(16-106), 11-6-2000)

Sec. 8-36. Refusal, suspension, revocation and reinstatement.

Except as otherwise provided in this chapter, the city may refuse, suspend, revoke and reinstate any license under this chapter as follows:

- (1) The city may refuse to grant a license or license renewal and may suspend or revoke any license at any time, for any reasonable cause, including failure of an applicant or licensee to comply with provisions of the this Code or other applicable federal, state or local laws or regulations.
- (2) Any applicant, within ten days of notice of denial, suspension or revocation of a license, may request in writing an administrative hearing before the city manager. The city manager shall promptly issue a written decision in the matter. The city manager's decision may be appealed to the city council by filing a written appeal to the city clerk within ten days of receiving written notice of the city manager's decision.
- (3) The city council may appoint a committee of the city council or an independent hearing officer to hear the matter, report findings of fact and a recommendation of disposition to the city council. Hearings on the appeal shall be open to the public and the licensee or applicant shall have the right to appear and be represented by legal counsel and to offer evidence in such person's behalf. At the conclusion of the hearing, the city council shall make a final decision.
- (4) If a license is reinstated following suspension or revocation, the city may require payment of the city's costs as a condition of reinstatement of the license. Such costs may include, but are not limited to, law enforcement costs, legal fees, investigations, inspections or other professional fees incurred due to the licensee's violation of applicable laws, ordinances, regulations and conditions of the license.

- (5) A license may be temporarily suspended if any condition of the license is not complied with during the term of the license. A reinstatement fee as shall be set from time to time by the city and a schedule of such fees is listed in appendix A to this Code may apply and must be paid before the license is made active.
- (6) Suspension of any license as provided for in this chapter shall be approved by the director of inspections and revocations of any license shall be approved by the city manager.

(Ord. No. 2181-00, § 4(16-107), 11-6-2000)

Sec. 8-37. Insurance.

(a) Proof of insurance in effect for the period of a license under this chapter may be required by the city before certain specific licenses are issued. Such insurance must be maintained throughout the entire license term. The policies of insurance shall provide that the policies may not be canceled by the insurer except upon notice to the city. In case of cancellation or expiration of such insurance, such license shall be automatically suspended.

(b) The city reserves the right to require additional insurance for activities located or occurring on city property.

(Ord. No. 2181-00, § 4(16-108), 11-6-2000)

Sec. 8-38. Periods of effectiveness; termination.

(a) Licenses issued under this chapter shall terminate only by expiration or revocation.

(b) All licenses issued under this chapter shall terminate on December 31 of the calendar year in which such license is issued unless a different termination date with respect to the individual license category is set forth in this chapter.

(Ord. No. 2181-00, § 4(16-109), 11-6-2000)

Sec. 8-39. Renewal.

An application for the renewal of an existing license under this chapter shall be made prior to the expiration date of the license, and shall be made on a form provided by the city for such purpose. If, in the judgment of the city, good and sufficient cause is shown by the applicant for the applicant's failure to submit a renewal application before the expiration of an existing license, the city may grant the renewal application if the other provisions of this chapter are complied with.

(Ord. No. 2181-00, § 4(16-110), 11-6-2000)

Sec. 8-40. Duplicates.

Duplicates of all original licenses issued under this chapter may be issued by the city upon the licensee's signed statement that the original has been lost, and upon payment of the currently required fee for issuance of the duplicate which fee shall be set from time to time by the city and a schedule of such fees is listed in appendix A to this Code. All duplicate licenses shall be clearly marked "duplicate."

(Ord. No. 2181-00, § 4(16-111), 11-6-2000)

Sec. 8-41. Violation; penalty.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and shall be subject to punishment and penalties as set forth in section 1-13.
(Ord. No. 2181-00, § 4(16-112), 11-6-2000)

Secs. 8-42--8-60. Reserved.

DIVISION 3. BUSINESSES

*Subdivision I. In General***Sec. 8-186. Applicability of division.**

The general provisions provided under this subdivision shall apply to all business licenses required under this division, except as otherwise provided under the specific business licensing provisions in this division.
(Ord. No. 2181-00, § 4(16-301(intro. ¶)), 11-6-2000)

Sec. 8-187. License required.

No person may operate a business for which a license is required under this division prior to issuance of the applicable business license.
(Ord. No. 2181-00, § 4(16-301A.), 11-6-2000)

Sec. 8-188. Payment of taxes on licensed premises.

(a) Any and all real estate taxes or special assessments levied against the property for which a license application is made under this division must be current before such license is issued or renewed.

(b) Upon receipt of evidence that such taxes or special assessments levied against any such premises have become delinquent during the term of a license under this division, the city manager shall notify the licensee of the delinquency and that all licenses issued for the premises shall be suspended 30 days after date of the notice unless such taxes and special assessments are paid and the county treasurer's receipt of such payment is delivered to the city manager. The license will remain suspended and all licensed activity must cease until such time that the taxes and special assessments are paid in full.

(Ord. No. 2181-00, § 4(16-301B.), 11-6-2000)

Sec. 8-189. Posting of license.

(a) Licenses under this division shall be posted within the licensed establishment in a visible and conspicuous location, and shall be made accessible to the public and city officials for inspection during reasonable and normal business hours. For licensees with multiple establishments operating under a common license, the posting location shall be at the establishment generating the primary amount of use.

(b) If a machine, vehicle or other device is required to be licensed in connection with the issuance of a business license under this division, the city may provide a sticker for the current license year, which sticker shall be affixed in a clearly visible location as specified by the city for each machine, vehicle or device requiring such license.

Sec. 8-190. Denial, suspension or revocation.

Any license issued under this division may be suspended, revoked or denied renewal, if any, of the requirements of this chapter or any provision of this Code is violated. Without a valid license, no business may continue to operate in the activity for which a license is required.

(Ord. No. 2181-00, § 4(16-301D.), 11-6-2000)

Sec. 8-191. Initial application; renewal.

(a) Initial application for a business license must be made a minimum of 30 days prior to commencement of the activity to be licensed.

(b) All business licenses must be current and renewed prior to the expiration date of such license. Applications for renewal must include a completed renewal application, payment of annual fees and must provide any other additional information as may be required by this division.

(c) Any renewal license application under this division submitted or postmarked after December 31 or the stated expiration date of such license shall be assessed a late fee in the amount which shall be set from time to time by the city and a schedule of such fee is listed in appendix A to this Code.

(d) Any person who commences operation of a business without a license may be charged an additional investigative fee at the time the license is initially issued in an amount established in the City's fee ordinance. Whether the person will be charged an investigative fee will be determined administratively by the City Manager or designee based upon the amount of investigative time and effort expended by the City in generally policing the City for unlicensed businesses and in bringing the particular offending business into compliance.

(Ord. No. 2181-00, § 4(16-301E.), 11-6-2000, Ord. No. 2288-05, 2-22-05)

Sec. 8-192. Transferability.

(a) Licenses issued under this division shall be issued for a specific use at a specific location. Any change in the use or location of a licensed activity or business shall require a new application to be submitted and payment of applicable fees prior to beginning the licensed activity.

(b) A license may be transferred to the new owner of the licensed business, provided an application for a license transfer to a new owner is submitted to the city with the transfer fee which shall be set from time to time by the city and a schedule of such fee is listed in appendix A to this Code prior to the change in ownership. An applicant for a business license transfer must have submitted all additional information required for the license transfer, and must have completed any investigations and inspections required prior to transfer of the license, except where the license transfer is otherwise prohibited or restricted in this Code.

(Ord. No. 2181-00, § 4(16-301F.), 11-6-2000)

Subdivision IV. Food and Beverage Establishments

Sec. 8-256. License required.

(a) It shall be unlawful for any person to operate a food or beverage establishment or food vending machine without obtaining a license from the city.

(b) One license may be issued to a single applicant for multiple food establishments within a single building or establishment when the owner of all food establishments is the same.

(c) Each food vending machine must have a valid city-issued license decal affixed in a visible location.

(Ord. No. 2181-00, § 4(16-304A.), 11-6-2000; Ord. No. 2198-01, § 2, 5-21-2001)

Sec. 8-257. Classification of food and beverage establishments and food vending machines.

The city will classify each food and beverage establishment and food vending machine based on the use occurring, in accordance with the food code, into one of the following categories before a license is issued:

- (1) Class H plus--Multiple use license permitting three or more uses of any risk class to operate.
- (2) Class H--High risk use license permitting up to two high risk uses or a single high risk use with a single low or medium risk use.
- (3) Class M--Medium risk use license permitting a single medium risk use.
- (4) Class L--Low risk use license permitting a single low risk use.
- (5) Class V--Food vending machines.
- (6) Class S --Seasonal concession with low or medium risk.

(Ord. No. 2181-00, § 4 (16-304B.), 11-6-2000; Ord. No. 2198-01, § 2, 5-21-2001 Ord. No. 2332- 07, 07-13-2007)

Sec. 8-258. Regulations and standards.

All food and beverage establishments and food vending machines licensed under this subdivision shall comply with the city's food code as set forth in section 12-1 of this Code.

(Ord. No. 2181-00, § 4(16-304C.), 11-6-2000; Ord. No. 2198-01, § 2, 5-21-2001)

- (a) All food and beverage establishments and food vending machines licensed under this subdivision shall comply with the city's food code as set forth in section 12-1 of this Code.

Sec. 12-1. Environmental and public health regulations adopted by reference.

(b) *Food code.* The city adopts and incorporates by reference the food code adopted by the state department of health and set forth in Minn. Rules Chapter 4626, as amended. A copy of the regulations, together with any applicable amendments, shall be marked "St. Louis Park--Official Copy" and shall be kept on file in the office of the city clerk and open to inspection by the public.

- (1) *Permit required.* A permit is required for installation of food and beverage equipment regulated within the food code. The applicant shall complete an application and submit detailed plans and specifications of proposed equipment for review by the city.

- (2) *Fees.* Permit fees shall be according to the official city fee schedule, set forth in appendix A, as approved and revised by the city council resolution. Fees must be paid prior to a permit being issued.
- (3) *Permit term.* Permits will expire if the work is not completed and approved within 180 days of issuance.

2008 Food and Beverage Licensing Packet

This packet contains the following:

- ✓ Letter to all applicants outlining the licensing program
- ✓ 2008 License Application
- ✓ City Code for general licensing requirements and specific licensing requirements for the Food and Beverage license

Please read all information provided and complete the application and return with payments before December 31, 2007 to ensure a license will be issued before January 1, 2008.

If you have any questions regarding this packet, you may contact Ann Boettcher, Administrative Supervisor at 952-924-2504 or aboettcher@stlouispark.org.