

ORDINANCE NO. 118, FOURTH SERIES

ORDINANCE AMENDING CHAPTER 34 AND CREATING SECTION 34.60 OF THE NORTH MANKATO CITY CODE AND IMPOSING A ONE HALF OF ONE PERCENT LOCAL SALES TAX ON ALL SALES OF FOOD AND BEVERAGES BY A RESTAURANT OR PLACE OF REFRESHMENT THAT ARE LOCATED WITHIN THE CITY OF NORTH MANKATO

WHEREAS, Law of Minnesota for 2019 Chapter 6, Article 6 Section 23 Authorizes the City of North Mankato to impose a sales tax of up to one percent on the gross receipts on all sales of food and beverages by a restaurant or place of refreshment located within the City; and

WHEREAS, proceeds of the taxes imposed hereby shall be used by the City of North Mankato to pay all or a portion of the expenses of operation, maintenance, and capital expenses for the Caswell Regional Sporting Complex and for costs related to regional tourism events; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of North Mankato that the City Code Section 34 be and hereby is amended as follows:

Section 1. Chapter 34.65 Definitions. The words, terms, and phrases used in Section 34.65 shall have the meaning ascribed to them in Minnesota Statutes, Section 297A.01 except where the context clearly indicates otherwise. In addition, the following definitions shall apply:

- A. "Act" means Law of Minnesota for 2019 Chapter 6, Article 6 Section 23.
- B. "City" means City of North Mankato, Minnesota
- C. "Commissioner" means the Commissioner of Revenue for the State of Minnesota, acting under the authority of an agreement entered into between the City and the State of Minnesota pursuant to the act, or such other person designated to administer and collect the North Mankato Sales and Use, and Food and Beverage tax.

Section 2. Chapter 34.70 Food and Beverage Tax.

Subd. 1. Except as otherwise provided in this Chapter, there is hereby imposed an additional excise tax in the amount of one half of one percent (.5%) on the gross receipts of all sales of food and beverages by a restaurant or place of refreshment, that are located within the City.

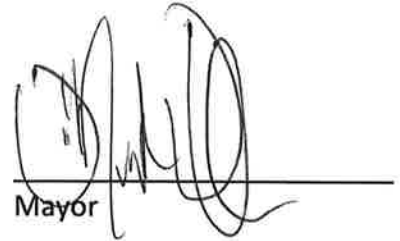
Subd. 2. For purposes of this section "restaurant" is defined as a business that sells unpackaged food to the customer in a ready-to-consume state, in individual servings, where the customer consumes these foods in the building, picks up the food from the building to consume elsewhere, or the food is delivered to the customer by employees of the restaurant and establishments. If liquor is served in the establishment as defined in Chapter 111: Alcoholic Beverages in the North Mankato City Code. Kitchen facilities shall be capable of servicing the permitted occupancy. This definition includes, but is not limited to: fast-food restaurants, sit down restaurants, pick-up or carry-out restaurants, and delivery restaurants, drive-in restaurants, drive-thru restaurants, cafes, tea rooms, delis, sidewalk vendors, coffee houses, clubs and any combination thereof. May also be referred to as an eating establishment.

Subd. 3. For the purpose of this Section, "place of refreshment" is defined as any premise or location where alcoholic beverages, non-alcoholic beverages, or food items are sold at retail for consumption at or near the premise or location. This definition includes but is not limited to bars,

saloons, clubs, pubs, taprooms, coffee houses, dance clubs, teen centers, concession stands, sidewalk vendors, and any combination thereof.

Section 2. After adoption, signing, and attestation, this Ordinance shall be published once in the official newspaper of the City and shall be in effect on January 1, 2020.

Adopted by the City Council this ^{21st} day of ^{October} 2019.



Mayor

ATTEST:



City Clerk