

# City Code Chapter 15

## Licenses

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### Article 1. General Conditions

#### Sec. 15-1. Application.

Application shall be made to the City when a license is required to conduct a business or activity. The application shall be made on a form as prescribed by the City. (Ord. No. 6, 4-6-1891; Code 1966; Code of 1988; Code of 2001)

#### Sec. 15-2. Fee Required.

No license shall be issued until the required fee is paid. The license fee shall be as specified by ordinance. (Ord. No. 6, 4-6-1891; Code 1966; Code of 1988; Code of 2001 Ord. 751, 11-13-2007,)

#### Sec. 15-3. Fee Prorated or Refunded.

No license fee shall be prorated or refunded unless authorized by the City Council. (Ord. No. 6, 4-6-1891; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-4. Issuance of License.**

The City shall issue a license when all conditions required by this Chapter have been met. A copy of the license shall be on file with the City. (Ord. No. 6, 4-6-1891; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-5. Transfer.**

No license shall be transferable unless authorized by the City Council. The transfer shall be subject to the conditions prescribed by the City Council. (Ord. No. 6, 4-6-1891; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-6. Expiration.**

A license shall be valid for a period of twelve months from the date of issuance unless otherwise specifically provided. (Ord. No. 6, 4-6-1891; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-7. Revocation.**

A license may be revoked by the City Council for a violation of any applicable provision of State law or City Code, ordinances, rules, or regulations. (Ord. No. 6, 46-1891; Code 1966; Code of 1988; Code of 2001)

**Secs. 15-8--15-18. Reserved.**

## **Article 2. Motor Vehicle Dealers**

### **Sec. 15-19. Definitions.**

The definitions in this Section shall apply when these words and phrases are used in this Article.

(1) ***Dealer in Motor Vehicles.*** A person who engages in selling, trading, exchanging, or otherwise disposing of, or offering to sell, trade, exchange, or otherwise dispose of new or used motor vehicles.

(2) ***Motor Vehicle.*** A self-propelled vehicle including every device in, upon, or by which persons or property may be transported or drawn upon a highway except devices moved by human or muscular power or used exclusively upon stationary rails or tracks. (Ord. No. 216, 7-12-66; Code 1966; Code of 1988; Code of 2001)

### **Sec. 15-20. License Required.**

A license shall be required before engaging in the business of dealer in new or used motor vehicles. (Ord. No. 216, 7-12-66; Code 1966; Code of 1988; Code of 2001)

### **Sec. 15-21. Exceptions.**

The provisions of this Article shall not apply to a person making an occasional or isolated transaction involving motor vehicles so long as there are no more than two transactions per calendar year. (Ord. No. 216, 7-12-66; Code 1966; Code of 1988; Code of 2001)

### **Sec. 15-22. Application.**

Application for a license shall be made on a form as prescribed by the City. The application shall include:

- (1) The full name and address of the applicant.
- (2) The location where the business is to be conducted.
- (3) The owner of the premises. (Ord. No. 216, 7-12-66; Code 1966; Code of 1988; Code of 2001)

### **Sec. 15-23. Fee.**

The license fee shall be established by ordinance. (Ord. No. 216, 7-12-66; Code 1966, Ord. No. 492, 4-13-82; Code of 1988; Code of 2001, Ord. 751, 11-13-2007 )

### **Sec. 15-24. Approval by the City Council.**

The application shall be submitted to the City Council for its consideration. The City Council may grant or refuse to grant the license after consideration of the application. Action of the City Council shall be by motion. (Ord. No. 216, 7-12-66; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-25. Conditions Imposed.**

The City Council may impose any conditions or restrictions it deems necessary or advisable in the public interest including:

- (1) Hours of operation.
- (2) Lighting of the business.
- (3) Installation and maintenance of shrubbery, fencing, and grounds around the business. (Ord. No. 216, 7-12-66; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-26. License Displayed.**

The license shall be conspicuously displayed at the licensed business location and shall be exhibited to any person upon request. (Ord. No. 216, 7-12-66; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-27. Expiration.**

The license shall be valid for a period of one year beginning January 1st and ending December 31st. (Ord. No. 216, 7-12-66; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-28. Transfer.**

A license shall not be transferable from one person to another. Application for a new license shall be made each time a place of business is changed. (Ord. No. 216, 7-12-66; Code 1966; Code of 1988; Code of 2001)

**Secs. 15-29--15-39. Reserved.**

### **Article 3. Christmas Trees**

#### **Sec. 15-40. License Required.**

A license shall be required for any person to trade, barter, or sell any cut evergreen, fir, spruce, or other tree of like kind for what is generally known and described as a Christmas tree. (Ord. No. 69, 12-4-56; Code 1966; Code of 1988; Code of 2001)

#### **Sec. 15-41. Application.**

The application shall be on a form as prescribed by the City and shall include:

- (1) The full name and address of the applicant.
- (2) The location where the business is to be conducted.
- (3) The name of the property owner.
- (4) The name of the person from whom the applicant intends to cut or secure the trees. (Ord. No. 69,12-4-56; Code 1966; Code of 1988; Code of 2001)

#### **Sec. 15-42. Fee.**

The annual fee for the license shall be established by ordinance and shall be paid to the City at the time that the application is filed. No license fee shall be prorated for a period of less than one year. (Ord. No. 69, 12-4-56; Code 1966; Ord. No. 556, 12-8-87; Code of 1988; Code of 2001, Ord. 751, 11-13-2007 )

#### **Sec. 15-43. Cleaning Deposit.**

- (1) In addition to the license fee, each applicant shall make a deposit to insure that the place of sale will be cleaned and cleared of Christmas trees, wreaths, and trimmings by January 5th of the year following the year in which the license is issued.
- (2) The deposit shall be paid at the time of application.
- (3) If the place of sale is properly cleaned and cleared by the specified date, the deposit shall be returned to the applicant.
- (4) If the place of sale is not properly cleaned and cleared, the deposit shall be forfeited to the City as a penalty to defray the expenses of cleaning and clearing the area.
- (5) The amount of the deposit shall be established by ordinance. (Ord. No. 69, 12-4-56; Code 1966; Ord. No. 556, 12-8-87; Code of 1988; Code of 2001, Ord. 751, 11-13-2007)

#### **Secs. 15-44--15-54. Reserved.**

## **Article 4. Tobacco**

### **Sec. 15-55. License Required.**

A license shall be obtained before any person directly, indirectly or by means of any device shall keep for retail sale, sell at retail, or otherwise dispose of tobacco at any place in the City. (Ord. No. 78, 6-17-58; Code 1966; Code of 1988; Ord. No. 642, 6-9-98; Code of 2001)

### **Sec. 15-56. Definitions.**

When used in this Article, the word “tobacco” shall mean cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweepings of tobacco and other kinds and forms of tobacco prepared in such a manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices. (Ord. No. 78, 6-17-58; Code 1966; Code of 1988; Ord. No. 642, 6-9-98; Code of 2001)

### **Sec. 15-57. Application.**

Application shall be made on a form as prescribed by the City and shall include:

- (1) The full name and address of the applicant.
- (2) The location of the building and the part intended to be used by the applicant under the license.
- (3) The kind of business conducted at the location. (Ord. No. 78, 6-17-58; Code 1966, Ord. No. 492, 4-13-82; Ord. No. 504, 2-22-83; Code of 1988; Ord. No. 642, 6-9-98; Code of 2001)

### **Sec. 15-58. License Fee.**

The license fee shall be established by ordinance. No license fee shall be prorated for a period of less than a year. (Ord. No. 78, 6-17-58; Code 1966; Code of 1988; Ord. No. 642, 6-9-98; Code of 2001, Ord. 751, 11-13-2007)

### **Sec. 15-59. Issuance of License.**

The application shall be submitted to the City Council for its consideration. No license shall be issued until the required license fee has been paid. (Ord. No. 78, 6-17-68; Code 1966; Code of 1988; Ord. No. 642, 6-9-98; Code of 2001)

**Sec. 15-60. Restrictions.**

The conditions of this Section shall apply to the issuance of a license.

- (1) No license shall be issued except to a person of good moral character.
- (2) No license shall be issued for the sale of tobacco at any place other than the applicant's established place of business.
- (3) No license shall be issued for the sale of tobacco at more than one place of business.
- (4) No person shall sell or give away tobacco to any person under eighteen years of age.
- (5) No person shall keep for sale, sell, or dispose of any tobacco containing opium, morphine, jimson weed, bella donna, strychnia, cocaine, marijuana, or any other deleterious or poisonous drug except nicotine and other substances found naturally in tobacco or lawfully added as part of the manufacturing process. (Ord. No. 78, 6-17-58; Code 1966; Code of 1988; Ord. No. 642, 6-9-98; Code of 2001)

**Section 15-61. Age Restrictions.**

No person under eighteen years of age shall purchase, possess, or consume tobacco. (Ord. No. 78, 6-17-58; Code 1966; Code of 1988; Ord. No. 642, 6-9-98; Code of 2001)

**Sec. 15-62. Expiration.**

The license shall be valid for a period of one year beginning April 1st and ending March 31st. (Ord. No. 78, 6-17-58; Code 1966; Code of 1988; Ord. No. 642, 6-9-98; Code of 2001)

**Sec. 15-63. Transfer.**

A license shall not be transferable from one person to another. (Ord. No. 78, 6-17-58; Code 1966; Code of 1988; Ord. No. 642, 6-9-98; Code of 2001)

**Sec. 15-64 License Displayed.**

The license shall be conspicuously displayed at the licensed business location and shall be exhibited to any authorized person upon request. (Ord. No. 78, 6-17-58; Code 1966; Code of 1988; Ord. No. 642, 6-9-98; Code of 2001)

**Sec. 15-65. Penalties.**

This Section prescribes administrative penalties for violation of this Article. The penalty amounts shall be as specified in Minnesota Statutes, Section 461.12. No penalty under this Section shall take effect until the licensee has received written notice of the alleged violation and has had an opportunity for a hearing before the City Council. The notice may be served personally or by mail. The decision of the City Council shall be provided in writing if a violation is determined to have occurred. Judicial appeal shall be as provided for by State law.

(1) **Initial Violation.** If a licensee or their employee violates any provision of this Article, the licensee shall be charged an administrative penalty.

(2) **Second Violation.** If a licensee or their employee violates any provision of this Article twice at the same location within 24 months of the initial violation, the licensee shall be charged another administrative penalty.

(3) **Third Violation.** If a licensee or their employee violates any provision of this Article for a third time at the same location within 24 months of the initial violation, the licensee shall be charged another administrative penalty and the license shall be suspended for seven days.

(4) **Violator.** Any person who sells tobacco to a person under eighteen years of age shall be charged an administrative penalty. This penalty shall be in addition to the penalty charged under Section 15-65 (1) through (3).

(5) **Affirmative Defense.** It shall be an affirmative defense to a charge of selling tobacco to a person under eighteen years of age that the licensee or individual making the sale relied in good faith upon proof of age as evidenced by:

- A. A valid driver's license or identification card issued by the State, another state, or a province of Canada which includes the photograph and date of birth of the licensed person; or
- B. A valid military identification card issued by the United State Department of Defense; or
- C. In the case of a foreign national from a country other than Canada, a valid passport.

(6) **Referral.** Any person under eighteen years of age who purchases, possesses, or consumes tobacco shall be referred to an appropriate social service agency and/or Ramsey County Juvenile Court. (Ord. No. 642, 6-9-98; Code of 2001)

#### **Sec. 15-66. Vending Machine Location.**

When a vending machine is used to sell or otherwise distribute tobacco, the vending machine shall not be located in an area that permits unrestricted access to the vending machine by a person who is under eighteen years of age. The licensee must maintain continuous observation and supervision of the use of the vending machine. (Ord. No. 572, 12-12-89; Code of 2001)

#### **Sec. 15-67. Smoking Prohibited.**

The inhaling or exhaling of smoke from any lighted cigar, cigarette, pipe or any other lighted tobacco or plant product in the licensed premises is prohibited. (Ord. No 817)

#### **Secs. 15-68--15-73. Reserved.**

## Article 5. Laundries and Dry Cleaners

### Sec. 15-74. Definitions.

The definitions in this Section shall apply when these words and phrases are used in this Article.

(1) **Attendant.** A person thoroughly trained to: supervise the coin-operated dry cleaning machine plant, advise customers in the operation of coin-operated dry cleaning machines, and recognize health and safety hazards.

(2) **Coin-Operated Dry Cleaning Machine.** Any dry cleaning machine including integral parts originally designed and/or intended for use as a self-service dry cleaning machine by the general public for a consideration. This shall include all machines operated by a coin or chip and/or all machines which may be operated directly by the attendant acting for the customer where the customer can await the completion of the cycle and the machine is located in the customer area. Each cleaning cylinder will be interpreted to mean a single machine.

(3) **Coin-Operated Dry Cleaning Machine Plant.** Any structure in which coin-operated dry cleaning machines are installed for use as self-service dry cleaning machines.

(4) **Dry Cleaning.** The process of removing dirt, grease, paint and other stains from wearing apparel, textiles, fabrics, rugs and similar items by the use of nonaqueous liquid solvents.

(5) **Equipment.** All mechanical and electrical items within or on the exterior of the plant necessary for the plant's operation. This shall include, but not be limited to, dry cleaning machines, ductwork, fans, blowers, solvent storage tanks, pumps, heating devices, and refuse containers.

(6) **Machine.** A coin-operated dry cleaning machine.

(7) **Plant.** A coin-operated dry cleaning machine plant.

(8) **Spotting.** The local application of solvent to remove spots, dirt, grease, paint, and stains. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

### Sec. 15-75. Installation Plan.

A floor plan complete with all required details must be approved by the City before any installation of machines in a plant is begun. The plan should show the building outline, location of all mechanical equipment in the building, location and CFM capacity of fans, etc. The plan should be accompanied with detailed operation, installation and maintenance manuals prepared by the manufacturer of the proposed dry cleaning machines. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-76. Approval.**

The installation may be made upon receipt of written approval of the plans from the City. (Ord No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-77. Final Approval.**

The City must inspect the equipment and approve the installation before the machines can be put into operation. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-78. Location.**

The location of coin-operated dry cleaning equipment must be approved by the City prior to the installation of the equipment. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-79. Dwellings Excluded.**

Approval of an installation will not be granted for any building occupied in any part as a dwelling. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-80. Building Requirements.**

Complete information about the building and its construction must be included in the plan. Buildings to be used as a plant should be single story structures with concrete floors in good condition. Installations in buildings not having concrete floors may be approved if all of these conditions are met:

- (1) Proper ventilation is provided.
- (2) Solvents are confined within the dry cleaning service area.
- (3) Appropriate segregation of all building areas and equipment are installed and maintained to protect the public health. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-81. Solvent Storage.**

The solvent for machines shall be stored in closed containers and shall be transferred from the containers in a line free of leaks. All storage facilities for solvent, external from the equipment, must meet the requirements of this Article. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-82. Residue Disposal.**

Filter residue and other residue containing solvent shall be disposed of so as not to create a health hazard or nuisance. A covered metal container should be used for temporary storage outside the building. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-83. Respirators.**

Respiratory protection equipment shall be provided for maintenance personnel and must be kept in good repair and available for immediate use. Chemical cartridge respirators are approved for light solvent concentrations and the wearer shall replace the cartridges immediately upon noting an odor. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-84. Fire Extinguishers.**

A utility fire extinguisher of either the carbon dioxide or chemical type must be provided for use against electrical or oil fires. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-85. Installation and Operation.**

- (1) Only the front or customer side of the dry cleaning machine should be exposed to the customer area.
- (2) The working or maintenance portion of the equipment should be separated from the front of the machine by a solid partition.
- (3) No combustion equipment should be in the service area.
- (4) If the door to the service area for the machine is in the customer area, it must be controlled so that the emergency fan will go on automatically at any time that the access door is opened. (Ord. No. 140, 412-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-86. Air Movement Through Customer Area.**

(1) As a means of minimizing any solvent build-up in the customer area and also to control any minor solvent leakage, the minimum flow rate from the customer area through the partition shall be:

<i>No. of machines</i>	<i>Minimum flow rate per machine (CFM)</i>
1--3	500
4--8	400
9--16	375
17 or more	360

(Example: An eight machine installation requires a minimum continuous exhaust flow rate of 3,200 CFM.)

(2) The exhaust ventilation as described in this Section shall be provided on a continuous basis while the store is open for business. The fan wiring shall be such that the dry cleaning equipment cannot be operated unless the fan system is in operation. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-87. Emergency Fan.**

It is also required that a general ventilation fan shall be installed in the back room or maintenance area to be used in case of serious solvent leakage. This fan may be installed in the rear wall and should have a minimum exhaust capacity of 1,000 CFM per machine when combined with the system in Section 15-86. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-88. Loading Door.**

The cleaning equipment must be provided with an exhaust system capable of maintaining a minimum of 100 feet per minute face velocity through the loading door whenever the door is open. The ductwork connections from this system must be healed (soldered or taped) and the discharge stack extended to a minimum height of five feet above the roof line. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-89. Dike and Drain Tank.**

Machines and filter assemblies shall be installed within either a liquid tight concrete dike or pan to contain the solvent should leakage occur. The floor within the dike shall be pitched to drain to a six inch floor drain or a sump well. The drain or well shall be connected to an emergency solvent storage tank. The tank shall be of sufficient capacity to hold all of the cleaning solvent contained in one complete system. Storage tanks shall be suitably vented to the exterior and to a minimum of two feet above the roof line. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-90. Interlock System.**

Machines shall be provided with an interlock system which prevents the loading door from being opened during the normal cycle. This system may be either electrical and/or mechanical and so connected that the machine fails safe in the event of a power failure. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-91. Makeup Air.**

A supply of tempered makeup air greater than the total volume of air exhausted from the plant must be provided in order to eliminate any negative pressure condition which might develop. Under no condition shall machines be allowed to operate where the customer area is not kept above atmospheric pressure. Compliance with this requirement must be demonstrated by completion of the proper test by the installing contractor in the presence of a City Official. The makeup air supply fan must be automatically started to operate simultaneously with the fan drawing air from the customer area as outlined in Section 15-86. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-92. Operating Instructions.**

A step by step instruction list must be posted in a conspicuous location near the machine for customer use. A competent trained operator must be available or on call as long as the premises are open for business. A telephone number must be listed for emergency assistance. The safeguards to be in place are:

- (1) A solvent vapor sensing device must be provided within the tumble to control the drying cycle and to prevent the removal of the solvent-laden garments.
- (2) The machines shall be designed so that essentially no solvent is retained in the cleaned items upon completion of the dry cleaning cycle. The lack of any solvent odor in a closed automobile containing a newly cleaned load shall be considered a satisfactory level of performance.
- (3) It is the responsibility of the proprietor to make certain that clothing which cannot be properly cleaned and dried will not be placed in any machine. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-93. Maintenance.**

Machines should be checked daily and kept in good repair. All maintenance personnel should be familiar with necessary machine repairs and instructed as to the solvent hazards. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-94. Solvent Control.**

Solvent control shall be such that no solvent odor can be detected in the customer area under normal operation and use conditions. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-95. Manufacturer's Solvent Specification.**

Only the solvent specified by the equipment manufacturer shall be used. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-96. Ventilation.**

Exhaust ventilation stacks from dry cleaning machines should be located as far as possible from combustion air or dryer air intakes. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-97. Variations.**

When an installation requires a deviation from any provision of this Article, a plan which shows in detail the proposed deviation and states the reason for the change shall be submitted to the City. The City must approve the deviation before any work is undertaken. (Ord. No. 140, 4-12-62; Code 1966; Code of 1988; Code of 2001)

**Secs. 15-98--15-121. Reserved.**

## **Article 6. Gasoline Filling Stations**

### **Sec. 15-122. Definition.**

When used in this Article, the phrase “gasoline filling station” shall be defined as any place, building, pump or device maintained and used for the main purpose of selling gasoline or other oils for use in motor vehicles of any kind. (Ord. No. 97, 6-23-60; Code 1966; Code of 1988; Code of 2001)

### **Sec. 15-123. License Required.**

No person shall operate a gasoline filling station without first obtaining a license. (Ord. No. 97, 6-23-60; Code 1966; Code of 1988; Code of 2001)

### **Sec. 15-124. Application.**

Application for a license shall be made on a form as prescribed by the City and shall include:

- (1) The full name and address of the applicant.
- (2) The location where the business is to be conducted.
- (3) The owner of the premises.
- (4) The number and capacity of the gasoline storage tanks.
- (5) The number and location of the gasoline pumps. (Ord. No. 97, 6-23-60; Code 1966; Code of 1988; Code of 2001)

### **Sec. 15-125. License Fee.**

The annual fee for a license shall be established by ordinance. (Ord. No. 110, 1-17-61; Code 1966; Ord. No. 433, 8-29-78; Ord. No. 492, 4-13-82; Code of 1988; Code of 2001, Ord. 751, 11-13-2007 )

### **Sec. 15-126. Issuance of License.**

The application shall be submitted to the City Council for its consideration. The City Council may grant or refuse to grant the license after consideration of the application. Action of the City Council shall be by resolution. The City Council may require that a public hearing be held before the application is considered. (Ord. No. 97, 6-23-60; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-127. Conditions Imposed.**

The City Council may impose any conditions or restrictions it deems necessary or advisable in the public interest in the action granting a license including:

- (1) Hours of operation.
- (2) Lighting of the business.
- (3) Installation and maintenance of shrubbery, fencing, and grounds around the business.

The City Council may also impose other conditions or restrictions by motion at any time after the issuance of a license. (Ord. No. 97, 6-23-60; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-128. Restrictions.**

The restrictions provided in this Section shall apply to the operation of a gasoline filling station.

- (1) The station shall be maintained and conducted in compliance with the provisions of State law or City Code, ordinances, rules, or regulations.
- (2) Every gasoline filling station shall be inspected at least once a year by the City to assure that the premises are maintained in compliance with these provisions. The inspection will also verify that there is no dangerous accumulation of waste or other combustible material on the premises. The City Council shall be advised of any violations of these provisions or any dangerous conditions or situations which may be discovered during an inspection. (Ord. No. 97, 6-23-60; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-129. License Displayed.**

The license shall be conspicuously displayed at the licensed business location and shall be exhibited to any person upon request. (Ord. No. 110, 1-17-61; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-130. Expiration.**

The license shall be valid for a period of one year beginning July 1st and ending June 30th. (Ord. No. 110, 1-17-61; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-131. Transfer.**

A license shall not be transferable from one person to another. A new license shall be required each time a place of business is changed. (Ord. No. 110, 1-17-61; Code 1966; Code of 1988; Code of 2001)

**Secs. 15-132--15-141. Reserved.**

## **Article 7. Offensive, Dangerous Trades**

### **Sec. 15-142. License Required.**

A license shall be required to conduct or operate an industrial trade. (Ord. No. 162, 3-26-63; Code 1966, Ord No. 433, 8-29-78; Code of 1988; Code of 2001)

### **Sec. 15-143. Definition.**

When used in this Article, the term “industrial trades” shall be defined as a tannery, rendering establishment, fertilizer plant slaughtering house, soap factory, oil refinery, or any other similar offensive industrial trade or employment. (Ord. No. 162, 3-26-63; Code 1966, Ord No. 433, 8-29-78; Code of 1988; Code of 2001)

### **Sec. 15-144. Application.**

Application for a license shall be made on a form as prescribed by the City and shall include:

- (1) The full name and address of the applicant.
- (2) The location and legal description of the premises where the business is to be conducted.
- (3) The owner of the premises.
- (4) The exact nature of the business which is to be conducted.
- (5) The manner in which the dangerous, unhealthful, and offensive gases, fumes, vapors, stinks, stenches, nauseating smells, and noisome odors arising from the premises shall be controlled. (Ord. No. 36, 11-26 - 47; Ord. No. 52, 10-20-53; Code 1966; Code of 1988; Code of 2001)

### **Sec. 15-145. License Fee.**

The annual license fee shall be established by ordinance. (Ord. No. 162, 3-26-63; Code 1966; Ord. No. 433, 8-29-78; Ord. No. 492, 4-13-82; Code of 1988; Code of 2001, Ord. 751, 11-13-2007)

### **Sec. 15-146. Approval by the City Council.**

The application shall be submitted to the City Council for its consideration. The City Council shall deny the license if it believes that the operation will be illegal, creates a nuisance, will be a menace to health, or is not in the best interest of the City. If the application is denied, the license fee shall be refunded to the applicant. (Ord. No. 36, 11-26-47; Ord. No. 52, 10-20-53; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-147. Conditions and Requirements.**

Every licensee shall comply with the conditions of this Section.

- (1) The business or trade shall be conducted in an orderly and healthful manner.
- (2) The business or trade shall be conducted in a manner which will not be harmful or dangerous to public health, or impair, jeopardize or interfere with the health, comfort, or repose of the residents of the City.
- (3) The business or trade will comply with all provisions of State law, City Code, ordinances, rules, or regulations.
- (4) The business or offensive trade shall be conducted only in the areas and places designated by the City.
- (5) The trade or business shall be operated in a manner which will not create or constitute a nuisance.
- (6) The premises shall at all times be maintained and kept in a safe, neat, clean, sanitary, and healthful condition wholly free and void of all dirt, filth, and health hazards.
- (7) No licensee shall:
  - A. Keep, store, throw, divert, or discharge any animal or vegetable matter, refuse, waste, offal, or other obnoxious or objectionable substance or materials into any ravine, ditch, creek, river, slough, swamp or lake.
  - B. Permit these items to collect or accumulate at any other place.
  - C. Permit such waste, refuse and objectionable substances to decay or contaminate any body of water or other place.
- (8) Every licensee shall prevent any stink, stench, gas, fume, vapor, nauseating smell, or noisome odor from arising and escaping from any such trade, business, or employment and shall not create any condition which shall cause this to occur. (Ord. No. 36, 11-26-47; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-148. Expiration.**

The license shall be valid for a period of one year beginning November 1st and ending October 31st. (Ord. No. 162, 3-26-63; Code 1966; Code of 1988; Code of 2001)

**Sec. 15-149. Transfer.**

A license shall not be transferred to any person. The location of the business or trade shall not be changed without the written consent of the City Council and payment of a transfer fee. The transfer fee shall be established by ordinance. (Ord. No. 36, 11-26-47; Code 1966; Code of 1988; Code of 2001, Ord. 751, 11-13-2007)

**Secs. 15-150--15-160. Reserved.**

**Article 8. Reserved**

**Secs. 15-161--15-164. Reserved.**

## **Article 9. Equipment Rental Businesses**

### **Sec. 15-165. Definitions.**

The definitions in this Section shall apply when these words and phrases are used in this Article.

(1) ***Equipment Rental Business.*** The business of equipment rental requiring the out-of-doors storage or display of that equipment. Such equipment shall include, but not be limited to, hand tools, cement mixers, tractors, farm implements, spray painting equipment, electric and gasoline powered tools, trucks, vans, and trailers.

(2) ***Rental.*** The normal rental of this equipment for use by customers as distinguished from the sale of the items. (Ord. No. 441, 12-27-78; Ord. No. 455, 6-12-79; Code of 1988; Code of 2001)

### **Sec. 15-166. License Required.**

A license shall be required to engage in the equipment rental business. (Ord. No. 441, 12-27-78; Code of 1988; Code of 2001)

### **Sec. 15-167. Exceptions.**

The provisions of this Article shall not apply to persons seeking an occasional or isolated rental of equipment so long as such transactions do not exceed five per calendar year. (Ord. No. 441, 12-27-78; Code of 1988; Code of 2001)

### **Sec. 15-168. Application.**

Application for a license shall be made on a form as prescribed by the City and shall include:

- (1) The full name and address of the applicant.
- (2) The location where the business is to be conducted.
- (3) The owner of the premises. (Ord. No. 441, 12-27-78; Code of 1988; Code of 2001)

### **Sec. 15-169. License Fee.**

The license fee shall be established by resolution. (Ord. No. 441, 12-27-78; Ord. No. 492, 4-13-82; Code of 1988; Code of 2001)

### **Sec. 15-170. Approval by the City Council.**

The application shall be submitted to the City Council for its consideration. The City Council may grant or refuse to grant the license after consideration of the application. Action of the City Council shall be by motion. (Ord. No. 441, 12-27-78; Code of 1988; Code of 2001)

**Sec. 15-171. Conditions Imposed.**

The City Council may impose any conditions or restrictions it deems necessary or advisable in the public interest. In so doing, the City Council recognizes that the inherent differences between commercially zoned and industrially zoned properties require separate and individual standards for rental businesses located in the respective districts. Therefore, the City Council sets forth the following minimum standards for rental businesses in commercial districts and industrial districts:

**(1) Standards for Rental Businesses in Commercial Districts.**

- A. No flashing or whirling devices or pennants or other attention-gathering devices shall be permitted.
- B. All waste material, debris, refuse or junk shall be kept inside the building or in an area completely screened from public streets and adjacent property.
- C. All equipment for rent shall be stored within a building or in an area screened from public streets and adjacent property.
- D. All equipment repair shall be completed within an enclosed area.
- E. All customer driving and parking areas shall have an asphalt or concrete surface. All strictly storage areas shall have a dustless surface.
- F. Rental equipment may be displayed in specifically designated areas.

**(2) Standards for Rental Businesses in Industrial Districts.**

- A. All equipment shall be stored in rows with sufficient driving lanes provided.
- B. All customer driving and parking areas shall have an asphalt or concrete surface. All strictly storage areas shall have a dustless surface.
- C. All waste material, debris, refuse, junk or damaged equipment shall be kept inside a building or in an area completely screened from public streets and adjacent property.
- D. All equipment repair shall be completed within an enclosed area.
- E. All existing landscaping shall be adequately maintained and not used for parking.
- F. Storage of rental equipment shall be confined to rear yards or interior side yards.
- G. Display of rental equipment shall be in approved, designated areas only. (Ord. No. 441, 12-27-78; Ord. No. 455, 6-12-79; Code of 1988; Code of 2001)

**Sec. 15-172. License Displayed.**

The license shall be conspicuously displayed at the licensed business location and shall be exhibited to any person upon request. (Ord. No. 441, 12-27-78; Code of 1988; Code of 2001)

**Sec. 15-173. Expiration.**

A license shall be valid for a period of one year beginning January 1st and ending December 31st. (Ord. No. 441, 12-27-78; Code of 1988; Code of 2001)

**Sec. 15-174. Revocation.**

Violations of any of the conditions of this Article shall be grounds for revocation of the license and shall be a misdemeanor. (Ord. No. 441, 12-27-78; Code of 1988; Code of 2001)

**Sec. 15-175. Transfer.**

A license shall not be transferred to any person or business. A new license shall be required each time the place of business is changed. (Ord. No. 441, 12-27-78; Code of 1988; Code of 2001)

**Secs. 15-176--15-180. Reserved.**

**Article 10. Escort Services, Massage Parlors,  
Rap Parlors, Sauna Parlors and Services**

**Sec. 15-181. Purpose.**

The purpose of this Article is to regulate escort services, therapeutic massage salons, rap parlors, and sauna parlors. (Ord. No. 429, 8-8-78; Code of 1988; Ord. No. 619, 12-12-95; Code of 2001)

**Sec. 15-182. Definitions.**

The definitions in this Section shall apply when these words and phrases are used in this Article.

(1) **Bona Fide Club.** Those parts of any premises which are designed and used primarily for health and fitness activities and which have a capital investment of at least \$250,000 in building and fixtures and at least \$20,000 in exercise equipment.

(2) **Escort.** To escort, accompany, or provide companionship to another person.

(3) **Escort Service.** Premises at or in which escort is advertised, offered, or performed to or for members of the public or a private club.

(4) **Massage.** The method of treating the superficial parts of the human body by rubbing, rolling, pressing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument for the exclusive purpose of relaxation, physical fitness, or beautification.

(5) **Operate.** To own, manage, or conduct.

(6) **Person.** Any individual, corporation, firm, partnership, or association.

(7) **Rap.** Unlimited verbal conversation in an endeavor to arrive at a mutual understanding or agreement on a particular subject.

(8) **Rap Parlor.** Premises at or in which rap is advertised, offered or performed to or for members of the public or a private club.

(9) **Recognized School.** Any school or educational institution which:

- A. Is in good standing with the MN Therapeutic Massage Network or the American Massage Therapy Association;
- B. Is either registered or licensed with the MN Higher Education Office or accredited by a federally recognized accrediting agency;
- C. Has for its purpose the teaching of the theory, method, profession or work of massage;
- D. School requires a resident course of study before the student shall be furnished with a diploma or certificate of graduation from such school or institute of learning following the successful completion of the course of study or learning.

(10) **Sauna.** A steam bath, heated bathing room, or quarters used for the purpose of bathing, relaxing, or reducing.

(11) **Sauna Parlor.** Premises at or in which sauna and massage is offered or performed upon human beings.

(12) **Therapeutic Massage Salon.** Premises at or in which massage is advertised, offered, or performed to or for members of the public or a private club. (Ord. No. 429, 8-8-78; Ord. No. 476, 12-23-80; Code of 1988; Ord. No. 619, 12-12-95; Code of 2001)

**Sec. 15-183. License Required.**

A license shall be required for any person to directly or indirectly, upon any pretense or by any device, operate or perform any service in conjunction with the operation of an escort service, therapeutic massage salon, rap parlor, or sauna parlor for which any charge or fee is made or any money or thing of value is solicited or received.

This license requirement shall not apply to:

- (1) The practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by persons duly licensed or registered in this State to practice medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry.
- (2) Nurses who work solely under the direction of the persons authorized in Section 15-183 (1).
- (3) Barbers, beauticians, and manicurists who are duly licensed under the laws of this State. This exemption shall apply solely to the massaging of the neck, face, hands, feet, scalp, and hair of the customer or client for cosmetic or beautifying purposes.
- (4) Massages or massage services at bona fide health club facilities provided massages are conducted in an open, public area of the facilities to which access is not restricted by sex and is not limited to adults and where massages are given to customers or clients who are fully and decently clothed. (Ord. No. 429, 8-8-78; Code of 1988; Ord. No. 616, 10-24-95; Ord. No. 619, 12-12-95; Code of 2001)

**Sec. 15-184. Business License Required.**

No escort service, therapeutic massage salon, rap parlor, or sauna parlor shall be operated unless the business is currently licensed in accordance with the provisions of this Article. A separate license shall be required for each place conducted, operated, or maintained by a person engaged in the licensed business. (Ord. No. 429, 8-8-78; Code of 1988; Ord. No. 619, 12-12-95; Code of 2001)

**Sec. 15-185. Personal Service License Required.**

No person shall perform or provide any service in conjunction with the operation of an escort service, therapeutic massage salon, rap parlor, or sauna parlor unless the person is currently licensed in accordance with the provisions of this Article. (Ord. No. 429, 8-8-78; Code of 1988; Ord. No. 619, 12-12-95; Code of 2001)

**Sec. 15-186. Expiration.**

A license shall terminate on the last day of the calendar year during which the license was issued. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-187. License Fee.**

The license fee shall be established by resolution and shall not be prorated. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-188. Payment of License Fee.**

The license fee shall be paid when the application is submitted. No fee shall be refundable. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-189. Transfer.**

No license shall be transferred to any other person or premises. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-190. Age Restriction.**

An applicant for a license must be at least 21 years of age. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-191. Application.**

An application shall be made on a form as prescribed by the City. Any falsification of information on the application shall be cause for denial, suspension, or revocation of the license.

**Sec. 15-192. Contents of Business Application.**

The application for a business license shall include:

- (1) Whether the applicant is a natural person, a corporation, a partnership, or other form of organization.
- (2) If the applicant is a natural person:
  - A. The applicant's true name, place and date of birth, address of residence, and phone number.
  - B. Whether the applicant is a citizen of the United States.
  - C. Whether the applicant has ever used or been known by a name other than that listed in Section 15-192 (2)A and if so, a list of the aliases and information concerning dates and places where used.
  - D. The name of the business if it is to be conducted under a designation, name, or style other than the full individual name of the applicant. In this case, a copy of the certification as required by Minnesota Statutes, Chapter 333, certified by the Clerk of the District Court, shall be attached to the application.
  - E. The addresses at which the applicant has lived during the preceding five years.

- F. The kind, name, and location of every business or occupation the applicant has been engaged in during the preceding five years.
- G. Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than traffic ordinances. If so, the applicant shall furnish information as to the time, place, and offense for which convicted.
- H. A physical description of the applicant.
- I. Whether the applicant has any training or experience in providing the type of service for which the license is requested.
- J. A front-face photograph of the applicant taken within thirty days of the date of the application. The photo shall be at least 2 x 2 inches.
- K. A complete set of fingerprints which shall be taken by the City.

(3) If the applicant is a partnership:

- A. The names and addresses of all partners.
- B. All information concerning each partner and the manager as is required of an individual applicant in Section 15-192 (2).
- C. The name of the managing partner(s); and, the interest of each partner in the business.
- D. A true copy of the partnership agreement.
- E. A copy of the certificate which has been certified by the Clerk of the District Court if the partnership is required to file a certificate as to a trade name under the provisions of Minnesota Statutes, Chapter 333.

(4) If the applicant is a corporation or other organization:

- A. The name and state where incorporated.
- B. A true copy of the certificate of incorporation, articles of incorporation, or the association agreement along with a copy of the bylaws.
- C. If a foreign corporation, a certificate of authority, as described in Minnesota Statutes, Chapter 303.
- D. The name of the manager and all information as is required of an individual applicant in Section 15-192 (2).
- E. A list of all parties who control or own an interest in excess of five percent in the corporation or organization who are officers of the corporation or organization along with all the information as is required of an individual applicant in Section 15-192 (2).

(5) Other communities where the applicant is licensed.

(6) The names of those individuals who will work for the applicant in the City.

(7) Whether the applicant has previously been denied a license to conduct this type of business.

(8) The names, residences, and business addresses of three residents of Ramsey County of good moral character who may be comment on the applicant's and/or manager's character. The references shall not be related to the applicant or have a financial interest in the business.

(9) Description and address of the premises for which the license is requested.

(10) Such other information as the City may require. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-193. Contents of Personal Service License.**

Applicants for a personal service license shall provide all the information required under Section 15-192 (2), (5), (7), (8), and (10). (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-194. Verification Required.**

The application shall be signed and sworn to by the applicant and verified by a public notary.

- (1) If the applicant is a natural person, the application shall be signed and sworn to by such person.
- (2) If the applicant is a corporation, the application shall be signed and sworn to by an officer of the corporation.
- (3) If the applicant is a partnership, the application shall be signed and sworn to by one of the partners.
- (4) If the applicant is an unincorporated association, the application shall be signed and sworn to by the manager or managing officer. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-195. Investigation Fee.**

At the time an application for a license is filed, the applicant shall pay in full an investigation fee. The investigation fee shall be established by resolution. No investigation fee shall be refunded. The investigation fee may be waived in case of renewal. No investigation fee shall be required for a personal service license for an individual who is an employee of a barber shop or hair or beauty salon which holds a business license as required by Section 15-184 and which meets the requirements set forth in Section 15-199 (1)B. (Ord. No. 429, 8-8-78; Code of 1988; Ord. No. 596, 5-25-93; Code of 2001)

**Sec. 15-196. Conditions.**

No license shall be issued, renewed, or allowed to continue in effect unless there is compliance with the minimum conditions and requirements of this Article. Failure to maintain compliance shall be cause for denial, suspension, or revocation of the license. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-196. Construction Requirements.**

- (1) Janitor closets shall be provided for the storage of cleaning supplies. The closet shall be equipped with a mop and sink and shall have mechanical ventilation with ten cubic feet per minute per square foot of floor space.
- (2) Restrooms shall be provided a washing sink equipped with hot and cold running water under pressure, and a sanitary towel dispenser, and a soap dispenser and shall have mechanical ventilation with two cubic feet per minute per square foot of floor area.
- (3) Individual lockers with separate keys for locking shall be provided for the use of patrons.

(4) Rooms in the licensed premises shall be illuminated with not less than ten footcandles of illumination. Such rooms shall include, but not be limited to, the sauna room, massage rooms, restrooms, janitor closets, hallways, and the reception area.

(5) Therapeutic massage parlors and sauna parlors shall be constructed of material which is impervious to moisture, bacteria, mold, and fungus growth. The floor-to-wall and wall-to-wall joints shall be constructed to provide a sanitary cover with a minimum radius of an inch.

(6) The doors to the sauna and the individual massage or rap rooms shall not be equipped with any locking device and shall not be blocked or obstructed from either side. (Ord. No. 429, 8-8-78; Code of 1988; Ord. No. 593, 4-7-93; Ord. No. 619, 12-12-95; Code of 2001)

#### **Sec. 15-198. Required Maintenance.**

The maintenance requirements shall be in effect:

(1) Hand-washing sinks, urinals, floors, walls, and equipment shall be kept in a state of good repair and maintained in a clean and sanitary condition at all times.

(2) Sanitary hand-cleaning agents, sanitary towels, and toilet tissue shall be provided at all times.

(3) Adequate refuse receptacles shall be provided and emptied as required.

(4) Linens and other materials shall be stored at least twelve inches off the floor.

(5) Clean towels and washcloths shall be made available for each customer in therapeutic massage salons and sauna parlors. (Ord. No. 429, 8-8-78; Code of 1988; Ord. No. 619, 12-12-95; Code of 2001)

#### **Sec. 15-199. Zoning Requirements.**

In the development and execution of this Article, it is recognized that there are some uses which because of their very nature have serious objectionable operational characteristics. When several of these uses are concentrated, under certain circumstances, they may have a deleterious effect on the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

(1) A business license for businesses other than therapeutic massage salons shall be issued only for property zoned B-3 General Business, I-1 Light Industrial, or I-2 Heavy Industrial provided that such use is not detrimental to existing and future development. Business licenses for therapeutic massage salons may be issued only for property zoned B-2 Neighborhood Business, B-3 General Business, I-1 Light Industrial, R-1 Single Family Residence, or I-2 Heavy Industrial. The issuance of a license shall be subject to:

A. The business license may be for a principal use only if all persons providing massage on the premises have furnished a certificate or diploma from a recognized school requiring completion of a resident course of study of at least 500 hours to obtain the certificate.

B. The business license may be for a use which is accessory to a primary use of the license premises as a barber shop, hair or beauty salon, or licensed cosmetology salon provided all of these conditions are met:

1. The primary use has at least the equivalent of two full time employees engaged in the primary business use.
2. No more than fifteen percent of the premises is devoted to the massage use.
3. The primary use has a capital investment in furniture, fixtures, and equipment of at least \$30,000.
4. The primary use has been in business in the City for at least three years.

C. A business license may be granted in an R-1 Single Family Residential District only for a use which is accessory to a primary use of the licensed premises as a barber shop, hair or beauty salon, or licensed cosmetology salon subject to:

1. All conditions of Section 15-199 (1)B are met;
2. The use of the premises for the primary use is a legal existing non-conforming use; and,
3. The property is not used for residential purposes.

(2) No escort service, rap parlor, or sauna parlor shall be operated within 2600 feet of any other escort service, rap parlor, or sauna parlor.

(3) No escort service, rap parlor, or sauna parlor shall be operated within 600 feet of any residentially zoned district, church, nursery, elementary, junior high or high school, or any establishment frequented by juveniles.(Ord. No. 429, 8-8-78; Code of 1988; Ord. No. 593, 4-27-93; Ord. No. 616, 10-24-95; Ord. No. 619, 12-12-95; Ord. No. 621, 2-27-96; Code of 2001).

#### **Sec. 15-200. Persons Ineligible for a License.**

No license shall be issued to an applicant who:

(1) Is under 21 years of age.

(2) Is an alien.

(3) Has been convicted of any crime which involves moral turpitude or relates directly to such person's ability, capacity, or fitness to perform the duties and discharge the responsibilities of the licensed activity.

(4) Has had a similar license revoked, denied, or suspended within five years prior to the date of application. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

#### **Sec. 15-201. Hours of Operation.**

No licensed premises shall be open between the hours of 10:00 p.m. and 8:00 a.m. of the following day and no business shall be conducted on Sunday. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-202. List of Current Employees.**

The licensee shall at all times be responsible for the safety and operation of the licensed business and premises and shall furnish the City with a list of current employees. The list shall include the name, address, date of birth, and any other requested information for each employee. Only those persons included on the list of current employees may work on the licensed premises. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-203. Public Solicitation Prohibited.**

No person shall solicit business in any public place or in any licensed liquor establishment. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-204. Reserved.** (Ord. No. 429, 8-8-78; Code of 1988; Ord. No. 593, 4-27-93; Code of 2001)

**Sec. 15-205. Clothing Required.**

Any person who shall receive the licensed services shall at all times have the sexual or genital parts of their body covered with a nontransparent covering. Any personal service licensee shall at all times while in the employ thereof have the upper and lower parts of the body completely covered with a nontransparent covering. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-206. Business Manager.**

The licensee shall designate a person as manager. The manager shall be responsible for the conduct of the business until another suitable person has been designated in writing by the licensee. The manager must have a valid personal service license for that type of service. No manager shall be employed in any other like business. The licensee shall promptly notify the City in writing of any changes. The notice shall state the name and address of the new manager and the effective date of the change. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-207. Personal Service Training Requirement.**

An applicant for a personal service massage license shall furnish a diploma or certificate of graduation from a recognized school which certificate or diploma requires a resident course of study of at least 150 hours. (Ord. No. 429, 8-8-78; Code of 1988; Ord. No. 619, 12-12-95; Code of 2001)

**Sec. 15-208. Issuance of License.**

(1) ***Business License.***

- A. Business licenses shall be issued only after a hearing has shown that public convenience and necessity require the proposed business.
- B. City Council action shall be by resolution.
- C. City Council declaration of public convenience and necessity shall not be necessary for the renewal of an existing business license. Failure to apply for renewal at least thirty days before the expiration of an existing license will be considered an abandonment of the right to renewal and a hearing may be ordered.
- D. At its discretion, the City Council may grant or deny any license request.

(2) ***Personal Service License.*** Applications shall be forwarded to the City's Public Safety Department and to such other City officials as may be deemed necessary. At the earliest practicable time thereafter, the City Manager shall approve or deny the request for a license.

(3) ***Right of Appeal.*** The decision of the City Manager may be appealed to the City Council if the appeal is made in writing within ten working days following the date of issuance or denial of the license. The City Council may set aside the decision of the City Manager when an appeal is made. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-209. Right of Inspection.**

Applicants and licensees shall allow a proper City official to inspect and periodically examine the premises for the purpose of ascertaining that the premises conform to all requirements and regulations pertaining to health, fire, and sanitation and to ensure the preservation of the good order and peace of the City. Any refusal on the part of the applicant or licensee to allow the inspection or examination shall be deemed sufficient grounds upon which the City Manager may deny, suspend, or revoke a license. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-210. License Displayed.**

The business license shall be posted in a conspicuous place on the licensed premises. A personal service license shall be carried by the licensee on the licensee's person. A licensee shall present the license for inspection when requested by a proper City official. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-211. Physical Contact.**

While on the licensed premises, no person shall place their hand or hands upon, touch with any part of their body, or fondle in any manner a sexual or genital part of any other person. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-212. Minimum Age.**

No person under the eighteen years of age shall be permitted at any time on the licensed premises as a customer or guest unless accompanied by a parent or guardian. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-213. Liquor on Premises.**

Alcoholic beverages shall not be allowed on any licensed premises at any time. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)(Ord. No. 724, 2-8-05)

**Sec. 15-214. Insurance Required.**

Each applicant for a business license shall file with the City a public liability insurance policy which shall insure the applicant against any and all loss arising out of the use, operation, or maintenance of the place of business. The insurance policy shall be in limits of not less than \$100,000 for injury or loss to one person, \$300,000 for each occurrence, and \$25,000 for property damage. No cancellation of any policy shall be valid except upon thirty days prior written notice to the City. Failure to keep in force and effect the required insurance shall be grounds for revocation of the license. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-215. Right of Denial.**

No license shall be granted or renewed for any premises on which taxes, assessments, or other financial claims of the City, County, or State are due, delinquent, or unpaid. In the event an action questioning the amount or validity of taxes has been commenced pursuant to the provisions of Minnesota Statutes, Chapter 278 questioning the amount or validity of taxes, on appeal by the applicant, the City Council may waive strict compliance with this provision. No waiver may be granted for taxes, or any portion thereof, which remain unpaid for a period exceeding one year after becoming due. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-216. Suspension and Revocation of License.**

A license may be revoked by the City Council for cause after a hearing has been conducted. The hearing will be held after five calendar days notice to the licensee. A license may be suspended temporarily by the City Manager. The temporary suspension shall continue until otherwise ordered by the City Council provided that:

- (1) The charges of the City Manager are delivered in writing to the licensee.
- (2) The City Council affords the licensee a hearing at its first scheduled meeting immediately following the suspension order. Upon hearing, the City Council may:
  - A. Continue the suspension for a specific period,
  - B. Terminate the license, or
  - C. Continue the license in effect based upon any additional terms, conditions, and stipulations which the Council may, in its sole discretion, impose. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-217. Solicitation Prohibited if Business License Suspended.**

A business licensee or their licensed employees shall not solicit business or offer or agree to perform any licensed service while the business license is under suspension or revocation. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-218. Solicitation Prohibited if Personal Service License Suspended.**

A personal service licensee shall not solicit business or offer or agree to perform any licensed service while the personal service license is under suspension or revocation. (Ord. No. 429, 8-8-78; Code of 1988; Code of 2001)

**Sec. 15-219. Exclusion of Certain Businesses.**

The provisions of this Article shall not apply to any business or use required to be licensed as an adult establishment pursuant to Chapter 15, Article 14. (Ord. No. 622; 7-23-96; Code of 2001)

**Secs. 15-219--15-299. Reserved.**

## **Article 11. Electronic Amusement Devices or Games**

### **Sec. 15-300. Purpose.**

The purpose of this Article is to regulate electronic amusement devices or games. (Ord. No. 499, 9-15-82; Code of 1988; Code of 2001)

### **Secs. 15-301--15-304. Reserved.**

### **Sec. 15-305. Definition.**

When used in this Article, the phrase “amusement device or game” shall be defined as a mechanical or electronic amusement device which, upon the insertion of a coin, token, or plug may be operated or used for a game, contest, or amusement of any description. The device shall contain no pay-off in money, coins, checks, or merchandise other than a free game at the same machine. Examples of a game or device include: a pinball machines; miniature pool tables; bowling machines; shuffleboard; rifle or gun games; miniature games patterned after baseball, football, basketball, hockey, soccer, or similar games; word and test games; and video games of sports, words or aptitude used solely for amusement and not as gambling devices. This term does not include juke boxes or food vending machines. (Ord No. 499, 9-15-82; Code of 1988; Code of 2001)

### **Secs. 15-306--15-309. Reserved.**

### **Sec. 15-310. License Required.**

A license shall be required to operate, rent, lease, or otherwise make available for operation an amusement device or game. The license requirement shall include both an owner’s license and a machine license. No license shall be issued for any gambling device or machine. (Ord No. 499, 9-15-82; Code of 1988; Code of 2001)

### **Secs. 15-311--15-314. Reserved.**

### **Sec. 15-315. Application.**

Application for a license shall be made on a form as prescribed by the City and shall include:

- (1) The full name and address of the applicant.
- (2) A description and name of the amusement device for which a license is to be issued.
- (3) The place where the device is to be maintained and used.
- (4) To whom the device is leased, rented, etc. (Ord. No 499, 9-15-82; Code of 1988; Code of 2001)

### **Secs. 15-316--15-319. Reserved.**

**Sec. 15-320. License Fee.**

The license fee shall be established by resolution. The license shall be valid for a year beginning January 1st and ending December 31st. (Ord No. 499, 9-15-82; Code of 1988; Code of 2001)

**Secs. 15-321--15-349. Reserved.**

## Article 12. Amusement Centers

### Sec. 15-350. Purpose.

The purpose of this Article is to regulate amusement centers. (Ord. No. 499, 9-15-82; Code of 1988; Code of 2001)

### Secs. 15-351--15-354. Reserved.

### Sec. 15-355. Definitions.

The definitions in this Section shall apply when these words and phrases are used in this Article.

(1) *Amusement Center*. A business with a principal use devoted primarily to the operation of amusement devices or games which is open for public use and participation.

(2) *Amusement Device or Game*. An electronic or mechanical amusement device or machine which, upon the insertion of a coin, token, or plug may be operated or used for a game, contest, or amusement of any description. The device shall contain no pay-off in money, coins, checks, or merchandise other than a free game at the same machine. Examples of these devices include: pinball machines; miniature pool tables; bowling machines; shuffleboard; rifle or gun games; miniature games patterned after baseball, football, basketball, hockey, soccer, or a similar games; word and test games; and video games of sports, words or aptitude used solely for amusement and not as gambling devices. Further, this definition shall include amusement devices designed for and used exclusively as rides by children. Examples of these devices include: kiddie cars; miniature airplane rides; mechanical horses and other miniature mechanical devices not operated as a part of or in connection with any carnival, circus, show, or other entertainment or exhibition. This term does not include juke boxes or food vending machines (Ord No 499, 9-15-82; Code of 1988; Code of 2001)

### Secs. 15-356--15-359. Reserved.

### Sec. 15-360. License Required.

A license shall be required to keep operate, or maintain an amusement center or any amusement device. A license shall be required for each machine under the provisions of this Code. No person shall permit an unlicensed amusement center or device to be operated or maintained upon premises within their direct or indirect control. (Ord No 499, 9-15-82; Code of 1988; Code of 2001)

### Secs. 15-361--15-364. Reserved.

**Sec. 15-365. Application.**

An application shall be made on a form as prescribed by the City and shall include:

- (1) The full name and address, age, birthdate, and place of birth of the applicant.
- (2) Details regarding the machine or device to be displayed or operated including:
  - A. Location for the device.
  - B. The name of the device.
  - C. The method of operating the machine or device.
  - D. From whom the machine or device was rented, leased, or obtained by a method other than direct outright purchase.
  - E. The business conducted at the premises.
  - F. The zoning classification.
- (3) If the applicant is a corporation or business entity, a list of all persons having a five percent or more interest in the business entity.
- (4) The applicant may be required to permit the City to make a record of their fingerprints for the purpose of additional investigation. (Ord No 499, 9-15-82; Code of 1988; Code of 2001)

**Secs. 15-366--15-369. Reserved.**

**Sec. 15-370. Fees.**

The license fee will be set by resolution and may be prorated for a partial year. The license fee is in lieu of all other fees for amusement devices or machines under Chapter 15, Article 11. (Ord. No 499, 9-15-82; Code of 1988; Code of 2001)

**Secs. 15-371--15-374. Reserved.**

**Sec. 15-375. Issuance of License.**

The application shall be submitted to the City Council for its consideration. The City Council may grant or deny the license application. Action by the City Council shall be by motion. (Ord. No. 499, 9-15-82; Code of 1988; Code of 2001)

**Secs. 15-376--15-379. Reserved.**

**Sec. 15-380. Insurance Required.**

An applicant shall file with the City a policy of liability insurance applicable to death or injury caused by the operation of the licensed machine if the City Council deems that the machines have the potential for personal injury to the user. The minimum amounts of the insurance shall be \$1,000,000 for injury to or death of any person or \$1,000,000 for one accident. (Ord. No. 499, 9-15-82; Code of 1988; Code of 2001)

**Secs. 15-381--15-384. Reserved.**

**Sec. 15-385. Investigation Required.**

The application shall be referred to such other City officials as deemed necessary for verification and investigation. A written recommendation shall be provided to the City Council on the results of the investigation. The City Council may order and conduct additional investigations as it deems necessary. (Ord. No. 499, 9-15-82; Code of 1988; Code of 2001)

**Secs. 15-386--15-389. Reserved.**

**Sec. 15-390. Investigation Fee.**

(1) At the time an initial application is filed, the applicant shall pay in full an investigation fee. The fee shall be established by resolution. The investigation fee shall not be refunded.

(2) The licensee shall pay an additional investigation fee at any time that an additional investigation is required because of change in the ownership or control of a business or enlargement, alteration, or extension of previously licensed premises. The fee shall be established by resolution. (Ord. No. 499, 9-15-82; Code of 1988; Code of 2001)

**Sec. 15-391--15-394. Reserved.**

**Sec . 15-395. Inspection.**

Every amusement center shall be inspected by the City. (Ord. No. 499, 9-15-82; Code of 1988; Code of 2001)

**Secs. 15-396--15-399. Reserved.**

**Sec. 15-400. License Displayed.**

The license shall be posted permanently and conspicuously at the licensed premises and shall be exhibited to any person upon request. (Ord. No. 499, 9-15-82; Code of 1988; Code of 2001)

**Secs. 15-401--15-404. Reserved.**

**Sec. 15-405. Restrictions.**

(1) **Nuisance.** No amusement center nor any coin-operated musical or other device shall be operated as to constitute a public nuisance.

(2) **Maintenance of Order.** It shall be the responsibility of the licensee to maintain order on the licensed premises at all times.

(3) **Fire Hazards.** It shall be the responsibility of the licensee to ensure that the licensed premises does not become overcrowded to constitute a hazard to the health or safety of persons therein. The City shall designate and post the maximum number of persons to be permitted on the licensed premises.

(4) **Supervision.** The licensee shall provide a full-time attendant on the licensed premises during all hours of operation. The attendant shall be at least 21 years of age.

(5) **Liquor and Beer.** No person operating an amusement center shall:

- A. Sell or offer for sale alcoholic beverages or narcotic drugs.
- B. Knowingly permit alcoholic beverages or narcotic drugs to be sold, offered for sale, dispensed, consumed or brought on the licensed premises .
- C. Knowingly allow any illegal activity on the licensed premises.

(6) **Location.** No amusement center shall be located within 200 feet of a property which licensed to sell intoxicating liquor under the provisions of Chapter 4, Article 5.

(7) **Posting.** Each machine on the licensed premises shall have affixed to it a plate or sticker evidencing that it is licensed under this Article.

(8) **Transfer.** The license is a personal privilege and does not constitute property. A license is not transferable except as provided in this Article.

(9) **Hours.** Amusement centers shall close by 12:00 midnight each night and may not open until 9:00a.m on weekdays or 12:00 noon on Sundays.

(10) **Special Use Permit.** No license shall be issued without a special use permit as required in the Zoning Code. The restrictions contained in this Article do not preclude the City Council from imposing additional restrictions as a part of a special use permit issued pursuant to the Zoning Code.

(11) **Exits/Entrances.** The premises shall have adequate entrances and exits at the front and rear but may have no entrances to or exits from adjoining buildings or uses.

(12) **Smoking.** Smoking of tobacco or any other product shall be prohibited. The licensee shall be responsible to ensure compliance with this provision. Further, tobacco products may not be sold in an amusement center.

(13) **Lighting.** The interior shall be illuminated to ensure proper and complete observation of all patrons at all times. No entrance, exit, or window shall be painted, coated, have any material affixed thereto, screened, blocked, or otherwise obscured so as to prevent or impede visual inspection of all interior areas from outside. The Building Official shall recommend standards for lighting levels to carry out the intent of this Article

(14) **Penalties.** A violation of any provision of this Article shall be a misdemeanor. The licensee under this Article, whether or not in direct control of an amusement center or the premises upon which the machines are located, may be charged under this Article for any violation thereof. Such charge shall be made by virtue of the licensee's responsibility as a licensee hereunder and the indirect control of the machines and premises resulting from being the licensee. (Ord No 499, 9-15-82; Code of 1988; Code of 2001)

**Secs. 15-406--15-449. Reserved.**

## Article 13. Pawnbrokers and Secondhand Dealers

### Sec. 15-450. Definitions.

The definitions in this Section shall apply when these words and phrases are used in this Article.

(1) ***Pawnbroker.***

- A. A person who takes possession of property and then loans money on deposit or pledge of that personal property or other valuable thing;
- B. A person who deals in the purchasing of personal property or other valuable things on condition of selling the same back again at a stipulated price; or
- C. A person who loans money secured by chattel mortgage on personal property.

(2) ***Secondhand Goods Dealer.*** A person whose regular business includes selling or receiving tangible personal property previously used, rented, owned or leased. Motor vehicles are excluded from this definition. (Ord. No. 594, 4-27-93; Code of 2001)

### Sec. 15-451. License Required.

- (1) A license shall be required to engage in the business of a secondhand goods dealer or pawnbroker.
- (2) A separate license shall be required for each type of business. A person wishing to engage in business both as a pawnbroker and a secondhand goods dealer must obtain both types of licenses. (Ord. No. 594, 4-27-93; Code of 2001)

### Sec. 15-452. Multiple Dealers.

A multiple secondhand goods dealer license shall be obtained by the owner of a business at which two or more secondhand goods dealers are engaged in business by maintaining separate sales and identifying themselves to the public as individual dealers in the same location. A multiple license may not be issued unless these requirements are met:

- (1) The business must have a single name and address.
- (2) The business must operate in a compact and contiguous space as specified in the license.
- (3) The business must be under the unified control and supervision of the licensee.
- (4) Sales must be consummated at a central point of register operated by the owner of the business. The owner must maintain a comprehensive account of all sales.

The holder of a multiple secondhand goods dealer license must comply with all of the requirements of this Article including the responsibility for police reporting and recordkeeping in the same manner as any other licensed dealer. A licensed dealer is responsible to its customers for stolen or misrepresented goods sold at its place of business. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-453. Exemptions.**

Sections 15-450 through 15-482 shall not apply to or include the events cited in this Section.

- (1) The sale of secondhand goods where all the following are present:
  - A. The sale is held on property occupied as a dwelling by the seller or on property owned, rented, or leased by a charitable or political organization.
  - B. The items offered for sale are owned by the occupant.
  - C. No sale exceeds 72 consecutive hours.
  - D. No more than four sales are held in any twelve month period.
  - E. None of the items offered for sale shall have been purchased for resale or received on consignment for the purpose of resale.
- (2) The sale of goods at an auction held by an auctioneer.
- (3) The business of buying or selling only those secondhand goods taken as part or full payment for new goods where the business is incident to and not the primary business of a person.
- (4) A bulk sale of property from a merchant, manufacturer, or wholesaler having an established place of business or, goods sold at open sale from bankrupt stock.
- (5) Goods sold at an exhibition provided that the exhibition does not last longer than ten days in any twelve month period.
- (6) Sales by a licensed automobile dealer.
- (7) Antique and other firearms sold by a dealer holding the appropriate Federal firearms dealer license.
- (8) Sales made by the Sheriff or other public officials in the discharge of their official duties.
- (9) Sales made by assignees or receivers appointed in this State to make sales for the benefit of creditors. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-454. License Fee.**

The annual fee for each type of license shall be established by resolution. In addition to the annual fee, the City Council may establish an investigation fee to be paid upon initial application and upon any change in ownership. In the case of a partnership, a change in ownership shall include a change in the identity of any partner. For a corporation, a change in ownership shall include more than five percent of shares. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-455. Application.**

Application for a license shall be made on a form as prescribed by the City. The application must be accompanied by the required license and investigation fees. The annual license fee will be returned to the applicant if the application is rejected or denied. The investigation fees shall not be refundable. The application shall be signed and sworn by:

- (1) The person if the applicant is a natural person.
- (2) A partner if the applicant is a partnership.
- (3) An authorized agent if the applicant is a corporation.

It shall be unlawful to knowingly make a false statement in the application. In addition to all other penalties, the license may be revoked by the City Council for violation of this Section. (Ord. No 594, 4-27-93; Code of 2001)

**Sec. 15-456. Bond.**

A \$5,000 bond with corporate surety, cash, or a United States government bond shall be filed with the City before a license is issued for a pawnbroker or a secondhand goods dealer. The bond must be conditioned on the licensee obeying the laws and ordinances governing the licensed business and paying all fees, taxes, penalties, and other charges associated with the business. The bond must provide that it is forfeited to the City upon violation of any law or ordinance. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-457. Site Plan.**

The license application must be accompanied by a site plan drawn to scale. The site plan must contain:

- (1) A legal description of the property upon which the proposed premises to be licensed is situated including a survey.
- (2) The exact location of the licensed premises on the property, customer and employee parking areas, access onto the property, and entrances into the premises.
- (3) The location of and distance from the nearest church, school, hospital, and residence.
- (4) A floor plan of the premises to be licensed. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-458. Investigation Required.**

The City shall conduct a background and financial investigation of the applicant prior to the issuance or renewal of a license. Any person having a beneficial interest in the license must be investigated by the City. A written report of the investigation shall be provided to the City Council. The investigation shall verify the facts stated in the application and must report all convicted violations of State, Federal, or municipal law involving the applicant, interested persons, or the premises while under the applicant's proprietorship. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-458.1. Investigation Fee.**

(1) At the time an initial application is filed, the applicant shall pay in full an investigation fee. The fee shall be established by resolution. The investigation fee shall not be refunded.

(2) The licensee shall pay an additional investigation fee at any time that an additional investigation is required because of change in the ownership or control of a business or enlargement, alteration, or extension of previously licensed premises. The fee shall be established by resolution. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-459. Public Hearing Required.**

A public hearing shall be held before any license shall be issued. Any person having an interest in or who will be affected by the proposed license will be permitted to testify at the hearing. The public hearing must be preceded by a notice published in the official newspaper. The notice shall specify the location of the proposed business premises and the notice shall be published at least ten calendar days before the hearing. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-460. Granting of License.**

The City Council may grant or deny the license request after review of the application, investigation report, and public hearing. The City Council shall consider the items in Section 15-476 when making their decision. A license will not be effective unless the application fee and bond have been filed with the City. (Ord. No 594, 4-27-93; Code of 2001)

**Sec. 15-461. Persons Ineligible for License.**

A license shall not be issued:

- (1) To a person who is not a citizen of the United States or a resident alien.
- (2) To a person upon whom it is impractical to conduct a background and financial investigation due to the unavailability of information.
- (3) To a person under eighteen years of age.
- (4) Subject to the provision of law, a person who has been convicted of violating any State, Federal, or municipal law or ordinance relating to:
  - A. Receiving stolen property.
  - B. Sale of stolen property or a controlled substance.
  - C. Burglary, robbery, or theft.
  - D. Damage or trespass to property.
  - E. Operation of a business.
  - F. The regulation of the business of pawnbrokers or secondhand goods dealers.
- (5) To a person who has had a pawnbroker or secondhand goods dealer license revoked within five years of the application date.
- (6) To a person the City Council determines is not of sufficient good moral character or repute.
- (7) When the City Council determines that the license would adversely affect public health, safety, or welfare. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-462. Places Ineligible for a License.**

A license will not be issued or renewed under this Section for any place or for any business:

- (1) If taxes, assessments, or other financial claims of the City or the State on the premises are delinquent or unpaid.
- (2) If the premises are located within 300 feet of a school or church.
- (3) Where operation of the licensed premises would violate the Zoning Code.
- (4) Where the applicant's present license was issued conditioned upon the licensee making specified improvements to the licensed premises or the property and the improvements have not been completed. (Ord. No. 594, 4-27-93)

**Sec. 15-463. Licensed Location.**

A license will be issued to the applicant only and shall be effective only for the premises specified in the approved license application. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-464. License Expiration.**

The license shall be valid for a year beginning on January 1st and ending December 31<sup>st</sup>. If the application is made during the license year, a license may be issued for the remainder of the license year for a monthly pro-rata fee. The unexpired fraction of a month shall be counted as a complete month. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-465. Refund of License Fee.**

At its discretion, the City Council may refund a pro-rata share of the license fee to the licensee or the licensee's estate if:

- (1) The business ceases to operate because of destruction or damage to the licensed premises.
- (2) The licensee dies.
- (3) The business ceases to be lawful for a reason other than license revocation.
- (4) The licensee ceases to operate a licensed business under the license. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-466. Death of Licensee.**

The personal representative of a licensee may continue operation of the licensed business for not more than ninety days after the licensee's death. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-467. Records.**

At the time of receipt of an item, the licensee must immediately record in ink or other indelible medium the information specified in this Section. The information shall be recorded in the English language in a book or word processing unit. The records and the goods received must be available for inspection by the City during business hours. The records required by this Section must be maintained by the licensee for a period of at least three years.

- (1) An accurate description of the item including, but not limited to, any trademark, identification number, serial number, model number, brand name and/or other identifying mark(s) on the item.
- (2) The purchase price of the item.
- (3) The date, time, and place of receipt of the item.
- (4) The name, address, phone number, and date of birth of the person from whom the item was received.
- (5) The identification number from any of the following forms of identification of the seller:
  - A. Valid picture driver's license.
  - B. Official state photo identification, passport, or military I.D. (Ord. No. 594, 4-27-93; Code of 2001)

### **Sec. 15-468. Daily Reports.**

For the items specified in this Section, the licensee must send a daily report to the City which includes a legible description of the goods received during the preceding day together with the time received and a description of the individual from whom the goods were received. The report shall be delivered by courier or U.S. mail. The report shall be made on a form as prescribed by the City and shall include all of the items specified in this Section regardless of the resale price.

- (1) Items with a serial number, other personal identification number, or symbol or items from which such number or symbol has been, or may have been, removed, altered, or obliterated.
- (2) Cameras.
- (3) Electronic audio or video equipment.
- (4) Precious jewelry or gems and precious metals.
- (5) Artist signed or artist attributed works of art.
- (6) Guns and firearms.
- (7) Items not included in Section 15-468 (1) through (6), except furniture and kitchen or laundry appliances, which the secondhand goods dealer or pawnbroker intends to sell for more than \$200. (Ord. No. 594, 4-27-93; Code of 2001)

### **Sec. 15-469. Stolen Goods.**

A report must be made to the City of any articles which the licensee believes may be stolen or lost. This requirement includes items in the licensee's possession or items which have been pledged or sought to be pledged. (Ord. No. 594, 4-27-93; Code of 2001)

### **Sec. 15-470. Holding.**

An item received by a licensee for which a report to the City is required may not be sold or otherwise transferred for a period of twelve days after the date the report is filed. However, an individual may redeem an item pawned 72 hours after the item was received on deposit excluding Sundays and legal holidays. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-471. Receipt.**

The licensee must provide a receipt to the seller or consignor which includes:

- (1) The address and telephone number of the business.
- (2) The date.
- (3) A description of the items purchased.
- (4) The purchaser's or co-signee's signature. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-472. Police Orders.**

If a Public Safety Officer or other law enforcement officer notifies a dealer not to sell an item, the item may not be sold or removed from the licensed premises until authorized to be released by the City's Public Safety Department or a court order. The notification, if verbal, shall be followed by a written order within 72 hours. The written order shall specify the item to be held and the reasons for the order. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-473. Weapons.**

A licensee may not receive as a pledge or accept for consignment or sale:

- (1) Any revolver, pistol, rifle, or shotgun unless the dealer also maintains a Federal firearms dealer's license.
- (2) Any sawed-off shotgun, automatic rifle, blackjack, switchblade, knife, or other similar weapon or firearm. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-474. Hours of Operation.**

No property shall be sold, received as a pledge by consignment, or purchased by a licensee during the hours specified in this Section:

- (1) From 9 p.m. Saturday to 7 a.m. Monday.
- (2) From 9 p.m. to 7 a.m. on any other day.
- (3) On Christmas Day and Thanksgiving Day. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-475. Prohibited Acts.**

The actions specified in this Section shall be prohibited:

- (1) A minor may not sell, consign, or attempt to sell or consign goods with a secondhand goods dealer or pawnbroker. A licensee shall not receive goods from a minor.
- (2) A licensee may not receive any goods from a person of unsound mind or an intoxicated person.
- (3) A licensee shall not receive goods unless the seller presents identification in the form of a valid picture driver's license, an official state photo identification, a United States passport, or a military I.D. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-476. Denial, Suspension, or Revocation of a License.**

A license may be denied, suspended, or revoked by the City Council, after a public hearing, for one or more of the reasons specified in this Section. The licensee shall be provided with an opportunity to be heard at the public hearing.

- (1) The operation of the business is in conflict with any provision of this Article.
- (2) The operation of the business is in conflict with any health, building, maintenance, zoning, or other provision of this Code or law.
- (3) The licensee or the business premises fails to conform with the license application standards.
- (4) The licensee has failed to comply with one or more provisions of this Article or any statute, rule, or ordinance pertaining to the business of pawnbroker or secondhand goods dealer.
- (5) Fraud, misrepresentation, or bribery in securing a license.
- (6) Fraud, misrepresentation, or false statements made in the course of the applicant's business.
- (7) Subject to the provisions of law, the licensee has been convicted of any municipal, State, or Federal law relating to receiving stolen property, the sale of stolen property or controlled substances, burglary, robbery, theft, damage or trespass to property, or any law or ordinance regulating the business of pawnbroker or secondhand goods dealer. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-477. Redemption.**

A person who pawns an item shall have at least 120 days to redeem the item before it may be sold. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-478. Payments by Check.**

Payment must be made by a check payable to the intended seller when a secondhand goods dealer or pawnbroker makes payment for an item pledged or received at the licensed place of business. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-479. Inspections.**

A Public Safety Officer or a properly designated employee of the City or State may enter, inspect, and search the business premises licensed during normal business hours without a warrant. (Ord. No. 594, 4-27-93; Code of 2001)

**Sec. 15-480. County License.**

Secondhand goods dealers and pawnbrokers dealing in precious metals and gems must be licensed by Ramsey County in addition to the City's license. (Ord. No. 594, 4-27-93; Code of 2001)

**Secs. 15-481--15-504. Reserved.**

## **Article 14. Adult Establishments**

### *Division 1. General Conditions*

**Secs. 15-505--15-509. Reserved.**

#### **Sec. 15-510. Findings and Purpose.**

Studies conducted by the Minnesota Attorney General, the American Planning Association, and cities such as St. Paul, Minnesota; Indianapolis, Indiana; Hopkins, Minnesota; Ramsey, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington have examined the impacts that adult establishments have in those communities. These studies have concluded that adult establishments have adverse impacts on the surrounding neighborhoods. These impacts include increased crime rates, lower property values, increased transiency, neighborhood blight, and potential health risks. Based on these studies and findings, the City Council concludes:

- (1) Adult establishments have adverse secondary impacts of the types set forth in the preamble.
- (2) The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by geographic, licensing, and health requirements.
- (3) It is not the intent of the City Council to prohibit adult establishments from having a reasonable opportunity to locate in the City.
- (4) Minnesota Statutes, Sections 462.357 and 412.221 allow the City to adopt regulations to promote the public health, safety, morals and general welfare.
- (5) The public health, safety, morals and general welfare will be promoted by the City adopting regulations governing adult establishments. (Ord. No. 622, 7-23-96; Code of 2001)

#### **Sec. 15-511. Definitions.**

The definitions in this Section shall apply when these words and phrases are used in this Article.

##### **(1) *Adult Establishment.***

- A. Any business that is conducted exclusively for the patronage of adults and that excludes minors from patronage, either by operation of law or by the owners of the business, except any business licensed under Chapter 4 of this Code;
- B. Any business that devotes 25 percent or more of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to items, merchandise, devices or other material distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, discussing, or relating to specified sexual activities or specified anatomical areas; or
- C. Any business that engages in any adult use as defined in Section 15-511 (2).

(2) **Adult Use.**

A. *Adult Body Painting Studio.* An establishment or business that provides the service of applying paint, ink, or other substance, whether transparent or non-transparent, to the body of a patron when the person is nude.

B. *Adult Bookstore.* An establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tapes, videotapes, or motion picture films if:

1. The business is not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age; or
2. 25 percent or more of the floor area of the business (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) is devoted to items, merchandise, or other material distinguished or characterized by an emphasis on material depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas.

C. *Adult Cabaret.* A business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on:

1. The depiction of specified sexual activities or specified anatomical areas; or
2. The presentation, display, or depiction of matter that seeks to evoke, arouse, or excite sexual or erotic feelings or desires.

D. *Adult Companionship Establishment.* A business or establishment that excludes minors by reason of age and that provides the service of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

E. *Adult Conversation/Rap Parlor.* A business or establishment that excludes minors by reason of age and that provides the services of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

F. *Adult Health/Sport Club.* A health/sport club that excludes minors by reason of age and that is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

G. *Adult Hotel or Motel.* A hotel or motel that excludes minors by reason of age and that presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

H. *Adult Massage Parlor/Health Club.* A massage parlor or health club that excludes minors by reason of age and that provides massage services distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

I. *Adult Mini-Motion Picture Theater.* A business or establishment with a capacity of less than fifty persons that presents material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

J. *Adult Modeling Studio.* A business or establishment that provides figure models who, with the intent of providing sexual stimulation or sexual gratification, engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted.

K. *Adult Motion Picture Arcade*. Any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are used to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

L. *Adult Motion Picture Theater*. A motion picture theater with a capacity of fifty or more persons that, as a prevailing practice excludes minors by reason of age, or that, as a prevailing practice, presents material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons.

M. *Adult Novelty Business*. An establishment or business that devotes 25 percent or more of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to items, merchandise, or devices that either simulate specified sexual activities or specified anatomical areas or are designed for sexual stimulation.

N. *Adult Sauna*. A sauna that excludes minors by reason of age and that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

O. *Adult Steam Room/Bathhouse Facility*. A building or any portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing if the building or any portion of a building restricts minors by reason of age and if the service provided by facility is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

**(3) *Nude or Specified Anatomical Areas.***

A. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areola; and

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**(4) *Specified Sexual Activities.***

A. Actual or simulated: sexual intercourse; oral copulation; anal intercourse; oral-anal copulation; bestiality; direct physical stimulation of unclothed genitals; flagellation or torture in the context of a sexual relationship; the use of excretory functions in the context of a sexual relationship; anilingus; buggery; coprophagy; coprophilia; cunnilingus; fellatio; necrophilia; pederasty; pedophilia; piquerism; sapphism; or zoerastia;

B. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence;

C. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;

D. Fondling or touching of nude human genitals, pubic regions, buttocks, or female breasts;

E. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes and engaged in the flagellation, torture, fettering, binding, or other physical restraint of any person;

F. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or

G. Human excretion, urination, menstruation, or vaginal or anal irrigation. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-512. Location.**

An adult establishment may not be located within 600 feet of any residentially zoned property boundary, or any church site, school site, day care facility, park, or business licensed under Chapter 4 of this Code. An adult establishment may not be located within 1000 feet of another adult establishment.

For purposes of this Section, this distance is a horizontal measurement from the main public entrance of the adult establishment to the nearest point of a residentially zoned property boundary, the property line of a church site, school site, day care facility, park, or business licensed under Chapter 4 of this Code, and the main public entrance of another adult establishment. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-513. Hours of Operation.**

An adult establishment may not be open to the public between the hours of 10:00 p.m. and 8:00 a.m. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-514. Additional Conditions for Adult Cabarets.**

All of the additional conditions of this Section shall apply to adult cabarets:

- (1) An owner, operator, or manager of an adult cabaret may not allow any dancer or other live entertainer to display specified anatomical areas or to display or perform specified sexual activities on the premises of the adult cabaret.
- (2) A dancer, live entertainer, performer, patron, or any other person may not display specified anatomical areas in an adult cabaret.
- (3) The owner, operator, or manager of an adult cabaret must provide the name, home address, home telephone number, date of birth, and any aliases concerning a person who dances or performs live entertainment at the adult cabaret.
- (4) A dancer, live entertainer, or performer may not be under eighteen years old.
- (5) Dancing or live entertainment must occur on a platform intended for that purpose. The platform shall be raised at least two feet from the level of the floor.
- (6) A dancer or performer may not dance or perform closer than ten feet from any patron.
- (7) A dancer or performer may not fondle or caress any patron.
- (8) No patron may fondle or caress any dancer or performer.
- (9) A patron may not pay or give a gratuity to any dancer or performer nor may a dancer or performer solicit or accept any pay or gratuity from any patron. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-515. License Required.**

A license shall be required to own or operate an adult establishment. Notwithstanding any other provision of this Code to the contrary, the procedures set forth in this Article shall establish the exclusive method for obtaining an adult establishment license. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-515.1. Application.**

The application for an adult establishment license must be submitted on a form as prescribed by the City and shall include:

- (1) If the applicant is an individual, the name, residence, phone number, and birth date of the applicant. If the applicant is a partnership, the name, residence, phone number, and birth date of each general and limited partner. If the applicant is a corporation, the names, residences, phone numbers, and birth dates of all persons holding more than five percent of the issued and outstanding stock of the corporation.
- (2) The name, address, phone number, and birth date of the operator and manager of the adult establishment, if different from the owner's.
- (3) The address and legal description of the premises where the adult establishment is to be located.
- (4) A statement detailing any gross misdemeanor or felony convictions relating to sex offenses, obscenity, or the operation of an adult establishment or business by the applicant, operator, or manager. In the case of a corporation, a statement detailing any felony convictions by the owners of more than five percent of the issued and outstanding stock of the corporation.
- (5) Whether or not the applicant, operator or manager has ever applied for or held a license to operate a similar type of business in another community. In the case of a corporation, whether or not those owners of more than five percent of the issued and outstanding stock have ever applied for or held a license to operate a similar type of business in another community.
- (6) The activities and types of business to be conducted.
- (7) The hours of operation.
- (8) The provisions made to restrict access by minors.
- (9) A building plan of the premises detailing all internal operations and activities. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-515.2 License Fee.**

The license fee provisions for adult establishments are:

- (1) The annual license fee shall be set by resolution.
- (2) An application for a license must be accompanied by payment of the required license fee. Upon rejection of an application, the license fee shall be refunded. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-515.3. License Expiration.**

The license shall be valid for a year beginning on January 1st and ending December 31<sup>st</sup>. If the application is made during the license year, a license may be issued for the remainder of the license year for a monthly pro-rata fee. The unexpired fraction of a month shall be counted as a complete month. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-515.4. Refund of License Fee.**

The City Council may refund a pro-rata share of the license fee within thirty days from the occurrence of one of the events specified in this Section provided that the event occurs more than thirty days before the expiration of the license. A licensee must submit an application for a refund.

- (1) Destruction or damage of the license premises by fire or other catastrophe.
- (2) The licensee's illness if such illness renders the licensee unable to continue operating the licensed establishment.
- (3) The licensee's death.
- (4) A change in the legal status making it unlawful for the licensed business to continue. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-515.5. False Information.**

An application must contain a provision in bold print indicating that withholding information or providing false or misleading information will be grounds for denial or revocation of a license. Changes in the information provided on the application or provided during the investigation must be brought to the attention of the City by the applicant or licensee. If such a change takes place during the investigation, it must be reported to the City in writing. Failure by an applicant or licensee to report such a change may result in a denial or revocation of a license. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-515.6. Investigation Fee.**

(1) At the time an initial application is filed, the applicant shall pay in full an investigation fee. The fee shall be established by resolution. The investigation fee shall not be refunded.

(2) The licensee shall pay an additional investigation fee at any time that an additional investigation is required because of change in the ownership or control of a business or enlargement, alteration, or extension of previously licensed premises. The fee shall be established by resolution. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-516. Granting of License.**

The procedures for granting an adult establishment license are:

(1) The City will conduct and complete an investigation within thirty days after the application is received and all license and investigative fees are paid.

(2) If the application is for a renewal, the applicant will be allowed to continue business until the City has determined whether to renew or refuse to renew a license.

(3) If, after the investigation, it appears that the applicant and the place proposed for the business are eligible for a license, the license will be granted by the City Council within thirty days after the investigation is completed. If the City Council fails to act within the thirty days, the application will be deemed approved. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-516.1. Licensed Location.**

A license will be issued to the applicant only and is not transferable to another holder. Each license will be issued only for the premises described in the application. A license may not be transferred to another premise without the approval of the City Council. If the licensee is a partnership or a corporation, a change in the identity of any partner or holder of more than five percent of the issued and outstanding stock of the corporation will be deemed a transfer of the license. Adult establishments existing at the time of the adoption of this Section must obtain an annual license. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-517. Ineligible Persons and Places.**

- (1) A license will not be granted to or held by a person who:
  - A. Is under 21 years of age;
  - B. Is overdue or whose spouse is overdue in payments to the City, County, or State of taxes, fees, fines or penalties assessed against them or imposed upon them;
  - C. Has been convicted or whose spouse has been convicted of a gross misdemeanor or felony or of violating any law of this State or local ordinance relating to sex offenses, obscenity offenses; or adult establishments;
  - D. Is not the proprietor of the establishment for which the license is issued.
  - E. Is residing with a person who has been denied a license by the City or any other Minnesota municipal corporation to operate an adult establishment;
  - F. Is residing with a person whose license to operate an adult establishment has been suspended or revoked within the preceding twelve months; or,
  - G. Has not paid the license and investigative fees required by this Article.
  
- (2) An adult establishment license will not be granted for:
  - A. Premises where the applicant or any of its officers, agents or employees has been convicted of violation of this Article;
  - B. Premises where during the preceding twelve months a license hereunder has been revoked for cause;
  - C. Any establishment that is not in full compliance with the City Code and all provisions of State and Federal law; or
  - D. Any premises that are licensed under Chapter 4 of this Code. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-518. Restrictions.**

- (1) A license is subject to the provisions of this Article and of any applicable sections of the City Code and all provisions of State and Federal law.
  
- (2) Licensed premises must have the license posted in a conspicuous place at all times.
  
- (3) A minor may not be permitted on the licensed premises.
  
- (4) Any designated inspection officer of the City has the right to enter, inspect, and search the premises of a licensee during business hours.
  
- (5) The licensee is responsible for the conduct of the licensed place of business and must maintain conditions of order.
  
- (6) Adult goods or materials may not be offered, sold, transferred, conveyed, given or bartered to a minor. Further, such good may not be displayed in a fashion that allows them to be viewed by a minor whether or not the minor is on the licensed premises. (Ord. No. 622, 7-23-96; Code of 2001)

### **Sec. 15. 519. Records.**

The licensee must keep itemized written records of all transactions involving the sale or rental of all items or merchandise. Such records shall be retained for at least one year after the transaction. At a minimum, the records must include the date of the transaction, the purchase or rental price, and a detailed description of the item or merchandise that is being purchased or rented. These written records must be provided to the City upon request. (Ord. No. 622, 7-23-96; Code of 2001)

### **Sec. 15.520. Denial, Suspension, or Revocation of a License.**

Suspensions, revocations, and nonrenewals of adult establishment licenses are governed by:

- (1) A violation of this Article is a basis for the suspension or revocation of a license. In the event that the City Council proposes to revoke or suspend a license, the licensee must be notified in writing of the basis for the proposed revocation or suspension. The City Council shall hold a hearing for the purpose of determining whether to revoke or suspend the license. The hearing must be held within thirty days of the date of the notice. The City Council shall make its determination within thirty days after the close of the hearing or within sixty days of the date of the notice, whichever is sooner. The City Council must notify the licensee of its decision within that period.
- (2) If the City Council determines to suspend or revoke a license, the suspension or revocation shall be effective fifteen days after notification of the decision to the licensee. If, within that fifteen days, the licensee files and serves an action in State or Federal court which challenges the City Council's action, the suspension or revocation shall be stayed until the conclusion of the action.
- (3) If the City Council determines not to renew a license, the licensee may continue its business for fifteen days after receiving notice of such non-renewal. If the licensee files and serves an action in State or Federal court within that fifteen days, for the purpose of determining whether the City acted properly, the licensee may continue in business until the conclusion of the action.
- (4) If the City Council does not grant a license to an applicant, the applicant may, within fifteen days, commence an action in State or Federal court for the purpose of determining whether the City acted properly. The applicant may not commence doing business unless the action is concluded in its favor. (Ord. No. 622, 7-23-96; Code of 2001)

*Division 2. Public Health Regulations*

**Sec. 15-521. Findings and Purpose Conduct.**

In order to further the substantial interest of public health, the following findings are made regarding the need to regulate commercial premises, buildings, and structures that are conducive to the spread of communicable disease of danger to persons:

- (1) The experience of other cities establishes that:
  - A. Certain commercial premises, buildings, and structures, or parts thereof, by reason of the design and use of the premises, buildings, or structures are conducive to the spread of communicable disease of danger to persons frequenting such premises, building, or structures, as well as to the general public, and
  - B. The risk of spreading infectious and contagious diseases can be minimized by regulating such commercial premises, buildings, and structures.
  
- (2) The experience of other cities where such commercial premises, buildings, and structures are present indicates that:
  - A. The risk of spreading the sexually transmittable disease known as Acquired Immune Deficiency Syndrome (AIDS) is increased by the presence of the premises, buildings, and structures; and
  - B. The increased risk is because the design or use of such premises, buildings, and structures, or parts thereof can facilitate high-risk sexual conduct.
  
- (3) Medical publications of the Center for Disease Control of the United States Department of Health and Human Services indicate that the sexually transmittable disease known as AIDS is currently irreversible and uniformly fatal. Medical research has further established that the risk factors for obtaining or spreading AIDS are associated with high-risk sexual conduct.
  
- (4) Certain commercial premises, buildings, and structures, or parts thereof, by reason of their design and use, are conducive to high-risk sexual conduct and hence the spread of communicable disease. The risk of spreading infectious and contagious diseases can be minimized by regulating these commercial premises, buildings, and structures.
  
- (5) The City shall promote public health, safety, morals and general welfare by the adoption of regulations governing commercial premises, buildings, and structures conducive to high-risk sexual conduct.
  
- (6) The purpose of these regulations shall be to regulate commercial premises, buildings, and structures that are conducive, by virtue of design and use, to high-risk sexual conduct that can result in the spread of sexually transmitted diseases to persons frequenting such premises, buildings, and structures. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-522. Definitions.**

The definitions in this Section shall apply when these words and phrases are used in this Article.

(1) ***Booths, Stalls, Partitioned Portions of a Room, or Individual Rooms.***

- A. Enclosures specifically offered to persons for a fee or as an incident to performing high-risk sexual conduct, or
- B. Enclosures which are part of a business operated on a premises which offers movies or other entertainment to be viewed within the enclosure. This definition shall include enclosures wherein movies or other entertainment is dispensed for a fee. Private offices used by the owners, managers or persons employed by the premises for attending to the tasks of their employment which are not held out to the public or members of the establishment for hire, a fee, or for the purpose of viewing movies or other entertainment for a fee and are not open to any persons other than employees shall be excluded from this definition.

(2) ***Doors, Curtains or Portal Partitions.*** Full, complete, non-transparent closure devices through which one cannot see or view activity taking place within the enclosure.

(3) ***Hazardous Site.*** Any commercial premises, building or structure, or any part thereof, which is a site of high-risk sexual conduct.

(4) ***High-Risk Sexual Conduct.***

- A. Fellatio;
- B. Anal intercourse or;
- C. Vaginal intercourse with persons who engage in sexual acts in exchange for money.

(5) ***Open to an Adjacent Public Room so that the Area Inside is Visible to Persons in the Adjacent Public Room.***

- A. The absence of any entire door, curtain or portal partition, or
- B. A door or other device which is made of clear, transparent material such as glass, plexiglass or other similar material meeting Building Code and safety standards, which permits the activity inside the enclosure to be entirely viewed or seen by persons outside the enclosure.

(6) ***Public Health Official.*** An agent or employee of the City, County or State charged with the enforcement of the State or local health laws. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-523. Public Health Regulations.**

(1) A commercial building, structure, premises part thereof, or facilities therein may not be constructed, used, designed or operated in the City for the purpose of engaging in, or permitting person to engage in, sexual activities which include high-risk sexual conduct.

(2) It shall be unlawful to own, operate, manage, rent, lease or exercise control of a commercial building, structure, premises, or portion or part thereof in the City that contains:

A. Partitions between subdivisions of a room, portion or part of a building, structure or premises having an aperture which is designed or constructed to facilitate sexual activity, including but not limited to vaginal intercourse, anal intercourse, or fellatio, between persons on either side of the partition.

B. Booths, stalls, or partitioned portions of a room, or individual rooms which have doors, curtains or portal partitions unless such enclosures have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. Booths, stalls or partitioned portions of a room or individual rooms that are open to an adjacent public room must be lighted in a manner in which the persons in the area used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms. Such lighting need not be of an intensity which prevents the viewing of the motion pictures or other offered entertainment. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-524. Exceptions.**

The regulations set forth in this Division do not apply to premises, buildings, or structures that are lawfully operating and licensed as hotels, motels, apartment complexes, condominiums, townhomes, or boarding houses subject to other general health and sanitation requirements under State and local law. (Ord. No. 622, 7-23-96; Code of 2001)

**Sec. 15-525. Health Enforcement Powers.**

(1) In exercising powers conferred by this or any other section of this Code relating to communicable diseases, the Public Health Official shall be guided by the most recent instructions, opinions and guidelines of the Center for Disease Control of the United States Department of Health and Human Services that relate to the spread of infectious diseases.

(2) In order to ascertain the source of infection and reduce its spread, the Public Health Official or the Public Health Official's designee may inspect, cause to be inspected, and issue orders regarding any commercial building, structure or premises, or any part thereof, that may be a site of high-risk sexual conduct. If the Public Health Official determines that a hazardous site exists, the Public Health Official will declare it to be a public health hazard and public health nuisance and shall:

A. Notify the manager, owner, or tenant of the hazardous site of their reasonable belief that the premises, building or structure is a hazardous site.

B. Issue two written warnings at least ten days apart to the manager, owner, or tenant of the premises stating the specific reasons for their opinion that the premises, building, or structure is a hazardous site.

- C. Proceed as follows once the requirements of Section 15-525 (2)A through B have been met:
1. Allow the manager, owner, or tenant of the premises ten days from the date of the last warning to request a hearing before the Public Health Official for the determination regarding the existence of such hazardous site. If a hearing is not requested in this time period, the Public Health Official shall:
    - a. Cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site, and
    - b. Cause orders to be issued to the manager, owner, or tenant of the hazardous site to take specified corrective measures to prevent high-risk sexual conduct from taking place within the premises.
  2. If a hearing is requested, it shall be held before the Public Health Official within thirty days after the request for a hearing is made. After considering all evidence, the Public Health Official will make a determination as to whether the premises constitute a hazardous site and issue a decision based upon all the evidence presented. If the Public Health Official makes a determination that the premises constitute a hazardous site, the Public Health Official shall proceed with the steps prescribed in 15-525 (2)C, 1a and 1b.
  3. If within thirty days after issuance of the orders to the manager, owner, or tenant of the hazardous site, the Public Health Official determines that the corrective measures have not been undertaken, the Public Health Official may:
    - a. Order the abatement of the hazardous site as a public nuisance. This action may be enforced by mandatory or prohibitory injunction in a court of competent jurisdiction; or
    - b. Secure a court order for the closure of the premises until the premises, building, or structure is in compliance with all provisions of this Code. (Ord. No. 622, 7-23-96; Code of 2001)

**Article 15. Tattoo, Body Piercing, Permanent Cosmetic Make Up, Body Branding, and Body Painting Establishments**

\* Article 15 repealed Ord. No. 806 11-09-2011.

**Article 16. Tree Service, Maintenance, and Removal Contractor License**

**Section 15-613. License required.**

No person or company shall engage in a business that services, maintains, removes, trims, chemically and/or mechanically treats trees located on private property within the City unless such person or business shall have first obtained a tree service, maintenance and removal contractor's license from the City.

Exceptions – No license shall be required for removal of trees pursuant to an excavation or grading permit as required in the building code.

**Sec. 15-614. Application.**

The applicant for a tree service, maintenance and removal contractor's license must submit a completed application on a form provided by the City, including proof of required insurance. For all licenses in effect on and after April 1, 2012, the application shall also provide proof that at least one local employee is currently recognized by the International Society of Arboriculture (ISA) as a Certified Arborist.

**Sec. 15-616. Insurance required.**

During the term of the license, the licensee shall maintain general commercial liability and automobile insurance providing limits of coverage equal to or greater than the limits of municipal liability specified in Minnesota Statutes, Section 466.04. The licensee shall maintain workers' compensation insurance required by law.

**Sec. 15-618. License Term, Fee, Revocation, Transfer, Issuance.**

The General Conditions set forth in Article 1 of this Chapter shall apply to tree servicing, maintenance and removal contractor's licenses; provided, however, that the license year for all licenses under this Article shall be April 1 through March 31.

Failure to comply with any part of the license and/or any instance where work performed is found improper, defective, or so unsafe as to jeopardize life or property shall be grounds for revocation of the license by the City Council, following notice to the licensee and a hearing. (Ord 808. 01-10-2012)

## **Article 17. Outdoor Event Licenses**

### **Section 15-700. Purpose.**

The purpose of this Article is to regulate businesses and other organizations that wish to hold a temporary outdoor event. The City recognizes that on occasion there is a public benefit to allowing these short-term events and certain exceptions from typical Zoning and City Code standards may be necessary. It is recognized that these events are limited and temporary but should be regulated to ensure the public's health, safety and welfare.

### **Section 15-701. Administrative License.**

No person shall use his or her property or assist, countenance or allow the use of his or her property, or of another's property, located within the City of New Brighton for any of the purposes or uses listed in Sections 16-702 or 16-1703 without first having obtained a license from the City Planner. The use shall not, for the duration of the license, substantially impair the parking capacity of the principal use or impair the safe and efficient movement of pedestrian and vehicular traffic either on or off the premises or otherwise adversely affect the public health, safety or welfare. In acting on an application for a license, the City Planner shall consider the time of year, the parking layout for the principal use, the nature of the proposed use and other pertinent factors. A license granted under this Article allows exceptions to certain provisions of the City's ordinances, but only for the duration of the license and to the extent authorized by the license. License applications shall be reviewed by the City Planner and the Department of Public Safety, and conditions may be placed on such license to ensure the public health, safety and welfare.

### **Section 15-702. Outdoor Events.**

(1) Tents, stands, and other temporary structures for church functions, civic functions, charities, carnivals, fundraisers, and similar purposes may be permitted for a period not to exceed three days. The license fee shall be set by City Council resolution. Certificates of insurance may be required to assure the public welfare.

(2) Off-site signs promoting or announcing such functions may be authorized through the license, subject to the following conditions:

- A. Such signs may only be erected one week prior to the event and must be removed within one day after the event.
- B. Such signs may only be placed on private property with permission of the underlying property owner.
- C. Off-site signs are limited to a total of five locations.
- D. Only one sign may be permitted per location.
- E. Such signs are limited to six square feet in area and four feet in height.
- F. Signs allowed without permit per Section 9-040(3) (G) do not need to be included in the license required under this Article.
- G. This paragraph does not apply to signs permitted under Zoning Code Section 9-046.

### **Section 15-703. Outdoor Retail Sales.**

(1) Out of door retail sales and display for promotional events may be permitted for periods not to exceed 10 consecutive days. Three such 10 day licenses may be allowed per premises per calendar year. The license fee shall be set by City Council resolution.

(2) Out of door retail sale, display, and storage of nursery and garden merchandise may be permitted for a period not to exceed 10 weeks in a calendar year. The license fee shall be set by City Council.

**Section 15-704. General Provisions.**

The following general provisions shall be applicable to all events licensed under this Article:

- (1) Any noise generated by the event shall be regulated in accordance with City Code Section 17-12(7).
- (2) In the event alcohol will be served at the outdoor event, an appropriate liquor license must be obtained through the Department of Public Safety in accordance with Chapter 4 of the City Code in addition to a license under this article.
- (3) In the event food will be served at the outdoor event, an appropriate food license must be obtained through Ramsey County Department of Public Health.
- (4) All other applicable permits, such as an electrical permit or a tent permit, must be obtained from the appropriate City department, including Community Development and Public Safety.

**Section 15-705. Administrative License Application.**

Application for permission to engage in a use set forth within this article shall be made to the City Planner. The application shall set forth a name, address, the location of the proposed use, the duration of the proposed use, the hours of the proposed use, the nature of the proposed use and shall submit a map/diagram/site plan describing the layout of the proposed use. The City Planner and the Director of the Department of Public Safety may require further information to determine whether the proposed use meets the standards of this article. The City Planner and Director of the Department of Public Safety may, subject to an appeal to the City Council, refuse to issue an administrative license; provided, however, that the reasons for refusal shall be stated in writing to the applicant, and the applicant shall be notified of the appeal process. (Ordinance No. 815. 07-24-2012)

## Article 18. Temporary Family Health Care Dwellings

### Section 15-801. Purpose.

The purpose of this Article is to establish a license allowing for the use of a temporary dwelling by a person recovering from a mental or physical disability. Pursuant to Section 4-610 of the Zoning Code, the City has opted out of the requirements of Minnesota Statutes Section 462.3593 which made temporary family healthcare dwellings permitted uses. The City has determined that a temporary family healthcare dwelling is allowed in certain circumstances provided that a license has been obtained from the City pursuant to this Article and the dwelling meets the requirements of this Article.

### Section 15-802. Definitions.

For the purposes of this Article, the following terms shall have the meanings given.

- (1) **Caregiver.** Means an individual 18 years of age or older who:
  - a. Provides care for a mentally or physically impaired person, and
  - b. Is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.
- (2) **Instrumental activities of daily living.** Meaning given in Minnesota Statutes Section 256B.0659, subdivision 1, paragraph (i).
- (3) **Mentally or physically impaired person.** Means a person who is a resident of the state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.
- (4) **Relative.** Means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.
- (5) **Temporary family health care dwelling.** Means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of Section 15-803 of this Article.

### Section 15-803. Temporary Family Health Care Dwelling

A temporary family health care dwelling must:

- (1) Be primarily assembled at a location other than its site of installation;
- (2) Be no more than 300 gross square feet;
- (3) Not exceed 15 feet in height;
- (4) Not be attached to a permanent foundation

- (5) Provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;
- (6) Have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction and that also complement the existing principal structure's exterior materials and colors, and;
- (7) Have a minimum insulation rating of R-15;
- (8) Be able to be installed, removed, and transported by a one-ton pickup truck as defined in Minnesota Statutes Section 168.002, subdivision 21b, a truck as defined in Minnesota Statutes Section 168.002, subdivision 37, or a truck tractor as defined in Minnesota Statutes Section 168.002, subdivision 38;
- (9) Be built to either Minnesota Rules Chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and
- (10) Be equipped with a backflow check valve.

**Section 15-804. Application and Standards.**

Application for a license shall be made on a form prescribed by the City. Only the caregiver or relative of the mentally or physically impaired person shall be eligible for a license. The license shall only be valid for the property where the caregiver or relative of the mentally or physically impaired person has resided for at least two years, or for a property that the mentally or physically impaired person resided in before the need for a temporary family health care dwelling. The application shall include:

- (1) The name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person;
- (2) The application fee per Section 15-808.
- (3) The name of the mentally or physically impaired person who will live in the temporary family health care dwelling;
- (4) Proof from a doctor or health care provider the mentally or physically impaired person is receiving respite care, primary care, or remote patient monitoring services;
- (5) A written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;
- (6) An executed contract for septic service management or other proof of adequate septic service management;
- (7) An affidavit that the applicant has provided notice to adjacent property owners and residents of the application for a temporary health care dwelling license;

- (8) A site map showing the location of the temporary family health care dwelling and all distances to other structures on the lot;
- (9) The location of the temporary family health care dwelling shall meet all setback and building coverage requirements established by the underlying zoning district designation.
- (10) The location of the temporary family health care dwelling shall be such that septic services and emergency vehicles and personnel can gain access in a safe and timely manner.
- (11) The number of occupants of a temporary family health care dwelling shall be limited to one mentally or physically impaired person and those that are providing care, but not to exceed three in total.
- (12) Only one temporary family health care dwelling is allowed per lot.
- (13) Submission of proof of a general liability insurance policy covering the temporary family health care dwelling.

**Section 15-805. License Term.**

A license shall only be valid for six months. The applicant may renew the license once for an additional six months, or request a partial renewal on a month-to-month basis not to exceed a total of six months. At least one year shall separate multiple license applications and effective dates for a single property.

**Section 15-806. Inspection.**

Following issuance or renewal of a temporary family health care dwelling license and occupancy of the temporary family health care dwelling, the City's Fire Marshal, Code Compliance Inspector, and Building Official shall inspect the dwelling to ensure compliance with this Article. The applicant shall request required inspection no later than three business days following initial occupancy. Additional inspections by the City's Fire Marshal, Code Compliance Inspector, and/or Building Official shall be allowed, upon 24 hours' notice, if a complaint is received pertaining to the temporary family health care dwelling.

**Section 15-807. Revocation of License.**

The temporary family health care dwelling license shall be revoked if the licensee violates any requirement of this Article.

**Section 15-808. Fee.**

A license fee shall be due at the time of application and in an amount as determined by the City's Fee Schedule. Reduced fees will be required for a renewal license.

**Section 15-809. Guarantee of Removal.**

The applicant, and occupant if different than the applicant, shall sign a Removal Agreement as prepared by the City Attorney and provide a financial guarantee of at least \$1,000 to ensure compliance with the terms of the Removal Agreement. The Removal Agreement shall provide the City, or designee of the City, permission to enter the property and remove the temporary family health care dwelling if the terms of the Removal Agreement have not been met. If, in the event the City removes the temporary family health care dwelling in accordance with the terms of the Removal Agreement, the submitted financial guarantee shall be forfeited. If costs of removal exceed the financial guarantee, excess costs will be assessed to the property taxes of the property where the temporary family health care dwelling was located, including interest. (Ord. No. 840, 4.25.2017)

**Editor's Notes**  
**City Code-Chapter 15**  
**Licenses**

This Chapter has been renumbered to be consistent with the numbering system used throughout the Code:

The first division within a Section is numbered “(1)” followed by “(2)”, etc.

The next division of a Section is numbered with an “A” followed by “B”, etc.

As with all other parts of the codification, the language in this Chapter has been simplified and made general neutral.

Margaret A. Egan

Finance Director/City Clerk

March 22, 2000