## Title 500

### Business License Regulations

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1. See Section 603.06 of this Code for scavengers; See Section 1008.06 of this Code for sign installers.
CHAPTER 501

GENERAL LIQUOR PROVISIONS

SECTION:

501.01: Definitions
501.02: Underage Persons
501.03: Violation

501.01: Definitions: “3.2% malt liquor” and “Intoxicating liquor”, are hereby defined to mean and include any distilled, fermented, spirituous, vinous or malt liquid of any kind, potable as a beverage, which contains an alcoholic content in excess of one-half of one percent (0.5%) by volume. (1988 Code §102.03)

501.02: Underage Persons:

Subd. 1. Possession of Liquor Prohibited: It shall be unlawful for any person under the age of twenty one (21) years to have 3.2 Percent (3.2%) malt liquor or intoxicating liquor, as the same are herein defined, in that person’s possession for the purpose of consumption by them or any other person under the age of twenty one (21) years. Possession by a person under the age of twenty one (21) years of any 3.2 Percent (3.2%) malt liquor or intoxicating liquor shall be prima facie evidence to consume the same. (1988 Code §102.01; 1993 Code)

Subd. 2. Sales or Furnishing Liquor to Persons Under the Age of Twenty One (21) Years Prohibited: It shall be unlawful for any person, whether licensed or not, to sell or furnish 3.2% percent (3.2%) malt liquor or intoxicating liquor, as the same are herein defined, to any person who is under the age of twenty one (21) years. (1988 Code §102.02; 1993 Code)

501.03: Violation: Any person violating any provision of this Chapter shall be guilty of a misdemeanor. (1988 Code §102.04)
CHAPTER 502

INTOXICATING LIQUOR

SECTION:

502.01: Definitions
502.02: License Required
502.03: License Classifications
502.04: Eligibility for License
502.05: Application for License
502.06: License Fees
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502.15: Zoning Restrictions
502.16: Suspension or Revocation of License
502.17: Violation of Provisions

502.01: DEFINITIONS: When used in this Chapter, the following words and phrases shall have the meanings ascribed to them: (Amended, Ord. 843, 5-20-10)

Subd. 1. 3.2 Percent (3.2%) MALT LIQUOR: Malt liquor containing not less than one-half (1/2) of one (1%) percent alcohol by volume nor more than 3.2 Percent (3.2%) alcohol by weight. (Added, Ord. 843, 5-20-10)

Subd. 2. ALCOHOLIC BEVERAGE: Any beverage containing more than one-half (1/2) of one percent (1%) alcohol by volume. (Added, Ord. 843, 5-20-10)

Subd. 3. BREWER: A person who manufactures malt liquor for sale. (Added, Ord. 843, 5-20-10)

Subd. 4. CABARET: A restaurant, night club or other place of amusement where dancing is permitted incidentally but is not operated primarily as a business to provide dancing facilities for a charge. (Amended, Ord. 843, 5-20-10)
Subd. 5. COMMISSIONER: The Commissioner of the Minnesota Department of Public Safety except as otherwise provided. (Added, Ord. 843, 5-20-10)

Subd. 6. CLUB: An incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans’ organization, which; (Added, Ord. 843, 5-20-10)

a. Has more than thirty (30) members; (Added, Ord. 843, 5-20-10)

b. Has owned or rented a building or space in a building for more than one (1) year that is suitable and adequate for the accommodation of its members; and (Added, Ord. 843, 5-20-10)

c. Is directed by a board of directors, executive committee or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body. (Added, Ord. 843, 5-20-10)

Subd. 7. DISTILLED SPIRITS: Ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin and other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use. (Added, Ord. 843, 5-20-10)

Subd. 8. EXCLUSIVE LIQUOR STORE: An establishment used exclusively for the sale of: alcoholic beverages; tobacco products; ice; beverages (liquid or powder) specifically designed for mixing with intoxicating liquor; soft drinks; liqueur-filled candies; food products that contain more than one-half (1/2) of one percent (1%) alcohol by volume; cork extraction devices; books and videos on the use of alcoholic beverages; magazines and other publications published primarily for information and education on alcoholic beverages; multiple-use bags designed to carry purchased items; devices designed to ensure safe storage and monitoring of alcohol in the home to prevent access by underage drinkers’ and home brewing equipment. (Added, Ord. 843, 5-20-10)

Subd. 9. GAMBLING DEVICE: A contrivance the purpose of which is that for a consideration a player is afforded an opportunity to obtain something of value, other than free plays, automatically from the machine or otherwise, the award of which is determined principally by chance, whether or not the contrivance is actually played. A gambling device includes a video game of chance as defined by Minnesota Statutes, Section 609.75, subdivision 8. (Added, Ord. 843, 5-20-10)
Subd. 10. HOTEL: An establishment where food and lodging are regularly furnished to transients and which has: (Added, Ord. 843, 5-20-10)

a. A dining room serving the general public at tables and having facilities for seating at least thirty (30) guests at one (1) time; and (Added, Ord. 843, 5-20-10)

b. A minimum of ten (10) guest rooms. (Added, Ord. 843, 5-20-10)

Subd. 11. INTOXICATING LIQUOR: Ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverages containing more than 3.2 Percent (3.2%) of alcohol by weight. (Added, Ord. 843, 5-20-10)

Subd. 12. LICENSED PREMISES: The premises described in the approved license application, subject to the space limitations set forth in Minnesota Statutes, Section 340A.410, subdivision 7. In the case of a restaurant, club or exclusive liquor store licensed for on-sales of alcoholic beverages and located on a golf course, “licensed premises” means the entire golf course except for areas where motor vehicles are regularly parked or operated. (Added, Ord. 843, 5-20-10)

Subd. 13. MALT LIQUOR: Any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume. (Added, Ord. 843, 5-20-10)

Subd. 14. MANUFACTURER: A person who, by a process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending or by the combination of different materials, prepares or produces intoxicating liquor for sale. (Added, Ord. 843, 5-20-10)

Subd. 15. PREMISES: All buildings and structures, as well as all parking lots, driveways, landscaped areas, steps, passageways and vestibules, located outside of said building or structure. (Amended, Ord. 843, 5-20-10)

Subd. 16. WHOLESALER: A person who sells alcoholic beverages to persons to whom sale is permitted under Minnesota Statutes, Section 340A.310 from a stock maintained in a warehouse in the State of Minnesota. (Added, Ord. 843, 5-20-10)

Subd. 17. WINE: The product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, sile made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not less than one-half of one percent nor more than twenty four percent (24%) alcohol by volume for non-industrial use. Wine does not include distilled spirits. (Added, Ord. 843, 5-20-10)
502.02: LICENSE REQUIRED: No person, except wholesalers or manufacturers to the extent authorized under State license, shall directly or indirectly deal in, sell or keep for sale any intoxicating liquor without first having received a license to do so as provided in this Chapter. (Amended, Ord. 843, 5-20-10)

502.03: LICENSE CLASSIFICATIONS:

Subd. 1. On-Sale Intoxicating Liquor Licenses: On-sale intoxicating liquor licenses may be issued for the sale of intoxicating liquors in hotels, restaurants, bowling centers and exclusive liquor stores within the number authorized by this Chapter. In addition, an on-sale intoxicating liquor license may be issued, if approved by the Commissioner to a club which has been in existence for three (3) years or more. A license issued to a club shall be for the sale of intoxicating liquors to members and bona fide guests only except that a club may permit the general public to participate in a wine tasting conducted at the club under Minnesota Statutes, Section 340A.419. The City may issue the amount of on-sale intoxicating liquor licenses as authorized in Minnesota Statutes, Section 340A.413, subdivision 1. (Amended, Ord. 843, 5-20-10)

Subd. 2. Off-Sale Intoxicating Liquor Licenses: An off-sale intoxicating liquor license shall be issued only to an exclusive liquor store, the number of which to be determined by the Council. (Amended, Ord. 843, 5-20-10)

Subd. 3. On-Sale Wine Licenses: On-sale wine licenses may be issued to restaurants meeting the qualifications of Minnesota Statutes, Section 340A.404, subdivision 5 and shall permit only the sale of wine not exceeding fourteen percent (14%) alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food. (Amended, Ord. 843, 5-20-10)

Subd. 4. Sunday Sales Licenses: Special on-sale intoxicating liquor licenses for the sale of intoxicating liquor on Sunday separate from a regular on-sale intoxicating liquor license issued pursuant to Section 502.02 of this Chapter may be issued to hotels, restaurants, bowling centers or clubs, which hold an on-sale intoxicating liquor license and have a seating capacity for at least thirty (30) persons. Intoxicating liquor must be consumed on the premises in conjunction with the sale of food. (Amended, Ord. 843, 5-20-10)

1 See also subdivision 503.03(1)b of this Title for sale of malt liquor.
Subd. 5. Consumption and Display Permits: Consumption and display permits are issued by the Commissioner and regulated by the provisions of Minnesota Statutes, Section 340A.414. Consumption and display permits issued by the Commissioner must be approved by the City Council before they are effective. (1988 Code §100.02) (Amended, Ord. 843, 5-20-10)

Subd. 6. Temporary On-Sale Intoxicating Liquor Licenses: A temporary on-sale intoxicating liquor license may be issued to a club or charitable, religious or other nonprofit organization which has been in existence for at least three (3) years, a political committee registered under Minnesota Statutes, Section 10A.14 or a state university in connection with a social event within the City sponsored by the licensee. The license may authorize the sale of intoxicating liquor on-sale for not more than three (3) consecutive days. Such license will permit the licensee to dispense intoxicating liquor at any civic event sponsored or approved by the City. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full year on-sale intoxicating liquor license issued by the City or any adjacent municipality. Licenses under this subdivision are not valid unless first approved by the Commissioner. Proof of financial responsibility is required in accordance with Code Section 502.07, subdivision 1. (Ord. 591, 10-29-96; Amended, Ord. 835, 5-20-10)

Subd. 7. Outdoor Consumption Endorsement. A special endorsement may be issued by the City to the holder of a regular on-sale intoxicating liquor or on-sale wine license to allow sales and consumption of intoxicating liquor outdoors when the outside service area is immediately adjacent to and contiguous with the licensed premises. The licensee shall make application for the special endorsement to the City and provide site plans which illustrate the proposed outdoor service area. The special endorsement may be issued by the City Council to the licensee by resolution after a public hearing on the special endorsement is held. The designated outside service area shall not reduce the number of off-street parking spaces which would be required if the licensed premises together with the outside service area were to be newly constructed in conformity with the City’s zoning code. The City may also require improvements to the outside service area prior to issuing the special endorsement, including but not limited to, safety barriers or other enclosures to be placed around the perimeter of the outside service area in order to protect patrons from any hazards, including vehicular traffic. (Added, Ord. 771, 4-24-06; Amended, Ord. 843, 5-20-10)
502.04: **ELIGIBILITY FOR LICENSE:**

Subd. 1. Persons Ineligible for License:

a. A license must be held by an individual person. No license shall be granted to or held by any corporation, non-profit corporation, partnership, limited liability company or any other type of entity. (Amended, Ord. 843, 5-20-10).

b. No license shall be granted to or held by any person:

   (1) Who is under the age of twenty one (21). (Amended, Ord. 843, 5-20-10)

   (2) Who is not of good moral character and repute. (Amended, Ord. 843, 5-20-10)

   (3) Who is or has been convicted, within five (5) years prior to the application of such license, of a felony or a willful violation of any law of the United States or the State of Minnesota or of any local ordinance with regard to the manufacture, sale, distribution or possession for sale or distribution of an alcoholic beverage. (Amended, Ord. 843, 5-20-10)

   (4) Who has a direct or indirect interest in a manufacturer, brewer or wholesaler. (Amended, Ord. 843, 5-20-10)

   (5) Who has an interest, directly or indirectly, in any other establishment in the City to which a license of the same class has been issued under this Chapter. (1988 Code §100.06) (Amended, Ord. 843, 5-20-10)
Subd. 2. Places Ineligible for License:

a. No intoxicating liquor or wine license shall be granted for operation on any premises on which taxes, assessments, utility bills or other financial claims of the City are delinquent or unpaid. (Amended, Ord. 843, 5-20-10)

b. No intoxicating liquor or wine license shall be granted for any premises that has a property line within five hundred (500) feet of a property line of any school or church located in Mounds View except that the five hundred (500) feet restriction shall not apply and a license may be granted for any licensed premises that receives at least sixty percent (60%) of its annual gross sales revenue from the sale of food. The licensee must provide evidence to the City on an annual basis as part of the license renewal process that the licensee has complied with the minimum sixty percent (60%) food sales requirement of this Section. Failure to comply with the minimum sixty percent (60%) food sales requirement of this Section shall be cause for suspension, revocation or denial of renewal of the license. (Ord. 582, 5-28-96; Amended, Ord. 843, 5-20-10)

c. No intoxicating liquor or wine license shall be issued to any person in connection with the premises owned by another person to whom a license could not be issued under the provisions of this Chapter. (Amended, Ord. 843, 5-20-10)

d. No more than one (1) intoxicating liquor or wine license shall be granted to any one (1) person or for any one (1) place. (1988 Code §100.07) (Amended, Ord. 843, 5-20-10)
502.05: APPLICATION FOR LICENSE:

Subd. 1. Contents of Application:

a. Application: Every application for an intoxicating or wine license shall be verified and filed with the City Administrator. It shall state the name of the applicant, applicant’s age, representations as to applicant’s character, references as may be required, whether the application is for on-sale or off-sale, the business in connection with which the proposed licensee will operate, its location, whether the applicant is owner and operator of the business, how long applicant has been or is operating a similar business at that place, whether applicant has been or is operating a similar business at some other location (if so, the name of the establishment) and such other information as the Council may require, from time to time. (Amended, Ord. 843, 5-20-10; Ord. 844, 5-20-10)

b. Form: In addition to containing such information, each application for a license shall be in the form prescribed by the Commissioner. (Amended, Ord. 843, 5-20-10)

c. False Statements: No person shall make a false statement in an application.

Subd. 2. Floor Plan: The application shall provide a floor plan of the interior of all structures on the premises. Such plan shall show the dimensions and the intended arrangement and use of all interior space. (1988 Code §100.03) (Amended, Ord. 843, 5-20-10)

502.06: LICENSE FEES:

Subd. 1. Payment Required: Each application for an intoxicating liquor or wine license shall be accompanied by a receipt from the City Finance Director/Treasurer for payment in full of the required fee for the license. All fees shall be paid into the General Fund of the City. Upon rejection of any application for a license, the Finance Director/Treasurer shall refund the amount paid less the amount established by resolution of the City Council for investigation of the applicant’s qualifications. (Amended, Ord. 843, 5-20-10)
Subd. 2. Fees:

a. The annual fee for an on-sale intoxicating liquor license without cabaret, an on-sale intoxicating liquor license with cabaret and an on-sale wine license shall be established by resolution of the City Council and shall be paid prior to June 30 of each year, or one-half (1/2) of the fee may be paid prior to June 30 and the other one-half (1/2) paid prior to December 31. (Amended, Ord. 843, 5-20-10)

b. The annual fee for all other intoxicating liquor licenses shall be established by resolution of the City Council and shall be paid in full prior to June 30 of each year. (1988 Code §100.04)

c. The fees required for the temporary licenses described in Section 502.03, subdivision 6 and the special outdoor consumption endorsement described in Section 502.03, subdivision 7 shall be established by resolution of the City Council and shall be paid prior to the effective date of the license or endorsement. (Ord. 591, 10-29-96; Amended, Ord. 843, 5-20-10)

d. The annual fee for an off-sale intoxicating liquor license shall be reduced by one hundred dollars ($100.00) if at the time of application and before any renewal, the licensee: (Added, Ord. 843, 5-20-10)

(1) Agrees to have a private vendor approved by the City train all of its employees within sixty (60) days of hire and annually thereafter in laws pertaining to the sale of alcohol, the rules for identification checks, and the responsibilities or establishments serving intoxicating liquors; (Added, Ord. 843, 5-20-10)

(2) Posts a policy requiring identification checks for all persons appearing to be thirty (30) years old or less; and (Added, Ord. 843, 5-20-10)

(3) Establishes a written cash award and incentive program to award employees who catch underage drinkers and a written penalty program to punish employees in the event of a failed compliance check. Failure to abide by the provisions of this paragraph may result in suspension of the license until the conditions of the fee reduction are met and may result in suspension or revocation of the license pursuant to this Chapter. (Added, Ord. 843, 5-20-10)
Subd. 3. Increase of Fees: No intoxicating liquor or wine license fees shall be increased, except after notice and public hearing by the Council on the proposed increase. Notice of the proposed increase must be published in the official newspaper and mailed to all affected licensees at least thirty (30) days in advance of the hearing. (Ord. 475, 10-9-89; Amended, Ord. 843, 5-20-10)

Subd. 4. Refunds: No refund of any license fee shall be permitted except that a pro rata share of the fee may be refunded to the licensee or the licensee’s estate: if the business ceases to operate because of destruction or damage; the licensee dies; the business ceases to be lawful for a reason other than a license revocation; or the licensee ceases to carry on the licensed business under the license. (1988 Code §100.04) (Amended, Ord. 843, 5-20-10)
502.07: **PROOF OF FINANCIAL RESPONSIBILITY:**

Subd. 1. Application: Unless otherwise excepted by this Section, each application for an intoxicating liquor or wine license shall be accompanied by one (1) of the following proofs of financial responsibility: (Amended, Ord. 843, 5-20-10)

a. Insurance: A certificate that there is in effect an insurance policy issued by an insurer required to be licensed by Minnesota Statutes, Section 60A.07, subdivision 4 or by an insurer recognized as an eligible surplus line carrier pursuant to Minnesota Statutes, Section 60A.206 or pool providing coverage of at least: (Amended, Ord. 843, 5-20-10)

   (1) Fifty thousand dollars ($50,000.00) for bodily injury to any one (1) person in any one (1) occurrence and subject to the limit of one (1) person; (Amended, Ord. 843, 5-20-10)

   (2) One hundred thousand dollars ($100,000.00) for bodily injury to two (2) or more persons in any one (1) occurrence; (Amended, Ord. 843, 5-20-10)

   (3) Ten thousand dollars ($10,000.00) for injury to or destruction of property of others in any one (1) occurrence; (Amended, Ord. 843, 5-20-10)

   (4) Fifty thousand dollars ($50,000.00) for loss of means of support of any one (1) person in any one (1) occurrence and, subject to the limit for one (1) person; and (Amended, Ord. 843, 5-20-10)

   (5) One hundred thousand dollars ($100,000.00) for loss of means of support of two (2) or more persons in any one (1) occurrence. (Amended, Ord. 843, 5-20-10)

b. Bond: A bond of a surety company with minimum coverages as provided in subdivision l(a) above; or (Amended, Ord. 843, 5-20-10)

c. Commissioner of Management and Budget Certificate: A certificate of the State Commissioner of Management and Budget that the licensee has deposited with the Commissioner of Management and Budget one hundred thousand dollars ($100,000.00) in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of one hundred thousand dollars ($100,000.00). (Amended, Ord. 843, 5-20-10)

Subd. 2. Approval by Council: The proof of financial responsibility shall be approved by the Council and, when required, by the Commissioner. The City Attorney shall approve the form of the financial responsibility. (Amended, Ord. 843, 5-20-10)
Subd. 3. A certificate of insurance, bond or certificate from the Commissioner of Management and Budget as set forth in subdivision 1 are required for temporary on-sale intoxicating liquor licenses. The insurance policy or bond must have the following coverage: one hundred thousand dollars ($100,000.00) bodily injury each person; two hundred thousand dollars ($200,000.00) each common cause; one hundred thousand dollars ($100,000.00) property damage each common cause; one hundred thousand dollars ($100,000.00) loss of means of support; two hundred thousand dollars ($200,000.00) each common cause; and three hundred thousand dollars ($300,000.00) annual aggregate. If the event is to be held on City property, the City shall be named as an additional insured and the license holder shall agree to hold the City harmless and indemnify and defend the City for acts of the license holder. (Added, Ord. 843, 5-20-10)

Subd. 4. Subdivision 1 does not apply to on-sale wine licensees who by affidavit establish that they are holders of an on-sale wine license with sales of less than twenty five thousand dollars ($25,000.00) for wine for the preceding year. (Added, Ord. 843, 5-20-10)

Subd. 5. Revocation of License: The operation of such off-sale or on-sale intoxicating liquor or wine business without having on file, at all times, with the City proof of financial responsibility required by this Section shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy shall service as notice of the impending revocation of the license. (1988 Code §100.03) (Amended, Ord. 843, 5-20-10)

502.08: LICENSE HEARING: No issuance of a new intoxicating liquor or wine license, transfer of an existing license, renewal of an existing license, issuance of temporary on-sale intoxicating liquor license, Sunday sales license, or special outdoor consumption endorsements shall be hereafter granted by the Council until a public hearing has been conducted by the Council after published notice in the official newspaper at least ten (10) days in advance of the hearing. (1988 Code §100.05) (Ord. 601, 5-12-97; Amended, Ord. 771, 4-24-06; Ord. 843, 5-20-10)
502.09: **REVIEW AND INVESTIGATION OF APPLICATION; ISSUANCE OR DENIAL:**

Subd. 1. Investigation of Application; Issuance or Denial: The Council shall investigate all facts set out in the application. The City must conduct a preliminary background and financial investigation of all applicants and transfer applicants for on-sale intoxicating liquor licenses. After such investigation, the Council shall grant or refuse the application, in its discretion. No off-sale intoxicating liquor license, on-sale intoxicating liquor license for a club, temporary on-sale intoxicating liquor license or on-sale wine license shall become effective until it, together with the proof of financial responsibility furnished by the applicant, has been approved by the Commissioner. (Amended, Ord. 843, 5-20-10)

Subd. 2. Report to Commissioner: The City Administrator shall, within ten (10) days after the issuance of any on-sale intoxicating liquor or wine license under this Chapter, submit to the Commissioner the full name and address of each person granted a license, the trade name, the effective license date and the date of expiration of the license. The City Administrator shall also submit to the Commissioner any transfer, cancellation, suspension or revocation during the license period. (1988 Code §100.05) (Amended, Ord. 843, 5-20-10; Ord. 844, 5-20-10)

502.10: **EFFECTIVE DATE OF LICENSE:** All licenses shall expire on June 30 of each year. Each license shall be issued for a period of one (1) year; except, that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one (1) month. (1988 Code §100.04)
502.11:  **CONDUCT OF BUSINESS; CONDITIONS OF LICENSE:**

Subd. 1.  **Responsibility of Licensee:** Every licensee shall be responsible for the conduct of licensee’s place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell and serve intoxicating liquors shall be deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this Chapter equally with the employee.

Subd. 2.  **Compliance with Laws:** Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this Chapter and of any other applicable chapter of the City Code or state law. (Amended, Ord. 843, 5-20-10)

Subd. 3.  **Posting of License:** The license shall be posted in a conspicuous place on the licensed premises at all times.

Subd. 4.  **Sales Restricted:** No off-sale licensee shall sell intoxicating liquor on-sale or permit the consumption of any liquor on the licensed premises with the exception of samples authorized by Minnesota Statutes, Section 340A.510. (Amended, Ord. 843, 5-20-10)

Subd. 5.  **Place of Business:** No license shall be effective beyond the compact and contiguous space named in the license for which it was granted. (1988 Code §100.08)

Subd. 6.  **Closing Hours:** Every on-sale intoxicating liquor or wine licensee shall be responsible for the removal of all persons, who are not employees of said licensee, from the licensed premises within thirty (30) minutes after the sale of intoxicating liquors is prohibited by law, except those premises that are also licensed as restaurants under Chapter 505 of this Title or licensed as bowling centers under Chapter 507 of this Title, and said restaurants or bowling centers are open and operating subsequent to the prohibition referred to herein, in which case, persons may remain on said premises. In no event may intoxicating 3.2 Percent (3.2%) malt liquor be served or consumed on any licensed premises contrary to law. (Amended, Ord. 843, 5-20-10)

Subd. 7.  **Persons on Premises:** No person may remain on a premises licensed for on-sale intoxicating liquors or wine pursuant to this Chapter thirty (30) minutes after the sale of intoxicating liquors is prohibited by law unless said person is the licensee or an employee of the licensee and is engaged in the business or occupation relative to the licensed activity. (Amended, Ord. 843, 5-20-10)
Subd. 8. Consumption in Parking Lots: No person may loiter or consume or have in their possession any bottle or receptacle containing intoxicating or 3.2 Percent (3.2%) malt liquors on any premises licensed for the on-sale or off-sale of intoxicating liquors while outside of the building or structure located on the licensed premises, including but not limited to parking lots, driveways and landscaped areas, as well as steps, passageways or vestibules located outside of said building or structure, except as provided by Sections 502.03, subdivision 7 and 503.03, Subdivision 1(c). Any person in violation of this subdivision shall be guilty of a misdemeanor. (Ord. 771, 4-24-06; Amended, Ord. 843, 5-20-10)

502.12: **HOURS AND DAYS OF SALES:**

Subd. 1. General Restrictions: No sale of intoxicating liquor for consumption on the licensed premises shall be made between the hours of two o’clock (2:00) A.M. and eight o’clock (8:00) A.M. on the days of Monday through Saturday. No sale of intoxicating liquor shall be made by an off-sale licensee before eight o’clock (8:00) A.M. or after eight o’clock (8:00) P.M. on any day except Friday and Saturday, on which days sales may be made until ten o’clock (10:00) P.M. No sale of intoxicating liquor shall be made by an off-sale licensee on Sundays. No off-sale of intoxicating liquor shall be made on Thanksgiving Day, Christmas Day or after eight o’clock (8:00) P.M. on December 24th. (Amended, Ord. 717, 7-28-03; Ord. 843, 5-20-10)

Subd. 2. Sunday Sales: Notwithstanding the provisions of subdivision 1 of this Section, restaurants, clubs, bowling centers and hotels with seating capacities for at least thirty (30) persons and which hold an on-sale intoxicating liquor license may serve intoxicating liquor between the hours of ten o’clock (10:00) A.M. and two o’clock (2:00) A.M. on Sundays in conjunction with the sale of food upon obtaining a Sunday Sales license from the City. (Ord. 475, 10-9-89; Amended, Ord. 717, 7-28-03; Ord. 843, 5-20-10; Ord. 851, 10-7-10)
502.13: PROHIBITED OR RESTRICTED ACTS AND CONDITIONS:

Subd. 1. Sales to Certain Persons Prohibited: No intoxicating liquor shall be sold, served, furnished or delivered for any purpose to any person under the age of twenty one (21), to any person obviously intoxicated or to any person to whom sale is prohibited by statute. (Amended, Ord. 843, 5-20-10)

Subd. 2. Gambling Devices:

a. Except as otherwise provided in this subdivision, no licensee shall keep, possess or operate or permit the keeping, possession or operation of any slot machines, dice or any gambling equipment on the licensed premises or in any room adjoining the licensed premises in violation of Chapter 349 of Minnesota Statutes and Chapter 518 of the City Code. Lottery tickets may be purchased and sold within the licensed premises as authorized by the Director of the State Lottery under Minnesota Statutes Chapter 349A. Dice may be kept and used on the licensed premises and adjoining rooms for social dice games as authorized by Minnesota Statutes, Section 609.761, subdivision 4. (1988 Code §100.08) (Ord. 691, 1-28-02; Amended, Ord. 835, 4-1-10; Ord. 843, 5-20-10)

b. No licensee shall conduct or permit to be conducted on any licensed premises “casino” or “Las Vegas” events where guests are allowed to participate in gambling activities, except when said guests are not required to provide monetary consideration to participate in the event. (Amended, Ord. 835, 4-1-10)

Subd. 3. Ownership by Manufacturers or Distillers of Liquor: No equipment or fixture in any licensed premises shall be owned, in whole or in part, by any manufacturer or distiller of intoxicating liquor. (Amended, Ord. 843, 5-20-10)

Subd. 4. Refilling and Diluting: No licensee shall sell, offer for sale or keep for sale intoxicating liquors in any original package which has been refilled or partly refilled. No licensee shall, directly or through any other person, dilute or in any manner tamper with the contents of any original package so as to change its composition or alcoholic content while in the original package. Possession on the licensed premises by any licensee of any intoxicating liquor in the original package differing in composition or alcoholic content from the liquor when received from the manufacturer or wholesaler from whom it was purchased shall be prima facie evidence that the contents of the original package have been diluted, changed or tampered with. (Amended, Ord. 843, 5-20-10)

Subd. 5. Federal Wholesale Dealers or Gambling Stamps: No licensee shall apply for or possess a Federal wholesale liquor dealer tax stamp. (Amended, Ord. 843, 5-20-10)
Subd. 6. Ethyl Alcohol or Neutral Spirits: No licensee shall keep ethyl alcohol or neutral spirits on the licensed premises or permit their use on the premises either alone or mixed with any other beverage. (Amended, Ord. 843, 5-20-10)

Subd. 7. Sexual Acts; Indecent Exposure: The following acts or conduct on licensed premises are deemed contrary to public welfare and morals, and therefore, no on-sale license shall be held at any premises where such conduct or acts are permitted: (Amended, Ord. 843, 5-20-10)

a. To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

b. To employ or use the services of any host or hostess while such host or hostess is unclothed or in such attire, costume or clothing as described in subdivision 9a above. (Amended, Ord. 843, 5-20-10)

c. To encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

d. To permit any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

e. To permit any person to perform acts of or acts which simulate:

   (1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

   (2) The touching caressing or fondling on the breast, buttocks, anus or genitals.

   (3) The displaying of the pubic hair, anus, vulva, genitals or the nipple or areola of the female breast.

f. To permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in subdivision 7 above. (Amended, Ord. 843, 5-20-10)
g. To permit any person to remain in or upon the licensed premises who exposes to public view the pubic hair, anus, vulva or genitals, except where said pubic hair, anus, vulva or genitals are covered with transparent clothing, in the form of pants or panties, and in addition, where the breast and the pubic hair, anus, vulva and genitals are covered with transparent clothing.

h. To permit the showing of film, still pictures, electronic reproduction or other visual reproductions depicting:

1. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

2. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.

3. Scenes wherein a person displays the vulva or anus or the genitals.

4. Scenes wherein artificial devices or inanimate objects are employed to depict or drawings are employed to portray any of the prohibited activities described above.

5. To permit any employee or person under contract to perform on the premises or to dance on any table, bar or other elevated platform, except on a duly designated stage designed exclusively for the entertainment of patrons of the premises, said stage to be located at least three (3) feet from any patron.

Subd. 8. Sale or Consumption in Public or on Public Land or Streets: No intoxicating liquor shall be sold or consumed in any public place not holding an on-sale or off-sale license. No liquor shall be sold or consumed on a public street, in an automobile or on public land. (1988 Code §100.10) (Amended, Ord. 843, 5-20-10)
502.14:  **MINORS:**

Subd. 1. Employment of Minors: No person under the age of eighteen (18) shall be permitted to sell or serve intoxicating liquor in any on-sale or off-sale establishment. (1988 Code §100.09) (Amended, Ord. 843, 5-20-10)

Subd. 2. Purchase of Liquor; Misrepresentation of Age: No person under the age of twenty one (21) shall misrepresent his or her age for the purpose of obtaining liquor. No person under the age of twenty one (21) shall enter any premises licensed under this Chapter in order to procure intoxicating liquor or to consume or purchase or attempt to purchase or have others purchase for the person under the age of twenty one (21) such beverages on licensed premises. (Amended, Ord. 843, 5-20-10)

Subd. 3. Inducing Persons Under the Age of twenty one (21) to Purchase Liquor: No person shall induce a person under the age of twenty one (21) to purchase or procure liquor. (Amended, Ord. 843, 5-20-10)

Subd. 4. Procuring Liquor for Persons Under the Age of twenty one (21): No person shall give to, procure or purchase liquor for any person under the age of twenty one (21) or any other person to whom the sale of intoxicating liquors is forbidden by law. (1988 Code §100.10) (Amended, Ord. 843, 5-20-10)

502.15:  **ZONING RESTRICTIONS:** No license shall be issued for premises located within the areas restricted against commercial use by Title 1100 of this Code. No license shall be issued for premises or places in which the sale or use thereof has been prohibited by the Minnesota Statutes, Chapter 340A. (1988 Code §100.11) (Amended, Ord. 843, 5-20-10)
502.16: **SUSPENSION OR REVOCATION OF LICENSE:**

Subd. 1. **Cause for Suspension:** The Council may suspend or revoke any liquor license for violation of any provision or condition of this Chapter or any State law regulating the sale of intoxicating liquors and shall revoke such license if the licensee willfully violates any provision of Minnesota Statutes, Chapter 340A or this Chapter. (Amended, Ord. 843, 5-20-10)

Subd. 2. **Written Notice:** Except in the case of a suspension pending a hearing on revocation, revocation or suspension by the Council shall be preceded by written notice to the licensee, and a public hearing shall be held. The notice shall give at least eight (8) days’ notice of the time and place of the hearing and shall state the nature of the charges against the licensee. (Amended, Ord. 843, 5-20-10)

Subd. 3. **Suspension Pending Hearing:** The Council may, without any advance notice, suspend any license pending a hearing on revocation for a period not exceeding thirty (30) days. (1988 Code §100.12)

502.17: **VIOLATION OF PROVISIONS:** Any person violating any provision of this Chapter shall be guilty of a misdemeanor. (1988 Code §100.13) (Amended, Ord. 843, 5-20-10)
CHAPTER 503

3.2 PERCENT MALT LIQUOR

SECTION:

503.01:  Definitions
503.02:  License Required
503.03:  License Classifications
503.04:  Eligibility for License
503.05:  Application for License
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503.07:  Proof of Financial Responsibility
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502.10:  Hours of Sales
503.11:  Suspension or Revocation of License
503.12:  Violation of Provisions

503.01:  **DEFINITIONS:** When used in this Chapter, the following words and phrases shall have the meanings ascribed to them: (Amended, Ord. 843, 5-20-10)

Subd. 1.  3.2 Percent (3.2%) MALT LIQUOR: Any malt beverage with an alcoholic content of more than one-half (1/2) of one percent (1%) by volume and not more than three and two-tenths percent (3.2%) by weight. (Ord. 619, 4-27-98; Amended, Ord. 843, 5-20-10)

Subd. 2.  3.2 Percent (3.2%) MALT LIQUOR STORE: An establishment used exclusively for the sale of 3.2 Percent (3.2%) malt liquor with the incidental sale of tobacco and soft drinks at retail. (Amended, Ord. 843, 5-20-10)
Subd. 3. CLUB: An incorporated organization organized under the laws of the state for civic, fraternal, social or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans’ organization, which: (Amended, Ord. 843, 5-20-10)

a. has more than thirty (30) members; (Added, Ord. 843, 5-20-10)

b. has owned or rented a building or space in a building for more than one (1) year that is suitable and adequate for the accommodation of its members; and (Added, Ord. 843, 5-20-10)

c. is directed by a board of directors, executive committee, or other similar body chosen by members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body. (Added, Ord. 843, 5-20-10)

Subd. 4. GAMBLING DEVICE: A contrivance the purpose of which is that for a consideration a player is afforded an opportunity to obtain something of value, other than free plays, automatically from the machine or otherwise, the award of which is determined principally by chance, whether or not the contrivance is actually played. A gambling device includes a video game of chance as defined by Minnesota Statutes, Section 609.75, subdivision 8. (Added, Ord. 843, 5-20-10)

Subd. 5. INTOXICATING LIQUOR: Any ethyl alcohol distilled, fermented, spirituous, vinous or malt beverage containing more than three and two-tenths percent (3.2%) of alcohol by weight. (Amended, Ord. 843, 5-20-10)

Subd. 6. ORIGINAL PACKAGE: The corked bottle or sealed container in which the liquor is placed by the manufacturer. (Amended, Ord. 843, 5-20-10)

Subd. 7. PERSON: Includes a natural person of either sex, partnership, corporation or association of persons and the agent or manager of any of the aforesaid. The singular number includes the plural, and the masculine pronoun includes the feminine and neuter. (Amended, Ord. 843, 5-20-10)

Subd. 8. RESTAURANT: An establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public and having a minimum seating capacity for guests as prescribed by this Code. (Amended, Ord. 843, 5-20-10)
503.02: **LICENSE REQUIRED:** No person, except wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale or otherwise or keep or offer for sale, any 3.2 Percent (3.2%) malt liquor within the City without first having received a license as hereinafter provided. (1988 Code §101.02) (Amended, Ord. 843, 5-20-10)

503.03: **LICENSE CLASSIFICATIONS:** Licenses shall be of two (2) kinds: retail on-sale and retail off-sale.

Subd. 1. On-Sale Licenses:

a. On-sale licenses shall be granted only to clubs, 3.2 Percent (3.2%) malt liquor stores, bowling centers, restaurants and hotels where food is prepared and served for consumption on the premises. On-sale licenses shall permit the sale of 3.2 Percent malt liquor for consumption on the premises only. (1988 Code §101.02; 1993 Code) (Amended, Ord. 843, 5-20-10)

b. A holder of an on-sale license to sell 3.2 Percent (3.2%) malt liquor pursuant hereto, who is also licensed to sell on-sale wine pursuant to subdivision 502.03(3) of this Title and is licensed to sell on-sale 3.2 Percent (3.2%) malt liquor pursuant to subdivision 503.03, subdivision 1 (a) and whose gross receipts are at least sixty percent (60%) attributable to the sale of food, is permitted to sell intoxicating malt liquor at on-sale without an additional license. (Ord. 467, 6-26-89; Ord. 619, 4-27-98; Ord. 843, 5-20-10)

c. **Outdoor Consumption Endorsement.** A special endorsement may be issued by the City to the holder of an on-sale 3.2 Percent (3.2%) malt liquor license to allow sales and consumption of 3.2 Percent (3.2%) malt liquor outdoors when the outside service area is immediately adjacent to and contiguous with the licensed premises. The licensee shall make application for the special endorsement to the City and provide site plans which illustrate the proposed outdoor service area. The special endorsement may be issued by the City Council to the licensee by resolution after a public hearing on the special endorsement is held. The designated outdoor service area shall not reduce the number of off-street parking spaces which would be required if the licensed premises together with the outside service area were to be newly constructed in conformity with the City’s zoning code. (Amended, Ord. 843, 5-20-10)

The City may also require improvements to the outside service area prior to issuing the special endorsement, including, but not limited to, safety barriers or other enclosures to be placed around the perimeter of the outside service area in order to protect patrons from any hazards, including vehicular traffic. (Ord. 771, 4-24-06)
Subd. 2. Off-Sale Licenses: Off-sale licenses shall permit the sale of 3.2 Percent (3.2%) malt liquor at retail, in the original package, for consumption off the premises only. (1988 Code §101.02) (Amended, Ord. 843, 5-20-10)

Subd. 3. Temporary On-Sale 3.2 (3.2%) Percent Malt Liquor License. Temporary on-sale 3.2 Percent (3.2%) malt liquor licenses may be issued to a club, charitable, religious or non-profit organization for not more than two (2) consecutive days. Such license will permit the licensee to dispense 3.2 Percent (3.2%) malt liquor at any civic event sponsored by or approved by the City. The licensee must be engaged to dispense 3.2 Percent (3.2%) malt liquor at the event held by a person or organization permitted to use the premises, and may dispense 3.2 Percent (3.2%) malt liquor only to persons attending the event. The licensee may not dispense 3.2 Percent (3.2%) malt liquor to any person attending or participating in an amateur athletic event held on the premises. Proof of financial responsibility is required in accordance with Code Section 503.07, subdivision 1. (Ord. 619, 4-27-98; Amended, Ord. 843, 5-20-10)

503.04: **ELIGIBILITY FOR LICENSE:**

Subd. 1. Persons Ineligible for License: No license shall be granted to any person: (Amended, Ord. 843, 5-20-10)

a. Who is under the age of twenty one (21). (Amended, Ord. 843, 5-20-10)

b. Who within five (5) years of the license application has been convicted of a felony or a willful violation of a federal or any law of this State or local ordinance relating to the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage. (Amended, Ord. 843, 5-20-10)

c. Who has a direct or indirect interest in a manufacturer, brewer or wholesaler. (Amended, Ord. 843, 5-20-10)

d. Who is not of good moral character and repute. (Amended, Ord. 843, 5-20-10)

e. Who is not the proprietor of the establishment for which the license is issued. (1988 Code §101.06) (Amended, Ord. 843, 5-20-10)
Subd. 2. Places Ineligible for License; Exceptions:

a. No on-sale or off-sale 3.2 Percent (3.2%) malt liquor license shall be granted for sale on any premises where any license hereunder has been revoked for cause until one (1) year has elapsed after such conviction or revocation. (Amended, Ord. 843, 5-20-10)

b. No off-sale license 3.2 Percent (3.2%) malt liquor license shall be granted to any premises where an on-sale intoxicating liquor license has been issued by the City pursuant to the provisions of Chapter 502 of this Title. (Amended, Ord. 843, 5-20-10)

c. No on-sale 3.2 Percent (3.2%) malt liquor license shall be issued to any place within fifty (50) feet of any public school or church with the exception of any place wherein a license was in continuous operation and established prior to the building of such public school or church. (Amended, Ord. 843, 5-20-10)

d. No off-sale 3.2 Percent (3.2%) malt liquor license shall be issued to any place within five hundred (500) feet of any public school or church. (1988 Code §101.07) (Amended, Ord. 843, 5-20-10)

503.05: APPLICATION FOR LICENSE:

Subd. 1. Contents of Application; Filing: Every application for a license to sell 3.2 Percent (3.2%) malt liquor shall be made on a form supplied by the City and shall state the name of the applicant, applicant’s age, representations as to the character of applicant, with such references as may be required, whether the application is for an on-sale or off-sale 3.2 Percent (3.2%) malt liquor license, the name and type of business in connection with which the proposed licensee will operate and its location, whether applicant is owner and operator of the business, how long applicant has been in that business at that place and such other information as the Council may require, from time to time. Applications shall be filed with the City Administrator. (Amended, Ord. 843, 5-20-10; Ord. 844, 5-20-10)

Subd. 2. False Statements: It shall be unlawful to make any false statement in an application. (1988 Code §101.03)

Subd. 3. Special Sales of Malt Liquor: Applications for a license to sell intoxicating malt liquor on-sale pursuant to the requirements of subdivision 503.03(1)b of this Chapter shall include documentation to substantiate food sales equal or exceeding sixty percent (60%) of gross receipts for the twelve (12) month period of November 1 through October 31 preceding the license issuance date. Documentation shall be by statement of certified public accountant based upon an audit of sales receipts or other certifiable records of the business in connection with which the proposed license will operate. (Ord. 467, 6-26-89)
**503.06: LICENSE FEES:**

Subd. 1. Payment of Fees: Each application for a license shall be accompanied by a receipt from the Finance Director/Treasurer for payment in full of the required fee for the license. All fees shall be paid into the General Fund of the City. Upon rejection of any application for a license, the Finance Director/Treasurer shall refund the amount paid. (Amended, Ord. 843, 5-20-10)

Subd. 2. Proration of Fees: All licenses shall expire on December 31 in each year. Each license shall be issued for a period of one (1) year; except, that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one (1) month.

Subd. 3. Annual Fees:

a. The annual fee for an on-sale and an off-sale 3.2 Percent (3.2%) malt liquor license shall be established by resolution of the City Council. (Amended, Ord. 843, 5-20-10)

b. No additional license fee shall be required of a licensee who sells intoxicating malt liquor on-sale pursuant to the requirements of subdivision 503.03, subdivision 1 (b) of this Chapter. (Ord. 467, 6-26-89; Amended, Ord. 843, 5-20-10)

c. The fees for temporary on-sale 3.2 Percent (3.2%) liquor licenses shall be established by resolution of the City Council. (Ord. 591, 10-29-96; Amended, Ord. 843, 5-20-10)

Subd. 4. Increase of Fees: No 3.2 Percent malt liquor license fee shall be increased, except after notice and public hearing by the Council on the proposed increase. Notice of the proposed increase must be published in the official newspaper and mailed to all affected licensees at least thirty (30) days before the date set for the hearing. (Ord. 476, 10-9-89; Amended, Ord. 843, 5-20-10)
Subd. 5. Refunds: No part of the fee paid for any license issued under this Chapter shall be refunded, except in the following instances upon application to the Council within thirty (30) days from the happening of the event. There shall be refunded a pro rata portion of the fee for the unexpired period of the license, computed on a monthly basis, when operation of the licensed business ceases not less than one (1) month before expiration of the license because of: (Amended, Ord. 843, 5-20-10)

a. Destruction or damage of the licensed premises by fire or other catastrophe.

b. The licensee’s illness.

c. The licensee’s death.

d. A change in the legal status of the City making it unlawful for the licensed businesses to continue. (1988 Code §101.04) (Amended, Ord. 843, 5-20-10)
503.07:  **PROOF OF FINANCIAL RESPONSIBILITY:** (Amended, Ord. 843, 5-20-10)

Subd. 1. Unless otherwise excepted by this Section, each application for an on-sale or off-sale 3.2 Percent (3.2%) malt liquor license shall be accompanied by one (1) of the following proofs of financial responsibility: (Amended, Ord. 843, 5-20-10)

   a. Certificate of Insurance: A certificate that there is in effect an insurance policy issued by an insurer required to be licensed by Minnesota Statutes, Section 60A.07, subdivision 4 or by an insurer recognized as an eligible surplus line carrier pursuant to Minnesota Statutes, Section 60A.206 or pool providing coverage of at least: (Amended, Ord. 843, 5-20-10)

      1. Fifty thousand dollars ($50,000.00) for bodily injury to any one (1) person in any one (1) occurrence and subject to the limit of one (1) person; (Amended, Ord. 843, 5-20-10)

      2. One hundred thousand dollars ($100,000.00) for bodily injury to two (2) or more persons in any one (1) occurrence; (Amended, Ord. 843, 5-20-10)

      3. Ten thousand dollars ($10,000.00) for injury to or destruction of property of others in any one (1) occurrence; (Amended, Ord. 843, 5-20-10)

      4. Fifty thousand dollars ($50,000.00) for loss of means of support of any one (1) person in any one (1) occurrence and, subject to the limit for one (1) person; and (Amended, Ord. 843, 5-20-10)

      5. One hundred thousand ($100,000.00) for loss of support of two (2) or more persons in any one (1) occurrence. (Amended, Ord. 843, 5-20-10)

   b. Bond: A bond of a surety company with minimum coverages as provided in subdivision 1 (a) above; or (Added, Ord. 843, 5-20-10)

   c. Commissioner of Management and Budget Certificate. A certificate of the State Commissioner of Management and Budget that the licensee has deposited with the Commissioner of Management and Budget one hundred thousand dollars ($100,000.00) in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of one hundred thousand dollars ($100,000.00). (Added, Ord. 843, 5-20-10)
Subd. 2. Temporary On-Sale 3.2 Percent (3.2%) Malt Liquor License. A certificate of insurance, bond or certificate from the Commissioner of Management and Budget as set forth in subdivision 1 are required for temporary on-sale 3.2 Percent (3.2%) malt liquor licenses. The insurance policy or bond must have the following coverage: one hundred thousand dollars ($100,000.00) bodily injury each person; two hundred thousand dollars ($200,000.00) each common cause; one hundred thousand dollars ($100,000.00) property damage each common cause; one hundred thousand dollars ($100,000.00) loss of means of support; two hundred thousand dollars ($200,000.00) each common cause; and three hundred thousand dollars ($300,000.00) annual aggregate. If the event is to be held on City property, the City shall be named as an additional insured and the license holder shall agree to hold the City harmless and indemnify and defend the City for acts of the license holder. (Ord. 591, 10-29-96; Amended, Ord. 843, 5-20-10)

Subd. 3. Subdivision 1 does not apply to 3.2 Percent (3.2%) malt liquor licensees who by affidavit establish that: (Added, Ord. 843, 5-20-10)

   a. They are on-sale 3.2 Percent (3.2%) malt liquor licensees with sales of less than twenty five thousand dollars ($25,000) or 3.2 Percent (3.2%) malt liquor for the preceding year; or (Added, Ord. 843, 5-20-10)

   b. They are off-sale 3.2 Percent (3.2%) malt liquor licensees with sales of less than fifty thousand dollars ($50,000) of 3.2 Percent (3.2%) malt liquor for the preceding year. (Added, Ord. 843, 5-20-10)

Subd. 4. Approval by Council: The proof of financial responsibility shall be approved by the Council and, when required, by the Commissioner of Public Safety. The City Attorney shall approve the form of the financial responsibility. (Amended, Ord. 843, 5-20-10)

Subd. 5. Revocation of License: The operation of such off-sale or on-sale 3.2 Percent (3.2%) malt liquor business without having proof of financial responsibility on file, at all times, with the City, if required by this Section, shall be grounds for immediate revocation of the license. Notice of cancellation of a current liquor liability policy shall serve as notice of the impending revocation of the license. (1988 Code §101.04) (Amended, Ord. 843, 5-20-10)
503.08: **INVESTIGATION OF APPLICATION; HEARING; ISSUANCE OR DENIAL:**
The Council shall investigate all facts set out in the 3.2 Percent malt liquor license application. No issuance of a new license, transfer of an existing license, renewal of an existing license, issuance of a temporary 3.2 Percent malt liquor license or special outdoor consumption endorsement for the sale of 3.2 Percent malt liquor on-sale or off-sale shall be hereafter granted by the Council until a public hearing has been conducted by the Council after published notice in the official newspaper at least ten (10) days in advance of the hearing. After such investigation and hearing, the Council shall grant or refuse the application, in its discretion. (1988 Code §101.05) (Ord. 771, 4-24-06; Amended, Ord. 843, 5-20-10)

503.09: **CONDUCT OF BUSINESS; CONDITIONS OF LICENSE:**

Subd. 1. **Transferability of License:** Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another place without the approval of the Council. (1988 Code §101.05) (Amended, Ord. 843, 5-20-10)

Subd. 2. **Compliance with Laws:** Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this Chapter and of any other applicable Chapter of this Code or State law.

Subd. 3. **License to be Posted:** All licensed premises shall have the license posted in a conspicuous place at all times.

Subd. 4. **Responsibility of Licensee:** Every licensee shall be responsible for the conduct of their place of business and shall maintain conditions of sobriety and order.

Subd. 5. **Serving Underage Persons and Intoxicated Persons:** No 3.2 Percent (3.2%) malt liquor shall be sold or served to any intoxicated person or to any person who is under the age of twenty one (21). (Amended, Ord. 843, 5-20-10)

Subd. 6. **Consumption by Underage Persons on Premises:** No person under the age of twenty one (21) shall be permitted to consume 3.2 Percent (3.2%) malt liquor on the licensed premises. (Amended, Ord. 843, 5-20-10)

Subd. 7. **Employment of Minors:** No person under the age of eighteen (18) shall be permitted to sell or serve 3.2 Percent (3.2%) malt liquor in any on-sale establishment. (Amended, Ord. 843, 5-20-10)
Subd. 8. Gambling and Gambling Devices:

a. Except as otherwise provided in this paragraph, no licensee shall keep, possess or operate or permit the keeping, possession or operation of any gambling equipment on the licensed premises or in any room adjoining the licensed premises in violation of Chapter 349 of Minnesota Statutes and Chapter 518 of the City Code. Lottery tickets may be purchased and sold within the licensed premises as authorized by the Director of the State Lottery under Minnesota Statutes Chapter 349A. Dice may be kept and used on licensed premises and adjoining rooms for social dice games as authorized by Minnesota Statutes Section 609.761, subdivision 4. (1988 Code §100.08) (Ord. 691, 1-28-02; Amended, Ord. 835, 4-1-10; Ord. 843, 5-20-10)

b. No licensee shall conduct or permit to be conducted on any licensed premises “casino” or “Las Vegas” events where guests are allowed to participate in gambling activities, except when said guests are not required to provide monetary consideration to participate in the event. (Amended, Ord. 835, 4-1-10)

Subd. 9. Right of Entry and Inspection: The Commissioner of Public Safety, or duly authorized employees, may, at all reasonable hours enter in and upon the premises of any licensee to inspect the premises and examine the books, papers, and records of a licensee for the purposes of determining compliance with the provisions of Minnesota Statutes, Chapter 340A. If the Commissioner or any duly authorized employee is denied free access or is hindered or interfered with in making an inspection or examination, the license is subject to revocation by the Commissioner pursuant to Minnesota Statutes, Section 340A.304. (Amended, Ord. 843, 5-20-10)

Subd. 10. Sale of Intoxicating Liquor:

a. No 3.2 Percent (3.2%) malt liquor licensee who is not also licensed to sell intoxicating liquor shall sell intoxicating liquors on the licensed premises. (Amended, Ord. 843, 5-20-10)

b. It shall be unlawful for any business establishment or club other than a place licensed to sell intoxicating liquors, to, directly or indirectly or upon any pretense or by any device, allow the consumption or display of intoxicating liquor or the serving of any liquid for the purpose of mixing with intoxicating liquor without first securing a permit from the Commissioner of Public Safety and paying the annual fee as provided for in Minnesota Statutes, Section 340A.414. (Amended, Ord. 843, 5-20-10)

Subd. 11. Serving 3.2 Percent (3.2%) Malt Liquor Under On-Sale License: An on-sale 3.2 Percent (3.2%) malt liquor license shall entitle the holder to serve 3.2 Percent (3.2%) malt liquor in a separate room of the licensed premises for banquets or dinners so long as the room is contiguous with the licensed premises. (1988 Code §101.08) (Amended, Ord. 843, 5-20-10)
503.10: **HOURS OF SALES:** No sale of 3.2 Percent (3.2%) malt liquor shall be made on any Sunday between the hours of two o’clock (2:00) A.M. and ten o’clock (10:00) A.M. No sale shall be made between the hours of two o’clock (2:00) A.M. and eight o’clock (8:00) A.M. on any other day. (1988 Code §101.09; Amended, Ord. 717, 7-28-03; Ord. 843, 5-20-10; Ord. 851, 10-7-10)

503.11: **SUSPENSION OR REVOCATION OF LICENSE:**

Subd. 1. **Cause for Suspension:** The Council may suspend or revoke any 3.2 Percent (3.2%) malt liquor license for violation of any provision or condition of this Chapter or any State law regulating the sale of 3.2 Percent (3.2%) malt liquor and shall revoke such license if the licensee willingly violates any provision of Minnesota Statutes, Chapter 340A or this Chapter. (Amended, Ord. 843, 5-20-10)

Subd. 2. **Written Notice and Public Hearing:** Except in the case of a suspension pending a hearing on revocation, revocation or suspension by the Council shall be preceded by written notice to the licensee and a public hearing shall be held. The notice shall give at least eight (8) days’ notice of the time and place of the hearing and shall state the nature of the charges against the licensee. (1988 Code §101.11) (Amended, Ord. 843, 5-20-10)

Subd. 3. **Suspension Pending Hearing:** The Council may, without any advance notice, suspend any license pending a hearing on revocation for a period not exceeding thirty (30) days. (Added, Ord. 843, 5-20-10)

503.12: **VIOLATION OF PROVISIONS:** Any person violating any provision of this Chapter shall be guilty of a misdemeanor. (1988 Code §101.12)
CHAPTER 504

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

SECTION:

504.00: Purpose
504.01: Definitions
504.02: Permit Required
504.03: Application For Permit
504.04: Permit Fees
504.05: Investigation; Issuance or Denial of Permit
504.06: Prohibited Acts
504.07: Revocation or Suspension of Permit
504.08: Expiration of Permit
504.09: Exempt Persons Registration Requirement
504.10: Enforcement of Provisions
504.11: Appeals
504.12: Exemptions From Provisions
504.13: Exclusion by Placard or Request
504.14: Violation and Penalties
504.15: Severability

504.00: PURPOSE: This Section has been enacted to protect residents of the City from fraud, to prevent crime, and to address other general safety and welfare concerns. (Added, Ord. 834, 10-10-09)

504.01: DEFINITIONS: As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

Subd. 1. NON-COMMERCIAL DOOR TO DOOR ADVOCATE: A person who goes door to door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purposes of this Section, the term door-to-door advocate shall fall under the term solicitor and shall include door-to-door canvassing and pamphleteering intended for non-commercial purposes. (Added, Ord. 834, 10-10-09)
Subd. 2. PEDDLER: Any person, whether a resident of the City of Mounds View or not, who goes from house to house, from place to place or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles immediately upon purchase to purchasers. It does not include vendors of milk, bakery products, groceries or ice who distribute their products to regular customers on established routes. (Amended, Ord. 834, 10-10-09)

Subd. 3. PERSON OR PERSONS: Any natural individual, group, organization, corporation, partnership, or similar association. (Added, Ord. 834, 10-10-09)

Subd. 4. SOLICITOR: Any person, whether a resident of the City of Mounds View or not, who goes from house to house, from place to place or from street to street, soliciting or attempting to take orders for sale of goods, wares or merchandise, including magazines, books, periodicals or personal property of any nature whatsoever for future delivery or for service to be performed in the future, whether or not such order or whether or not such person is collecting advance payments on such order. Such definition includes any person who, for themselves or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or other place within the City for the purpose of exhibiting samples or taking orders for future delivery. The absence of catalogs or samples does not remove a person from the scope of this provision if the actual purpose of the person’s activity is to obtain or attempt to obtain orders as discussed above. (Amended, Ord. 834, 10-10-09)

Subd. 5. TRANSIENT MERCHANT: Includes any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the City of Mounds View or not, who engages in a temporary business of selling and delivering goods, wares or merchandise within the City, and who, in furtherance of such purposes, hires, leases, uses or occupies any building, parking lot, structure, motor vehicle, trailer, tent, railroad boxcar, boat, public room in hotels, lodging houses, apartments, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction; provided, that such definition does not include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person, firm or corporation so engaged is relieved from complying with the provisions of this Chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting such transient business in connection with, as a part of or in the name of any local dealer, trader, merchant or auctioneer. (1988 Code §110.01) (Amended, Ord. 834, 10-10-09)
Subd. 6. EXCEPTIONS TO DEFINITIONS: For purposes of this Chapter, the terms PEDDLER, SOLICITOR, and TRANSIENT MERCHANT shall not apply to: (Added, Ord. 834, 10-10-09)

a. Non-commercial door-to-door advocates. Nothing within this Section shall be interpreted to prohibit or restrict non-commercial door-to-door advocates. Any person engaging in door-to-door advocacy shall not be required to register as a solicitor under Section 504.02. (Added, Ord. 834, 10-10-09)

b. Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler. (Added, Ord. 834, 10-10-09)

c. Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk. (Added, Ord. 834, 10-10-09)

d. Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route. (Added, Ord. 834, 10-10-09)

e. Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large. (Added, Ord. 834, 10-10-09)

f. Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales. (Added, Ord. 834, 10-10-09)

g. Any person participating in an organized multi-person bazaar or flea market. (Added, Ord. 834, 10-10-09)

h. Any person conducting an auction as a properly licensed auctioneer. (Added, Ord. 834, 10-10-09)

i. Any officer of the court conducting a court-ordered sale. (Added, Ord. 834, 10-10-09)

Exemption from these definitions shall not, for the scope of this Chapter, excuse any person from complying with any other applicable statutory provision or requirement provided by another City ordinance. (Added, Ord. 834, 10-10-09)
504.02: **PERMIT REQUIRED:**

Subd. 1. Except as otherwise provided for in this Section, it is unlawful for any peddler or transient merchant to engage in any such business within the City without first obtaining a permit therefor in compliance with the provisions of this Chapter. Solicitors engaged in entirely for-profit, commercial endeavors must obtain a permit to engage in such business within the City. All other solicitors need not obtain a permit, but are required to register with the City pursuant to Section 504.09. (1988 Code §110.02) (Amended, Ord. 834, 10-10-09)

Subd. 2. Exemptions from Permit Requirement: (Added, Ord. 834, 10-10-09)

a. Any person may sell or peddle the products of the farm or garden occupied and cultivated by him or her without obtaining a permit. (Added, Ord. 834, 10-10-09)

b. No permit shall be required for any person going from house to house, door to door, business to business, street to street, or any other type of place-to-place movement for the primary purpose of exercising that person’s state or federal constitutional rights such as the freedom of speech, freedom of the press, freedom of religion, and the like. This exemption will not apply if the person’s exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity. (Added, Ord. 834, 10-10-09)

Subd. 3. No permit issued under this Chapter shall be transferred to any person other than the person to whom the permit was issued. (Added, Ord. 834, 10-10-09)

504.03: **APPLICATION FOR PERMIT:** Applicants for a permit under this Chapter shall file with the City Administrator a sworn application, in writing, on a form to be furnished by the City Administrator and accompanied by the permit fee provided for in 504.04. The application shall give the following information: (Amended, Ord. 834, 10-10-09; Ord. 844, 5-20-10)

Subd. 1. Full legal name and physical description of applicant. (Amended, Ord. 834, 10-10-09)

Subd. 2. Complete permanent home and local address and telephone numbers of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made. (Amended, Ord. 834, 10-10-09)

Subd. 3. A brief description of the nature of the business and the goods to be sold.
Subd. 4. The name and address of the employer, principal or supplier of the applicant, together with credentials therefrom establishing the exact relationship.

Subd. 5. The length of time for which the right to do business is desired.

Subd. 6. The source of supply of the goods or property proposed to be sold or orders taken for the sale thereof, where such goods or products are located at the time said application is filed and the proposed method of delivery.

Subd. 7. A recent photograph of the applicant, which picture shall be approximately two inches by two inches (2” x 2”) showing the head and shoulders of the applicant in a clear and distinguishing manner.

Subd. 8. The names of at least two (2) property owners of Ramsey County who will certify as to the applicant’s good character and business respectability or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

Subd. 9. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor. (Amended, Ord. 834, 10-10-09)

Subd. 10. The last municipalities, not to exceed three (3), where the applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those municipalities. (1988 Code §110.04)

Subd. 11. Proof of permit from the State of Minnesota or Ramsey County, if applicable. (Added, Ord. 834, 10-10-09)

Subd. 12. If a transient merchant, written permission from property owner. (Added, Ord. 834, 10-10-09)

Subd. 13. The license plate of any vehicle used in conjunction with the activity for which a permit is sought. (Added, Ord. 834, 10-10-09)
504.04: **PERMIT FEES:** The fee for every such permit shall be established by the resolution of the City Council. (1988 Code §110. 16) (Amended, Ord. 834, 10-10-09)

504.05: **INVESTIGATION; ISSUANCE OR DENIAL OF PERMIT:**

Subd. 1. Investigation: Upon receipt of each application and payment of the fee, it shall be referred to the Chief of Police, who shall immediately institute such investigation of the applicant’s business and moral character as he deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this Section within three (3) business days after it has been filed by the applicant with the City Administrator. (Amended, Ord. 834, 10-10-09; Ord. 844, 5-20-10)

Subd. 2. Denial of Permit: If, as a result of such investigation, the applicant’s character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application any disapproval and the reasons for the same and return the application to the City Administrator, who shall notify the applicant within three (3) business days that the application is disapproved and that no permit will be issued. (Amended, Ord. 834, 10-10-09; Ord. 844, 5-20-10)
Subd. 3. Grounds for Denial of Permit: (Added, Ord. 834, 10-10-09)

a. The failure of an applicant to obtain and demonstrate proof of having obtained any required county permit or state license. (Added, Ord. 834, 10-10-09)

b. The failure of an applicant to truthfully provide any information requested by the City as part of the application process. (Added, Ord. 834, 10-10-09)

c. The failure of an applicant to sign the permit application. (Added, Ord. 834, 10-10-09)

d. The failure of an applicant to pay the required fee at the time of application. (Added, Ord. 834, 10-10-09)

e. A conviction within the past five (5) years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person’s ability to conduct the business for which the permit is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person. (Added, Ord. 834, 10-10-09)

f. The revocation within the past five (5) years of any license or permit issued to an applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant. (Added, Ord. 834, 10-10-09)

g. When an applicant has a bad business reputation. Evidence of a bad business reputation shall include, but is not limited to, the existence of more than three (3) complaints against an applicant with the Better Business Bureau, the Office of the Minnesota Attorney General or other state attorney general’s office, or other similar business or consumer rights office or agency, within the proceeding twelve (12) months, or three (3) complaints filed with the City against an applicant within the preceding five (5) years. (Added, Ord. 834, 10-10-09)
Subd. 4. Appeal of Denial: Any person whose permit application is denied under this Section shall have the right to appeal that decision as provided in Section 504.11. (Added, Ord. 834, 10-10-09)

Subd. 5. Approval and Issuance of Permit; Contents: If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse the approval on the application and return the application to the City Administrator, who shall deliver to the applicant the permit within three (3) business days. Such permit shall contain the signature of the issuing officer and shall show the name, address and photograph of said permittee, the class of the permit issued and the kinds of goods or services to be sold thereunder, the date of issuance that the same shall be operative, as well as the permit number and other identifying description of any vehicle used in such licensed business. (Amended, Ord. 834, 10-10-09; Ord. 844, 5-20-10)

Subd. 6. Record of Permits: The City Administrator shall keep a permanent record of all permits issued. (1988 Code §110.06) (Amended, Ord. 834, 10-10-09; Ord. 844, 5-20-10)
504.06: **PROHIBITED ACTS:** (Amended, Ord. 834, 10-10-09)

No peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall conduct business in any of the following manners: (Added, Ord. 834, 10-10-09)

Subd. 1. Failing to provide proof of permit, registration, or identification when requested, or carrying a permit or certificate or another person. Transient merchants must display their permit in a conspicuous place on their premises. (Amended, Ord. 834, 10-10-09)

Subd. 2. Conducting business in a way that creates a threat to the public health, safety, and welfare of any specific individual or the general public or otherwise operating one’s business in any manner that a reasonable person would find obscene, threatening, or abusive. (1988 Code §110.06) (Amended, Ord. 834, 10-10-09)

Subd. 3. Shouting, crying out, blowing a horn, ringing a bell or using any sound amplifying device upon any of the streets, alleys, parks or other public places of the City or upon premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places for the purpose of attracting attention to any goods, wares or merchandise which such person proposes to sell. (1988 Code §110.07) (Amended, Ord. 834, 10-10-09)

Subd. 4. Claiming an exclusive right to any location in the public streets or any stationary location thereon or operating in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this Chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1988 Code §110.08) (Amended, Ord. 834, 10-10-09)

Subd. 5. Alleging false or misleading statements about the products or services being sold, including untrue statements of endorsement. No person shall claim to have the endorsement of the City based solely on the City’s issuance of a permit or certificate of registration. (Added, Ord. 834, 10-10-09)

Subd. 6. Conducting business before nine o’clock (9:00) A.M. and after eight o’clock (8:00) P.M. (Ord. 564, 6-26-95; Ord. 834, 10-10-09)

Subd. 7. Remaining on the property of another when requested to leave. (Added, Ord. 834, 10-10-09)

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3 See also Sections 607.07 and 1103.11 of this Code for noise control regulations.
504.07: **REVOCATION OR SUSPENSION OF PERMIT:** (Amended, Ord. 834, 10-10-09)

Subd. 1. **Cause For Revocation or Suspension:** Permits issued under the provisions of this Chapter may be revoked or suspended by the City Council, after notice and hearing, for any of the following causes: (Amended, Ord. 834, 10-10-09)

   a. Fraud, misrepresentation or incorrect statement contained in the application for permit.
   b. Fraud, misrepresentation or incorrect statement made in the course of carrying on the permitted activity. (Amended, Ord. 834, 10-10-09)
   c. Any violation of this Chapter.
   d. Conviction of any crime or misdemeanor.
   e. Engaging in any prohibited activity as provided under Section 504.06. (Amended, Ord. 834, 10-10-09)

Subd. 2. **Notice Of Hearing:** Notice of the hearing for revocation or suspension of a permit shall be given by the City Administrator, in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at permittee’s last known address at least five (5) days prior to the date set for hearing or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1988 Code §110.12) (Amended, Ord. 834, 10-10-09; Ord. 844, 5-20-10)

Subd. 3. **Appeal:** Any person whose permit is suspended or revoked under this Section shall have the right to appeal that decision as provided in Section 504.11. (Added, Ord. 834, 10-10-09)

Subd. 4. **Reapplication:** No permittee whose permit has been revoked shall make further application until at least six (6) months have elapsed since the last previous revocation. (1988 Code §110.14) (Amended, Ord. 834, 10-10-09)

Subd. 5. **Emergency Revocation:** If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant permitted under this Section, the City Council may immediately suspend a person’s permit and provide notice of the right to hold a subsequent public hearing as prescribed in subdivision 2 of this Section. (Added, Ord. 834, 10-10-09)
504.08: **EXPIRATION OF PERMIT:** All annual permits issued under the provisions of this Chapter shall expire at midnight December 31 in the year when issued. Other than annual licenses shall expire at midnight on the date specified in the license. (1988 Code §504.15)

504.09: **EXEMPT PERSONS REGISTRATION REQUIREMENT:** (Amended, Ord. 834, 10-10-09)

Subd. 1. Any solicitor and any person exempt from the permit requirements of this Chapter shall be required to register with the City prior to engaging in those activities. Registration shall be made on the same form as required for a permit application, but no fee shall be required. Immediately upon completion of the registration form, the City Administrator shall issue the registrant a certificate of registration as proof of the registration. Certificates of registration shall be non-transferable. (Amended, Ord. 834, 10-10-09; Ord. 844, 5-20-10)

Subd. 2. Individuals that will be engaging in non-commercial door to door advocacy shall not be required to register. (1988 Code §110.05) (Amended, Ord. 834, 10-10-09)

504.10: **ENFORCEMENT OF PROVISIONS:**

Subd. 1. Duty of Police: It shall be the duty of the City police to require any person seen conducting activities regulated by this Chapter and who is not known by such officer to have obtained a permit or certificate hereunder to produce the permit or certificate and to enforce the provisions of this Chapter against any person found to be violating the same. (1988 Code §110.10) (Amended, Ord. 834, 10-10-09)

Subd. 2. Records: The Chief of Police shall report to the City Administrator all convictions for violation of this Chapter, and the City Administrator shall maintain a record for each permit issued and record the reports of violation therein. (1988 Code §110.11) (Amended, Ord. 844, 5-20-10)
504.11: **APPEALS:** Any person aggrieved by the action of the Chief of Police or the City Administrator in the denial, revocation, or suspension of a permit as provided in Sections 504.05 and 504.07 of this Chapter may appeal to the Council. Such appeal shall be taken by filing with the Council within fourteen (14) days after notice of the action complained of by a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal within twenty (20) days, and notice of such hearing shall be given to the appellant in the same manner as provided in Section 504.07 of this Chapter for notice of hearing on revocation. (1988 Code §110.13) (Amended, Ord. 834, 10-10-09; Ord. 844, 5-20-10)

504.12: **EXEMPTIONS FROM PROVISIONS:** The terms of this Chapter do not include the acts of persons selling personal property at wholesale to dealers in such articles, to newspaper carriers, or to the acts of merchants or their employees in delivering goods in the regular course of business. Nothing contained in this Chapter prohibits any sale required by statute or by order of any court or prevents any person conducting a bona fide auction sale pursuant to law. (1988 Code §110.03) (Amended, Ord. 834, 10-10-09)

504.13: **EXCLUSION BY PLACARD OR REQUEST:** It is hereby declared to be the policy of this City that the occupant or occupants of the premises approached by any person subject to this Chapter or otherwise engaged in similar activities can determine whether that person shall be, or shall not be, invited to their respective properties. Any person subject to this Chapter or otherwise engaged in similar activities must immediately and peacefully leave any property where the property owner has posted a sign or placard stating “No peddlers or solicitors” or other comparable statement. Any person subject to this Chapter or otherwise engaged in similar activities who has gained entrance to any property, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. (Ord. 564, 6-26-95; Ord. 834, 10-10-09)

504.14: **VIOLATION AND PENALTIES:** Any person who violates any provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 104.01 of this Code. (1988 Code §110.17; 1993 Code)

504.15: **SEVERABILITY:** If any provision of this Section is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected. (Added, Ord. 834, 10-10-09)
CHAPTER 505

RESTAURANTS

SECTION:

505.01: License Required
505.02: Classifications of Licenses
505.03: License Fees
505.04: Health and Sanitation Requirements
505.05: Enforcement of Provisions
505.06: Violation and Penalties

505.01: **LICENSE REQUIRED**: Every person who owns or operates any place of business enumerated in this Chapter 505 shall procure, annually, on July 1, or at the time of commencing such business, a license from the Clerk. (1988 Code §111.04)

505.02: **CLASSIFICATIONS OF LICENSES**: Licenses shall be of two (2) types: Class A and Class B. Occupancy load shall be determined by the provisions of the State Building Code⁴.

Subd. 1. **Class A Licenses**: Class A licenses may be issued to restaurants which have an occupancy load in excess of one hundred (100).

Subd. 2. **Class B Licenses**: Restaurants which have an occupancy load of one hundred (100) or less may be issued a Class B license. (1988 Code §111.04; 1993 Code)

505.03: **LICENSE FEES**: The annual license fees for restaurants shall be based upon the maximum number of hours they are open in any one (1) day for the consumption, selling or serving of food with or without charge. The license fees shall be established by resolution of the City Council. (1988 Code §111.05)

⁴ See Section 1001.01 of this Code.
505.04:  HEALTH AND SANITATION REQUIREMENTS:

Subd. 1. Unsanitary Conditions Prohibited: No person shall operate any restaurant, cafe, dining room or eating house in Mounds View if the same is in a filthy, unclean or unsanitary condition. (1988 Code §111.01)

Subd. 2. Diseased Employees Prohibited: It shall be unlawful for any person to work in or about any restaurant, cafe, dining room or eating house, or allow any person to work in such place, whose condition is such that disease may be spread to employee’s associates, directly or through the medium of food or food products, likely to be eaten without being cooked after handling, whether such condition be due to a contagious, infectious or venereal disease, in its active or convalescent state or to the presence of disease germs, whether accompanied by or without any symptoms of the disease itself. (1988 Code §111.03)

505.05:  ENFORCEMENT OF PROVISIONS: If, in the opinion of the Ramsey County Department of Public Health or in lieu of said County Department, the Police Department, after an investigation thereof, any restaurant, cafe, dining room or eating house is operating in violation of subdivision 505.04(1) of this Chapter, the enforcing agency shall notify, in writing, the proprietor, owner or manager of such restaurant, cafe, dining room or eating house to place the same in a clean and sanitary condition within a reasonable time to be stated in said notice, which time so stated shall, in no case, be less than two (2) days, and failure to comply with such notice within the time so stated shall be deemed a violation of the provisions of this Chapter. (1988 Code §111.02; 1993 Code)

505.06:  VIOLATION AND PENALTIES: Any person violating any provisions of this Chapter shall be guilty of a misdemeanor. In addition, the license provided for in Section 505.01 of this Chapter may be revoked by the Council upon due notice and a public hearing. (1988 Code §111.06)
CHAPTER 506
AMUSEMENT DEVICES AND CENTERS

SECTION:

506.01: Definitions

For the purpose of this Chapter, the terms defined in this Section have the meanings given them herein:

Subd. 1. AMUSEMENT CENTER: The operation by any person, firm, partnership or corporation of:

a. Five (5) or more machines.

b. For public use.

c. Upon premises solely within one (1) enclosure.

d. Said enclosed premises are devoted exclusively to the operation of mechanical amusement devices.
Subd. 2. MACHINE: Means, but is not limited to, a mechanical amusement device of any of the following types:

a. A machine or mechanical contrivance, including “pinball” machines, mechanical miniature pool tables, bowling machines, shuffle boards, electric rifle or gun ranges, miniature mechanical and electronic devices and games or amusements patterned after baseball, basketball, hockey and similar games and like devices, machines or games which may be played solely for amusement and not as a gambling device and which devices or games are played by the insertion of a coin or coins or at a fee fixed and charged by the establishment in which such devices or machines are located and which contain no automatic pay-off devices for the return of money, coins, merchandise, checks, tokens or any other thing or item of value; provided, however, that such machine may be equipped to permit a free play or game. The term does not include coin-operated music machines.

b. Amusement devices designed for and used exclusively as rides by children such as, but not limited to, 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. (1988 Code §114.02)

506.02: LICENSSES REQUIRED:

Subd. 1. Machine License: No person shall keep, operate, maintain or permit to be operated or maintained upon premises, within that person’s direct or indirect control, within the Municipality, any machine unless such person shall have first procured a license as hereinafter provided for each machine.

Subd. 2. Amusement Center License: No person shall own, operate or permit operation of an amusement center on premises owned, leased or operated by that person or engage in the business of operating an amusement center until a license has been obtained. Such amusement center license shall be in addition to any other license required by this Chapter. (1988 Code §114.02)

5 See Chapter 508 of this Title for circuses, carnivals and rides.

City of Mounds View
506.03:  **APPLICATION FOR LICENSE:**

Subd. 1. Contents of Application: The application for such licenses shall contain the following information:

a. Name and address of the applicant, age, date and place of birth.

b. Prior convictions of applicant, if any.

c. Place where machine or device is to be displayed or operated, the business conducted at that place and the zoning classification.

d. If the interest of the applicant is that of a corporation or other business entity, the names of any persons having a five percent (5%) or more interest in said business entity shall be listed.

e. Description of machine to be covered by the license, mechanical features, name of manufacturer and serial number.

Subd. 2. Conformance with Provisions; Fingerprints: All applications shall conform to the provisions of this Section but shall also include a statement that the applicant, if requested by the City Administrator, will permit a record of the applicant’s fingerprints to be made by the Police Department for the purpose of additional investigation to determine whether or not the application should be granted. (1988 Code §114.03) (Amended, Ord. 844, 5-20-10)
506.04: LICENSE FEES:

Subd. 1. Fees Established: Each applicant for a license to operate or maintain a machine of the type described in subdivision 506.01(2) of this Chapter or an amusement center as defined in subdivision 506.01(2) of this Chapter shall pay an annual license fee as established by resolution of the City Council. A separate fee shall be established for each machine and for each amusement center licensed.

Subd. 2. Annual Fees; Late Fee: License fees paid to renew an expired license shall be paid on or before December 31 of the year preceding the effective year. An annual fee paid later than ten (10) working days after December 31 shall be subject to an additional administrative service charge of ten percent (10%) of the renewal fee.

Subd. 3. Proration of Fees: Licenses shall cover an annual period from January 1 through December 31 for each year hereafter; provided, however, that the initial license fee for each applicant shall be prorated as of the date of the application therefor.

Subd. 4. Refund Upon Denial of Application: If the Council denies the application for license, one-half (1/2) of the license fee shall be refunded to the applicant. (1988 Code §114.04)

Subd. 5. Duplicate License: A duplicate license to replace a lost original may be issued by the Council at its discretion under such regulations as it may prescribe and on payment of a fee to be established by annual resolution of the Council. (1988 Code §114.17; 1993 Code)

506.05: LIABILITY INSURANCE: If the machine is of the type described in subdivision 506.01(2)b of this Chapter, the applicant shall also submit with the application a policy of liability insurance applicable to death or injury caused by the operation of the licensed machine in the minimum amount of one hundred thousand dollars ($100,000.00) for injury to or death of any person or three hundred thousand dollars ($300,000.00) for one (1) accident. (1988 Code §114.05)
506.06: **INVESTIGATION OF APPLICANT; ISSUANCE OR DENIAL:**

Subd. 1. Investigation; Inspection of Premises: Each application for license shall be referred to the Police Chief or a designated representative who shall investigate the location wherein it is proposed to operate such machine and/or amusement center and ascertain if the applicant is a person of good moral character, and the Police Chief shall either recommend approval or disapproval of the application. (1988 Code §114.06)

Subd. 2. City Council Decision: Said application for license shall then be presented to the City Council for consideration, and if approved, the City Administrator shall issue the license to the applicant. (1988 Code §114.04) (Amended, Ord. 844, 5-20-10)

506.07: **CONDITIONS OF LICENSE; CONDUCT OF BUSINESS:**

Subd. 1. Display of License: The licenses herein provided for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated. (1988 Code §114.07)

Subd. 2. Transferability of Licenses: The licenses required by this Chapter are a personal privilege and do not constitute property. They are transferable only as provided by this subdivision.

   a. The license may be transferred from one machine or device to another similar machine upon application to the City Administrator to such effect and the giving of a description and the serial number of the new machine or device. (Amended, Ord. 844, 5-20-10)

   b. Licenses are issued for one (1) location only, and such licenses are not transferrable between locations.

Subd. 3. Separate Licenses Required: Not more than one (1) machine shall be operated under one (1) license, and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by the applicant or licensee. (1988 Code §114.08)

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6 See also subd. 506.08(2) of this Chapter.
Subd. 4. Gambling Prohibited: No person shall permit the operation of such a machine or
device for the making of side bets or gambling in any form. No prize, award, merchandise,
gift, money or anything of value shall be given to any player of such machine or device.
(1988 Code §114.09)

Subd. 5. Location of Machine: No machine shall be located, placed, maintained or operated
on any public street, avenue, boulevard, lane, alley or other public ground within the
Municipality. No machine shall be so located that its operation will create a nuisance.

Subd. 6. Maximum Number of Machines: Maximum number of machines, as defined in
subdivisions 506.01(2)a and b of this Chapter shall be limited to five (5) in number at any
one (1) location of any business establishments unless licensed as an amusement center.
(1988 Code §114.10)

Subd. 7. Pay-Offs:

a. Rewards and Prizes: It shall be unlawful for the licensee or for the owner or operator
of the establishment where such machine is located to give any money, token, merchandise
or any other thing of value or any reward or prize in lieu of free games registered on such
machine, and all free games so registered shall be played on the machine registering such
free game, and there shall be no device on the machine whereby the operator can cancel
registered free games. (1988 Code §114.11)

b. Automatic Pay-Offs: No person shall keep, maintain, sell or permit to be operated in
that person’s place of business any machine which has been converted into an automatic
pay-off device which shall automatically award money, prizes, tokens, merchandise, gifts
or anything of value, other than free games, to the operator or player of such machine. No
person shall convert any machine into an automatic pay-off device. (1988 Code §114.12)

506.08: ADDITIONAL RESTRICTIONS FOR AMUSEMENT CENTERS:

Subd. 1. Display of License: Every amusement center licensed under this Chapter shall
display on its premises in plain view all licenses issued under this Chapter.
(1988 Code §114.15)

Subd. 2. Nontransferability of License: The license required by this Chapter is a personal
privilege and does not constitute property. It is not transferable in any manner.7
(1988 Code §114.15)

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7 See also subd. 506.08(2) of this Chapter.
Subd. 3. Public Nuisance Prohibited: No amusement center nor any coin-operated amusement
device or coin-operated musical device therein shall be operated so as to constitute a public
nuisance.

Subd. 4. Responsibilities of Licensee:

a. It shall be the responsibility of the licensee to maintain order on the licensed premises
   at all times.

b. It shall be the responsibility of the licensee to see that the licensed premises does not
   become overcrowded so as to constitute a hazard to the health or safety of persons therein.
   The Fire Chief shall designate and the licensee shall be responsible for posting the
   maximum number of persons to be permitted on the licensed premises.

c. The licensee shall provide a full-time adult attendant upon the licensed premises
during business hours.

Subd. 5. Alcoholic Beverages and Narcotics Prohibited: It shall be unlawful for any person
engaged in the business of operating an amusement center to sell, offer for sale or
knowingly permit to be sold or offered for sale or to be dispensed or consumed or
knowingly brought on the licensed premises any alcoholic beverages or narcotic drugs or
to knowingly allow any illegal activity upon the licensed premises.

Subd. 6. Sales of Food and Beverages Prohibited: No food or beverage shall be sold or
dispensed upon the licensed premises.

Subd. 7. Smoking and Tobacco Prohibited: Smoking or tobacco or any other product in an
amusement center is prohibited. The licensee shall be responsible to insure that this
restriction is conformed to. Tobacco products may not be sold in an amusement center.

Subd. 8. House Rules to Be Posted: All house rules must be clearly posted and rigorously
enforced by the licensee.

Subd. 9. Hours and Days of Operation: Amusement centers shall be closed by ten o’clock
(10:00) P.M. on Mondays through Thursdays and twelve o’clock (12:00) midnight on
Fridays and Saturdays and may not open until nine o’clock (9:00) A.M. on weekdays or
until twelve o’clock (12:00) noon on Sundays. The operating hours of an amusement
center located within a mall shall be restricted to those hours observed by other businesses
located within the mall unless a separate and approved entrance is provided or sufficient
security personnel are provided in the mall to insure the protection of the premises.
Subd. 10. Compliance with Curfew: Amusement centers will be required to comply with all of the provisions of Section 703.01 of this Code relating to curfew by insuring that all patrons are within the age limits at the times specified by Section 703.01 of this Code.

Subd. 11. Lighting: Sufficient lighting standards to provide a level of illumination so as to insure proper and complete observations of all patrons at all times shall be provided.

Subd. 12. Bicycle Parking Racks: Sufficient bicycle parking racks shall be provided outside of the licensed premises in a manner and location approved by the Municipality. (1988 Code §114.15)

506.09: SEIZURE OF ILLEGALLY OPERATED MACHINES: Any machine which shall have been made use of in violation of subdivisions 506.07(2) through (5) of this Chapter may be seized and destroyed in compliance with the provisions of the statutes of the State relating to gambling devices. (1988 Code §114.13)

506.10: SUSPENSION AND REVOCATION:

Subd. 1. All licenses granted hereunder shall be suspendable or revocable for cause at any time on reasonable hearing prescribed by the City Council.

Subd. 2. If there shall be two (2) convictions for violation of this Chapter in an establishment where such machines or devices are maintained in any license year, the second such conviction shall automatically revoke the license under which the establishment is operating. No refund of fees will be paid on revocation. (1988 Code §114.16)

506.11: EXEMPTIONS FROM PROVISIONS:

Subd. 1. Jukeboxes: Nothing in this Chapter shall be construed to require licensing of coin-operated music boxes, more commonly known as “jukeboxes”. (1988 Code §114.02)

Subd. 2. Machines Not in Use: Nothing in this Chapter shall be held to apply to any machine held or left for sale or storage and which is not actually in use or displayed for use. (1988 Code §114.14)

506.12: VIOLATION OF PROVISIONS: Any person violating any provision of this Chapter shall be guilty of a misdemeanor. (1988 Code §506.12)

8 M.S.A. §609.762.
CHAPTER 507

BOWLING ALLEYS

SECTION:

507.01: License Required
507.02: Application for License
507.03: Review of Application; Issuance or Denial
507.04: License Fees; Expiration
507.05: Conditions of License
507.06: Revocation of License
507.07: Violation of Provisions

507.01: LICENSE REQUIRED: No person shall operate a bowling alley within the Municipality without first obtaining a license as provided in this Chapter. (1988 Code §115.01)

507.02: APPLICATION FOR LICENSE: The application for such license shall be made, in writing, to the City Administrator and shall state the full name and address of the applicant, the location where the business is to be carried on, the owner of the premises and such other information as shall be required by the City Administrator. (1988 Code §115.02) (Amended, Ord. 844, 5-20-10)

507.03: REVIEW OF APPLICATION; ISSUANCE OR DENIAL: The City Administrator shall submit the application to the Council for its consideration. The Council may require the approval of the Fire Chief before the license is issued. The Council may grant or refuse to grant the license after consideration of the application. It may require a public hearing, and such hearing shall be held at such time and upon such notice as the Council may determine. After such hearing, the Council may grant or refuse to grant the license. (1988 Code §115.02) (Amended, Ord. 844, 5-20-10)
507.04: LICENSE FEES; EXPIRATION:

Subd. 1. Fee and Expiration: The fee for every such license shall be established by resolution of the City Council. Every such license shall expire on December 31 next after its issuance. License fees paid to renew an expired license shall be paid on or before December 31 of the year preceding the effective year. Any annual fee paid later than ten (10) working days after December 31 shall be subject to an additional administrative service charge of ten percent (10%) of the renewal fee.

Subd. 2. Refund Upon Denial: If the Council denies the application for license, one-half (1/2) of the license fee shall be refunded to the applicant. (1988 Code §115.03)

507.05: CONDITIONS OF LICENSE:

Subd. 1. Transferability: Licenses shall not be transferable from one (1) person to another.

Subd. 2. License to be Posted: Every such license shall be kept conspicuously posted about the premises for which the license is issued and shall be exhibited to any person upon request. (1988 Code §115.03)

Subd. 3. Conditions and Restrictions: The Council may impose any conditions or restrictions it deems necessary or advisable in the public interest, including but not limited to conditions relating to the hours of operation, the outside lighting of the premises, parking facility and such other conditions as the Council deems to be best for the public interest. The Council may also reserve the right to impose any conditions or restrictions at any time after the issuance of a license hereunder. (1988 Code §115.02)

507.06: REVOCATION OF LICENSE: Every such license may be revoked by the Council, after the licensee has been given reasonable notice and an opportunity to be heard, for the violation of any provision of this Code or for the violation of any conditions or restrictions imposed at the time of the issuance of the license or imposed thereafter or upon failure of the licensee to comply with any condition, order or direction issued by the Council. (1988 Code §115.04)

507.07: VIOLATION OF PROVISIONS: Any person who shall violate any provision of this Chapter shall be guilty of a misdemeanor. (1988 Code §115.05)
CHAPTER 508
RIDES, CARNIVALS AND CIRCUSES

SECTION:

508.01: License Required
508.02: Application for License
508.03: License Fees
508.04: Review of Application; Issuance or Denial
508.05: Bond and Insurance
508.06: Conditions of License
508.07: Indemnification
508.08: Violation of Provisions

508.01: **LICENSE REQUIRED:** No person shall operate, maintain or exhibit any itinerant amusement rides, carnival or circus within the Municipality without first obtaining a license as provided in this Chapter. (1988 Code §116.01)

508.02: **APPLICATION FOR LICENSE:** An application for such license shall be made, in writing, to the City Administrator and shall state the full name and address of the applicant, the location where the amusement rides, carnival or circus is to be conducted, the owner of the premises and such other information as shall be required by the City Administrator. (1988 Code §116.02) (Amended, Ord. 844, 5-20-10)

508.03: **LICENSE FEES:** The fee for every such license shall be established by resolution of the City Council and shall be paid at the time application is submitted to the City Administrator. If the Council denies an application for license, the City Administrator shall refund the license fee after deducting twenty five dollars ($25.00) for the costs of processing the application. (1988 Code §116.03) (Amended, Ord. 844, 5-20-10)
508.04: **REVIEW OF APPLICATION; ISSUANCE OR DENIAL:** The City Administrator shall verify the information supplied in the application and conduct such investigation, as required by the Council, of the applicant, proposed activities and premises. The Council shall require review and recommendation from the Fire Chief and Police Chief before the license is granted. The Council may require a public hearing on the application, and such hearing shall be held at such time and upon such notice as the Council may determine. The Council may grant or refuse to grant the license after consideration of the application. (1988 Code §116.02) (Amended, Ord. 844, 5-20-10)

508.05: **BOND AND INSURANCE:**

Subd. 1. **Liability Insurance Requirements:** The licensee shall obtain and keep in full force and effect proper insurance coverage to protect the Municipality and said licensee against any liability for personal injury or property damage sustained by any persons as a result of the operation of said amusement rides, carnival or circus. Said insurance coverage shall provide protection against liability up to a sum of at least one hundred thousand dollars ($100,000.00) per property damage and in the amount of not less than one million dollars ($1,000,000.00) per occurrence, insuring the operator against liability for injury to persons arising out of the use of an amusement ride. (Ord. 514, 8-24-92)

Subd. 2. **Workmens’ Compensation:** Said licensee shall obtain and keep in full force and effect proper insurance coverage against any liability for injury sustained by any persons operating said licensed activities as required under provisions of the Workmen’s Compensation Act of the State9.

Subd. 3. **Certificates of Insurance:** Said licensee shall submit to the City Administrator satisfactory certificates of insurance for the coverage required above. (1988 Code §116.04) (Amended, Ord. 844, 5-20-10)

Subd. 4. **Bond:** A bond may be required in such form and amount as specified by the Council to guarantee compliance with such conditions as shall be herein imposed. (1988 Code §116.02)

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9 M.S.A. §176.001 et seq.
508.06: CONDITIONS OF LICENSE:

Subd. 1. Conditions and Restrictions: The Council may impose any conditions or restrictions it deems necessary or advisable in the public interest, including but not limited to conditions relating to the hours of operation, the outside lighting of the premises and parking facility. The Council may also reserve the right to impose any conditions or restrictions at any time after the issuance of a license hereunder. (1988 Code §116.02)

Subd. 2. Conduct of Business: Any operator or owner of licensed amusement rides, carnivals or circuses regulated hereunder shall conduct said operations and premises in conformance with all laws and regulations of the State. The operator or owner shall not permit any intoxicating liquor or any immoral conduct or practices on said premises.

Subd. 3. Control of Traffic: Any operator or owner shall control traffic entering and leaving said premises so that it does not interfere with the orderly flow of traffic on the public streets adjacent thereto.

Subd. 4. Cleaning of Premises: The Council shall establish such conditions as it deems appropriate to assure cleaning of the premises and all other properties within a reasonable period after the event and may require a bond to assure such. (1988 Code §116.06)

508.07: INDEMNIFICATION: The licensee shall indemnify and hold harmless the Municipality and the Council from any liability in whatsoever manner arising which may be incurred by the licensee and the Municipality as the result of the operation of amusement rides, carnivals or circuses. (1988 Code §508.05)

508.08: VIOLATION OF PROVISIONS: Any person who shall violate any provision of this Chapter shall be guilty of a misdemeanor. (1988 Code §116.07)
CHAPTER 509

GASOLINE STATIONS

SECTION:

509.01: License Required; Definition
509.02: Application for License
509.03: Review of Application; Issuance or Denial
509.04: License Fees; Expiration
509.05: Conditions of License; Conduct of Business
509.06: Revocation of License
509.07: Violation of Provisions

509.01: LICENSE REQUIRED; DEFINITION: No person shall operate a gasoline filling station within the Municipality without first obtaining a license as provided in this Chapter. For the purpose of this Chapter, a gasoline filling station is hereby defined to be 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. (1988 Code §106.02)

509.02: APPLICATION FOR LICENSE: Application for such license shall be made, in writing, to the City Administrator and shall state the full name and address of the applicant, the location where the business is to be carried on, the owner of the premises, the number and capacity of the gasoline storage tanks to be used, the number of gasoline pumps and such other information shall be required by the City Administrator. (1988 Code §106.02) (Amended, Ord. 844, 5-20-10)

509.03: REVIEW OF APPLICATION; ISSUANCE OR DENIAL: The City Administrator shall submit said application to the Council for its consideration. The Council may require the approval of the Fire Chief before the license is issued. The Council may grant or refuse to grant the license after consideration of the application. It may require a public hearing, and that such hearing be held at such time and upon such notice as the Council may determine. After such a hearing, the Council may grant or refuse to grant the license. (1988 Code §106.02) (Amended, Ord. 844, 5-20-10)
509.04: **LICENSE FEES; EXPIRATION:** The fee for every such license shall be established by resolution of the City Council. Every such license shall expire on December 31 next after its issuance. (1988 Code §106.03)

509.05: **CONDITIONS OF LICENSE; CONDUCT OF BUSINESS:**

Subd. 1. **Transferability:** License shall not be transferable from one person to another, and a new license must be applied for each time a place of business is changed.

Subd. 2. **License to be Posted:** Every such license shall be kept conspicuously posted about the place for which the license is issued and shall be exhibited to any person upon request. (1988 Code §106.03)

Subd. 3. **Conditions and Restrictions:** The Council may impose any conditions or restrictions it deems necessary or advisable in the public interest, including but not being limited to conditions relating to the hours of operation, the lighting of the premises and the installation and maintenance of shrubbery, fencing and grounds around the station. The Council may also impose any conditions or restrictions at any time after the issuance of a license hereunder. (1988 Code §106.02)

Subd. 4. **Compliance with Laws:** Every gasoline filling station shall be maintained and conducted in compliance with the provisions of this Code and the laws of the State.

Subd. 5. **Inspection of Premises:** Every gasoline filling station shall be inspected at least once every year by the Fire Chief to see that the premises are maintained in compliance with State law and this Code and to see that there is no dangerous accumulation of waste of other combustible material on the premises. It shall be the duty of the Fire Chief to report to the Council any violations of this Code or statutes or any dangerous conditions or situations which may be discovered during such inspection.

Subd. 6. **Premises Requirements:** Premises used as gasoline stations must be kept clean, in good repair and free and clear of any trash, rubbish, debris or junk vehicles as defined under this Code10. (1988 Code §106.05)

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10 See Chapters 603 and 604 of this Code for garbage and rubbish and nuisances.
509.06: **REVOCATION OF LICENSE:** Every such license may be revoked by the Council, after the licensee has been given reasonable notice and an opportunity to be heard, for the violation of any provision of this Chapter or for the violation of any conditions or restrictions in the permit granting the license or any conditions or restrictions imposed after the issuance of the license or upon failure of the licensee to comply with any condition, order or direction issued by the Council. (1988 Code §106.04)

509.07: **VIOLATION OF PROVISIONS:** Any person who shall violate any provision of this Chapter shall be guilty of a misdemeanor. (1988 Code §106.06)
CHAPTER 510
NEW AND USED CAR DEALERS

SECTION:

510.01: License Required; Definition
510.02: Application for License
510.03: Review of Application; Issuance or Denial
510.04: License Fee; Expiration
510.05: Conditions of License
510.06: Revocation of License
510.07: Violation of Provisions

510.01: LICENSE REQUIRED; DEFINITION: No person shall engage in the business of selling, trading or exchanging new or used automobiles, domestic or foreign, within the Municipality without first obtaining a license as provided in this Chapter. For the purposes of this Chapter, anyone who, as a part of their livelihood, engages in the regular sale, trade or exchange of automobiles shall be deemed to be doing business as a new or used automobile dealer. (1988 Code §109.01)

510.02: APPLICATION FOR LICENSE: Application for such license shall be made, in writing, to the City Administrator and shall state the full name and address of the applicant, the location where the business is to be carried on and the owner of the premises. (1988 Code §109.02) (Amended, Ord. 844, 5-20-10)

510.03: REVIEW OF APPLICATION; ISSUANCE OR DENIAL: The City Administrator shall submit the said application to the Council for its consideration. The Council, by motion, may grant or refuse to grant the license after consideration of the application. The Council may require that a public hearing be held before the Council upon any application, such hearing to be held at such time and upon such notice as the Council may determine. After such a hearing, the Council, by motion, may grant the license or refuse to grant the license. (1988 Code §109.02) (Amended, Ord. 844, 5-20-10)
510.04: **LICENSE FEE; EXPIRATION:** The fee for every such license shall be established by resolution of the City Council. Every such license shall expire on December 31 next after its issuance. (1988 Code §109.03)

510.05: **CONDITIONS OF LICENSE:**

Subd. 1. Transferability: License shall not be transferable from one person to another, and a new license must be applied for each time a place of business is changed.

Subd. 2. License to be Posted: Every such license shall be kept conspicuously posted about the place for which the license is issued and shall be exhibited to any person upon request. (1988 Code §109.03)

Subd. 3. Restrictions and Conditions: The Council may impose any conditions or restrictions it deems necessary or advisable in the public interest in the motion granting any license hereunder, including but not being limited to conditions relating to the hours of operation, the lighting of the business and the installation and maintenance of shrubbery, fencing and grounds around the business. The Council may also impose any such conditions or restrictions by motion at any time after the issuance of a license hereunder. (1988 Code §109.02)

510.06: **REVOCATION OF LICENSE:** Every such license may be revoked by the Council after the licensee has been given reasonable notice and an opportunity to be heard for the violation of any provision of this Chapter or for the violation of any conditions or restrictions in the motion granting the license or any motion thereafter passed by the Council or upon failure of the licensee to comply with any conditions, order or direction issued by the Council. (1988 Code §109.04)

510.07: **VIOLATION OF PROVISIONS:** Any person who shall violate any provision of this Chapter shall be guilty of a misdemeanor. (1988 Code §109.05)
CHAPTER 511

RECUPERATIVE HOMES AND HALF-WAY HOUSES

SECTION:

511.01: Definition
511.02: License Required
511.03: Application for License
511.04: License Fees; Expiration
511.05: Transferability
511.06: Inspection of Premises
511.07: Zoning
511.08: Violation of Provisions

511.01: **Definition:** “Recuperative home”, within the meaning of this Chapter, shall mean any institution, place, building or structure in which any accommodation is maintained, furnished or offered for the recuperation of human beings which is the care required by a person because of emotional problems brought about by the use of drugs, alcohol, marital problems or other causes of emotional difficulties. (1988 Code §113.02)

511.02: **License Required:** No person, profit or nonprofit, shall establish, conduct or maintain a recuperative home or half-way house for the care of human beings in the Municipality without first obtaining a license therefor in the manner hereafter provided. (1988 Code §113.01)

511.03: **Application for License:**

Subd. 1. Contents of Application: Any person desiring a license shall file with the Council a verified application containing the name of the applicant desiring said license, whether such persons so applying are twenty one (21) years of age, the type of institution to be operated, the location thereof, the name of the persons in charge thereof and such other information pertinent thereto as the Council, by regulation, may require. Application on behalf of a corporation or association shall be made by any two (2) officers thereof or by its managing agents. (1988 Code §113.04)
Subd. 2. Requirements of Applicant: Before license shall be issued, the person applying shall submit evidence satisfactory to the Council and the proper health official that the licensee is not less than twenty one (21) years of age and is of reputable and responsible character. In the event the applicant is an association or corporation, like evidence shall be submitted to the members thereof and the persons in charge. All applicants shall, in addition, submit satisfactory evidence of their ability to comply with the provisions of this Chapter and all rules, regulations and minimum standards adopted hereunder. (1988 Code §113.03; 1993 Code)

511.04: LICENSE FEES; EXPIRATION: Each application for a license to operate a recuperative home within the meaning of this Chapter shall be accompanied by a fee established by resolution of the City Council. No such fee shall be refunded. All licenses shall expire annually on December 31. An application for renewal of the license shall be filed not later than December 31. All such fees shall be received by the Council and shall be paid to the General Fund. (1988 Code §113.05)

511.05: TRANSFERABILITY: No license granted hereunder shall be assignable or transferable. (1988 Code §511.05)

511.06: INSPECTION OF PREMISES: Every building, institution or establishment for which a license has been issued shall be periodically inspected by the proper health official under the rules and regulations to be established by the State. No institution of any kind licensed pursuant to the provisions of Minnesota Statutes, sections 144.50 to 144.56 shall be required to be licensed by the Municipality. (1988 Code §113.06; 1993 Code)

511.07: ZONING: Any institution, place, building or agency that is to be used for a recuperative home shall not be established in the Municipality unless it conforms to the provisions of Title 1100 as said Chapter applies to hospitals, sanitariums, rest homes and/or nursing homes. (1988 Code §113.07)

511.08: VIOLATION OF PROVISIONS: Any person violating any provision of this Chapter shall be guilty of a misdemeanor. (1988 Code §113.08)
CHAPTER 512

CIGARETTE AND TOBACCO PRODUCTS

SECTION:

512.01: Purpose and Intent
512.02: Definitions
512.03: License
512.04: Fees
512.05: Basis for Denial of License
512.06: Prohibited Sales
512.07: Self-Service Sales
512.08: Responsibility
512.09: Compliance Checks and Inspections
512.10: Other Illegal Acts
512.11: Violations and Penalty
512.12: Suspension or Revocation
512.13: Exceptions
512.14: Severability
512.01: **PURPOSE AND INTENT:** Because the City recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess and use tobacco, tobacco products, tobacco-related devices, and electronic delivery devices, and the sales, possession, and use are violations of both state and federal laws; and because studies, which the City hereby accepts and adopts, have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who reach the age of 18 years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance shall be intended to regulate the sale, possession and use of tobacco, tobacco products, tobacco-related devices, and electronic delivery devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, tobacco-related devices, and electronic delivery devices, and to further the official public policy of the state in regard to preventing young people from starting to smoke as stated in M.S. § 144.391, as it may be amended from time to time. In making these findings, the City Council accepts the conclusions and recommendations of Center for Disease Control in their study “Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997,” and of the following medical professionals in these medical journals: Khuder SA, et al., “Age at Smoking Onset and its Effect on Smoking Cessation,” Addictive Behavior 24(5):673-7, September-October 1999; D’Avanzo B, et al., “Age at Starting Smoking and Number of Cigarettes Smoked,” Annals of Epidemiology 4(6):455-59, November 1994; Chen, J & Millar, WJ, “Age of Smoking Initiation: Implications for Quitting,” Health Reports 9(4):39-46, Spring 1998; Everett SA, et al., “Initiation of Cigarette Smoking and Subsequent Smoking Behavior Among U.S. High School Students,” Preventive Medicine, 29(5):327-33, November 1999, copies of which are adopted by reference.

512.02: **DEFINITIONS:** Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Subd. 1. **COMPLIANCE CHECKS.** The system the City uses to investigate and ensure that those authorized to sell tobacco, tobacco products, tobacco-related devices, and electronic delivery devices are following and complying with the requirements of this ordinance. Compliance checks shall involve the use of minors as authorized by this ordinance. Compliance checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, tobacco-related devices, or electronic delivery devices for educational, research and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to tobacco, tobacco products, tobacco-related devices, and electronic delivery devices.
Subd. 2. INDIVIDUALLY PACKAGED. The practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include but not be limited to single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually packaged.

Subd. 3. INDOOR AREA. All space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

Subd. 4. LOOSIES. The common term used to refer to a single or individually packaged cigarette or any other tobacco product that has been removed from its packaging and sold individually. The term “loosies” does not include individual cigars with a retail price, before any sales taxes, of more than $2.00 per cigar.

Subd. 5. MINOR. Any natural person who has not yet reached the age of 18 years.

Subd. 6. MOVEABLE PLACE OF BUSINESS. Any form of business operated out of a truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

Subd. 7. ELECTRONIC DELIVERY DEVICE. "Electronic Delivery Device" shall mean any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

Subd. 8. RETAIL ESTABLISHMENT. Any place of business where tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices are available for sale to the general public. The phrase shall include but not be limited to grocery stores, convenience stores, restaurants, and drug stores.

Subd. 9. SALE. Any transfer of goods for money, trade, barter or other consideration.
Subd. 10. SELF-SERVICE MERCHANDISING. Open displays of tobacco, tobacco products, tobacco-related devices, or electronic delivery devices in any manner where any person shall have access to the tobacco, tobacco products, tobacco-related devices, or electronic delivery devices, without the assistance or intervention of the licensee or the licensee’s employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, tobacco-related device, or electronic delivery device between the customer and the licensee or employee. Self-service sales are interpreted as being any sale where there is not an actual physical exchange of the product between the clerk and the customer.

Subd. 11. SMOKING. Inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product, or inhaling or exhaling vapor from any electronic delivery device. Smoking shall include carrying a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.

Subd. 12. TOBACCO or TOBACCO PRODUCTS. Tobacco and tobacco products includes cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; 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. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Subd. 13. TOBACCO-RELATED DEVICES. Tobacco-related devices includes any tobacco product as well as a pipe, rolling papers, ashtray, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing or smoking of tobacco or tobacco products.

Subd. 14. VENDING MACHINE. Any mechanical, electric or electronic, or other type of device which dispenses tobacco, tobacco products or tobacco-related devices upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product or tobacco-related device.
512.03: **LICENSE:**

Subd. 1. License required. No person shall sell or offer to sell any tobacco, tobacco products, tobacco-related device, or electronic delivery device without first having obtained a license to do so from the City.

Subd. 2. Application. An application for a license to sell tobacco, tobacco products, tobacco-related devices, or electronic delivery devices shall be made on a form provided by the City. The application shall contain the full name of the applicant, the applicant’s residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the City deems necessary. Upon receipt of a completed application, the City Administrator shall forward the application to the City Council for action at its next regularly scheduled City Council meeting. If the City Administrator shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

Subd. 3. Action. The City Council may either approve or deny the license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the City Council shall approve the license, the City Administrator shall issue the license to the applicant. If the City Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant’s right to appeal the City Council’s decision.

Subd. 4. Term. The license is effective from July 1st to June 30th of each year.

Subd. 5. Revocation or suspension. Any license issued under this section may be revoked or suspended as provided in Section 512.12.

Subd. 6. Transfers. All licenses issued under this Chapter shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the City Council.

Subd. 7. Moveable place of business. No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this section.

Subd. 8. Display. All licenses shall be posted and displayed in plain view of the general public on the licensed premise.
Subd. 9. Renewals. The renewal of a license issued under this section shall be handled in the same manner as the original application.

Subd. 10. Issuance as privilege and not a right. The issuance of a license issued under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

Subd. 11. Proximity to youth-oriented facilities. No license shall be granted pursuant to this Chapter to any person for any retail sales of tobacco, tobacco products, tobacco-related devices, or electronic delivery devices within 1,000 feet of any school, playground, house of worship, or youth-oriented facility, as measured by the shortest line between the space to be occupied by the proposed licensee and the occupied space of the school, playground, house of worship, or youth-oriented facility, unless that person has been in the business of selling such products in that location before the date this Chapter was enacted into law for at least one year. For the purpose of this section, a youth-oriented facility is defined to include any facility with residents, customers, visitors, or inhabitants of which 25 percent or more are regularly under the age of 21 or which primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21.

Subd. 12. Proximity to other tobacco retailers. No license shall be granted pursuant to this Chapter to any person for any retail sales of tobacco, tobacco products, tobacco-related devices, or electronic delivery devices within 2,000 feet of any other establishment holding such a license, as measured by the shortest line between the space to be occupied by the proposed licensee and the occupied space of the nearest existing licensee, unless that person has been in the business of selling such products in that location before the date this section was enacted into law for at least one year.

Subd. 13. Proximity limitation. Subdivisions 11 and 12 of Section 512.03 shall only apply to new licenses approved after January 1, 2012. Subdivisions 11 of 12 of Section 512.03 shall not apply to renewals and approved transfers.

a. Smoking shall not be permitted and no person shall smoke within the indoor area of any retail establishment with a tobacco retailer license. Smoking for the purposes of sampling tobacco and tobacco related products, tobacco related devices or electronic delivery devices is prohibited.

b. Notwithstanding paragraph (a), pursuant to Minnesota Statutes, Section 144.4167, subdivision 4, a cigar may be lit in a retail establishment if all of the following circumstances are met:

1. The smoking is by a customer or potential customer, who is not a minor, for the specific purpose of sampling cigars;

2. The retail establishment has an entrance door opening directly to the outside;

3. The retail establishment is not a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license; and

4. The retail establishment derives more than 90 percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental.

c. Any cigar lighting allowed under paragraph (b) shall be prohibited in the licensee’s retail establishment if the licensee transfers title to, relinquishes management or control, sells the retail establishment, or the licensee’s tobacco license is suspended or revoked by the City.

Subd. 15. Each license issued under this article is subject to all of the following conditions:

a. The licensee must post signs in visible locations that prohibit loitering inside or near the front entrance of the retail establishment.

b. The licensee must fully light the interior of the retail establishment during business hours such that every part, corner, aisle, room, and section of the retail establishment is illuminated wholly.

c. The sales counter, store entrance, and interior of the retail establishment shall be visually recorded with a videotape or similar device at a quality level that allows the visual identification of patrons and employees. The recordings shall be maintained and made available to the police for thirty calendar days before being reused.

d. The licensee must post a sign at the front entrance that prohibits selling tobacco related products to minors.
e. The licensee must fully cooperate with representatives from the City of Mounds View when present at the retail establishment for City business purposes.

f. The licensee must maintain clean and clear front and rear entrances of the retail establishment.

g. The licensee may not supply matches to non-purchasing customers.

h. Each day of business, the licensee must inspect the entrances of the retail establishment for litter and properly dispose of such litter.

i. The licensee must promptly remove any graffiti on the exterior of the retail establishment.

512.04: **FEES:** No license shall be issued under this Chapter until the appropriate license fee shall be paid in full. The fee for a license under this Chapter shall be established in the City’s Fee Schedule, as it may be amended from time to time.
512.05: **BASIS FOR DENIAL OF LICENSE:**

Subd. 1. Grounds for denying the issuance or renewal of a license under this chapter include but are not limited to the following:

a. The applicant is under the age of 18 years.

b. The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to tobacco, tobacco products, tobacco-related devices, or electronic delivery devices.

c. The applicant has had a license to sell tobacco, tobacco products, tobacco-related devices, or electronic delivery devices revoked within the preceding 12 months of the date of application.

d. The applicant fails to provide any information required on the application, or provides false or misleading information.

e. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.

f. The applicant is not of good moral character.

Subd. 2. However, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the City must deny the license.

Subd. 3. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this chapter.
512.06: **PROHIBITED SALES:** It shall be a violation of this Chapter for any person to sell or offer to sell any tobacco, tobacco product, tobacco-related device, or electronic delivery device:

Subd. 1. To any person under the age of 18 years.

Subd. 2. By means of any type of vending machine.

Subd. 3. By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product, tobacco-related device, or electronic delivery device and whereby there is not a physical exchange of the tobacco, tobacco product, tobacco-related device, or electronic delivery device between the licensee, the licensee’s employee, and the customer.

Subd. 4. By means of loosies as defined in Section 512.02.

Subd. 5. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other tobacco products.

Subd. 6. By any other means, to any other person, on in any other manner or form prohibited by federal, state or other local law, ordinance provision, or other regulation.

Subd. 7. Such sales are prohibited before 10:00 A.M. and after 10:00 P.M. at any retail establishment that derives more than 90 percent of its gross revenue from the sale of tobacco, tobacco related products, and tobacco-related devices.

512.07: **SELF-SERVICE SALES:** It shall be unlawful for a licensee under this chapter to allow the sale of tobacco, tobacco products, tobacco-related devices, or electronic delivery devices by any means where the customer may have access to those items without having to request the item from the licensee or the licensee’s employee and whereby there is not a physical exchange of the tobacco, tobacco product, tobacco-related device, or electronic delivery device between the licensee or his or her clerk and the customer. All tobacco, tobacco products, tobacco-related devices, and electronic delivery devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco, tobacco products, tobacco-related devices, or electronic delivery devices at the time this Chapter is adopted shall comply with this section within 90 days following the effective date of this Chapter.
512.08: **RESPONSIBILITY:** All licensees under this Chapter shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, tobacco-related devices, or electronic delivery devices on the licensed premises, and the sale of an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this Chapter, state or federal law, or other applicable law or regulation.

512.09: **COMPLIANCE CHECKS AND INSPECTIONS:** All licensed premises shall be open to inspection by the police department or other authorized City official during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of 15 years but less than 18 years to enter the licensed premise to attempt to purchase tobacco, tobacco products, tobacco-related devices, or electronic delivery devices. Minors used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel. Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, tobacco-related devices, or electronic delivery devices when those items are obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor’s age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor’s age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this Chapter shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law.
512.10: OTHER ILLEGAL ACTS: Unless otherwise provided, the following acts shall be a violation of this Chapter:

Subd. 1. Illegal sales. It shall be a violation of this Chapter for any person to sell or otherwise provide any tobacco, tobacco product, tobacco-related device, or electronic delivery device to any minor.

Subd. 2. Illegal possession. It shall be a violation of this Chapter for any minor to have in his or her possession any tobacco, tobacco product, tobacco-related device, or electronic delivery device. This subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 3. Illegal use. It shall be a violation of this Chapter for any minor to smoke, chew, sniff or otherwise use any tobacco, tobacco product, tobacco-related device, or electronic delivery device.

Subd. 4. Illegal procurement. It shall be a violation of this Chapter for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, tobacco-related device, or electronic delivery device, and it shall be a violation of this Chapter for any person to purchase or otherwise obtain those items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, tobacco-related device, or electronic delivery device. This subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 5. Use of false identification. It shall be a violation of this chapter for any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.
512.11: VIOLATIONS AND PENALTY:

Subd. 1. Licensees: If a licensee or an employee of a licensee violates any provision of this Chapter, the licensee shall be charged an administrative penalty of one hundred fifty dollars ($150.00). If a licensee or an employee of a licensee violates any provision of this Chapter a second time at the same location within twenty four (24) months of the initial violation, the licensee shall be charged an administrative penalty of four hundred dollars ($400.00). If a licensee or an employee of a licensee violates any provision of this Chapter a third time at the same location within twenty four (24) months of the initial violation, the licensee shall be charged an administrative penalty of five hundred dollars ($500.00). No penalty under this Subdivision shall take effect until the licensee has received notice, served personally or by mail, of the alleged violation, and has had an opportunity for a hearing before the City Council. The notice shall provide information on how and where a hearing may be requested. The hearing must be requested by the licensee within ten (10) business days of notice delivery. A decision by the City Council that a violation of this Chapter has occurred shall be in writing. Judicial appeal shall be as provided for by state law.

Subd. 2. Individuals: Any person who sells tobacco to a person under the age of eighteen (18) years shall be charged an administrative penalty of one hundred dollars ($100.00) for a first offense and fifty dollars ($50.00) additional for every subsequent offense. This penalty shall be in addition to the penalty charged under Section 512.11, Subd. 1. No penalty under this Subdivision shall take effect until the person against whom the penalty will be charged has received notice, served personally or by mail, of the alleged violation, and has had an opportunity for a hearing before the City Council. The notice shall provide information on how and where a hearing may be requested. The hearing must be requested within ten (10) business days of notice delivery. A decision by the City Council that a violation of this Section has occurred shall be in writing. Judicial appeal shall be as provided for by state law.

Subd. 3. Continued violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

Subd. 4. Minors. Any person under the age of eighteen (18) years who purchases, possesses, or consumes tobacco or electronic delivery devices shall be treated as follows: for a first offense the violator will be referred to Northeast Youth and Family Services, and be required to complete NYFS’s Tobacco Education Program, and pay the related fees or expenses. A second violation will result in an administrative penalty of fifty dollars ($50.00), and will also result in a referral to Northeast Youth and Family Services for monitored community service. Third or subsequent violations will be referred to the Ramsey County Attorney’s Office, Juvenile Court Division, for prosecution. Failure to comply with the requirements set forth above for a first or second offense will result in an immediate referral to the Ramsey County Attorney’s Office for prosecution through the Juvenile Court Division.
Subd. 5. Other individuals. Other individuals, other than minors as regulated by Subd. 4 of this Section, found to be in violation of this Chapter, shall be charged an administrative fine of $50.

Subd. 6. Defenses. It shall be an affirmative defense to a charge of selling tobacco or tobacco related devices to a person under the age of eighteen (18) years in violation of this Section that the licensee or individual making the sale relied in good faith upon proof of age as described in Minnesota Statutes, Section 340A.503, subdivision 6.

512.12: SUSPENSION OR REVOCATION:

Subd. 1. In addition to any other penalty imposed under Section 512.11, any license issued under this Chapter may be suspended or revoked by the City Council for a violation of any provision of this Chapter if the licensee has been given a reasonable notice and an opportunity to be heard. A second violation within twelve (12) months of the initial violation shall result in a suspension of not less than three (3) consecutive days. A third violation within twenty four (24) months of the initial violation shall result in a suspension of ten (10) consecutive days. A fourth violation within twenty four (24) months of the initial violation shall result in revocation of license for ninety (90) consecutive days, and shall require a hearing before the City Council.

Subd. 2. Hearing and Notices. Suspension or revocation of a license shall be preceded by a hearing before the City Council. A hearing notice shall be delivered to the licensee at least ten (10) days prior to the hearing. The hearing notice shall state the time and place of the hearing and the nature of the charges against the licensee. Judicial appeal shall be as provided for by state law.

512.13: EXCEPTIONS: Nothing in this Chapter shall prevent the providing of tobacco, tobacco products, tobacco-related devices, or electronic delivery devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony.

512.14: SEVERABILITY: If any section or provision of this ordinance is held invalid, such invalidity shall not affect other sections or provisions which can be given force and effect without the invalidated section or provision.

(Ord. 865, 12-8-11; Ord. 885, 1-27-14; Ord. 889, 10-27-14)
CHAPTER 513

ADULT ESTABLISHMENTS

Section:

513.01: Findings
513.02: Definitions
513.03: Location
513.04: Hours of Operation
513.05: Additional Conditions for Adult Cabarets
513.06: License Required

513.01: **FINDINGS:** Subdivision 1. Studies conducted by the Minnesota attorney general, the American Planning Association and cities such as St. Paul, Minnesota; Indianapolis, Indiana; Alexandria, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; Seattle, Washington; St. Croix County, Wisconsin; have studied the impacts that adult establishments have in those communities. These studies have concluded that adult establishments have adverse impact on the surrounding neighborhoods. Those 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: (Amended, Ord. 734, 4-26-04)

a. Adult establishments have adverse secondary impacts of the types set forth above.

b. The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by locational requirements, licensing requirements and health requirements.

c. It is not the intent of the city council to prohibit adult establishments from having a reasonable opportunity to locate in the city.

d. Minnesota Statutes, Section 462.357, allows the city to adopt regulations to promote the public health, safety, morals and general welfare.

e. The public health, safety, morals and general welfare will be promoted by the city adopting regulations governing adult establishments.

f. Adult establishments can contribute to an increase in criminal activity in the area in which such businesses are located, taxing City crime-prevention programs and law enforcement services. (Amended, Ord. 734, 4-26-04)
g. Adult establishments can be used as fronts for prostitution and other criminal activity. The experience of other cities indicates that the proper management and operation of such businesses can, however, minimize this risk, provided the owners and operators of such facilities are regulated by licensing or other procedures. (Added, Ord. 734, 4-26-04)

h. Adult establishments can increase the risk of exposure to communicable diseases including but not limited to Acquired Immune Deficiency Syndrome (AIDS) for which currently there is no cure. Experiences of other cities indicate that such businesses can facilitate the spread of communicable diseases by virtue of the design and use of the premises, thereby endangering not only the patrons of such establishments but also the general public. (Added, Ord. 734, 4-26-04)

i. Adult establishments can cause or contribute to public health problems by the presence of live adult entertainment in conjunction with food and/or drink on the same premises. (Added, Ord. 734, 4-26-04)

j. The risk of criminal activity and/or public health problems can be minimized through a licensing and regulatory scheme as prescribed herein. (Added, Ord. 734, 4-26-04)

Subd. 2. Purpose: It is the purpose of this Section to regulate adult establishments to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to: (Added, Ord. 734, 4-26-04)

a. Prevent additional criminal activity within the City; (Added, Ord. 734, 4-26-04)

b. Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood; (Added, Ord. 734, 4-26-04)

c. Locate adult establishments away from residential areas, schools, churches, libraries, parks and playgrounds; and (Added, Ord. 734, 4-26-04)

d. Prevent concentration of adult establishments within certain areas of the City. (Added, Ord. 734, 4-26-04)

Subd. 3. Content-Neutral Regulation: The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is neither the intent nor effect of this Section to restrict or deny access by adults to adult-oriented materials protected by the First Amendment or to deny access by distributors and exhibitors of adult-oriented entertainment to their intended market. (Added, Ord. 734, 4-26-04)
513.02:  DEFINITIONS:

Subd. 1. The following terms have the meanings given them below.

Subd. 2. Adult Establishment. A business engaged in any of the following activities or which utilizes any of the following business procedures or practices:

a. Any business that has (1) at least thirty percent (30%) of its inventory, stock and trade or publicly displayed merchandise, or (2) at least thirty percent (30%) 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) devoted to items, merchandise or other materials distinguished or characterized by an emphasis on material depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas; or (Amended, Ord. 734, 4-26-04)

b. Any adult use as defined in subdivision 3 of this Section. (Amended, Ord. 734, 4-26-04)

Subd. 3. Adult Use. An adult use is any of the activities and businesses described below:

a. Adult Body Painting Studio: An establishment or business that provides the service of applying paint or other substance, whether transparent or non-transparent, to the body of a patron when such person is nude. (Amended, Ord. 734, 4-26-04)

b. Adult Bookstore: An establishment or business used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if (1) at least thirty percent (30%) of the inventory, stock and trade or publicly displayed merchandise, or (2) at least thirty percent (30%) 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 the depiction or description of “specified sexual activities” or “specified anatomical areas.” (Amended, Ord. 734, 4-26-04)

c. Adult Cabaret: A business or establishment that provides dancing or other live entertainment to patrons if the dancing and live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction of matter that seeks to evoke, arouse or excite the patrons’ sexual or erotic feelings or desire.
d. Adult Companionship Establishment: A business or establishment that provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.” (Amended, Ord. 734, 4-26-04)

e. Adult Conversation/Rap Parlor: A business or establishment that provides the services of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.” (Amended, Ord. 734, 4-26-04)

f. Adult Health/Sport Club: A health/sport club that is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.” (Amended, Ord. 734, 4-26-04)

g. Adult Hotel or Motel: A hotel or motel that presents material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.” (Amended, Ord. 734, 4-26-04)

h. Adult Massage Parlor, Health Club: A massage parlor or health club that provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.” (Amended, Ord. 734, 4-26-04)

i. Adult Mini-Motion Picture Theater: A business or establishment with a capacity for less than fifty (50) persons used for presenting material if such material is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

j. Adult Modeling Studio: A business or establishment that provides customers figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

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 maintained 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 (50) or more persons 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. (Amended, Ord. 734, 4-26-04)

m. Adult Novelty Business: A business that has (1) at least thirty percent (30%) of its inventory, stock and trade or publicly displayed merchandise, or (2) at least thirty percent (30%) of the floor area of the business (not including, storerooms, stock areas, bathrooms, basement or any portion of the business not open to the public) devoted to items, merchandise or other material or devices which stimulate human genitals or devices which are designed for sexual stimulation. (Amended, Ord. 734, 4-26-04)

n. Adult Sauna: A sauna that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.” (Amended, Ord. 734, 4-26-04)

o. Adult Steam Room/Bathhouse Facility: A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.” (Amended, Ord. 734, 4-26-04)

Subd. 4. Nude or Specified Anatomical Areas:

a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) 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.
Subd. 5. 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, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia; or

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

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

d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or

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

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

g. Human excretion, urination, menstruation, vaginal or anal irrigation.

513.03: LOCATION:

Subd. 1. Permitted Use: Adult establishments are permitted uses in the B-2 Limited Business District, the B-3 Highway Business District, the B-4 Regional Business District, the I-1 Industrial District, and the Planned Unit Development District. (Added, Ord. 734, 4-26-04)

Subd. 2. Restrictions on Location: No adult establishment may be located within five hundred feet (500’) of a residential zoning district, a school, a church, a library, a park, or a commercial day care center or within five hundred feet (500’) of another adult establishment. Distances shall be measured from the nearest point of the building where the adult establishment is located to the nearest boundary of the residential zoning district or of the property containing a park, school, church, library, commercial day care center or other adult establishment. (Amended, 734, 4-26-04)
513.04: **HOURS OF OPERATION:** No adult establishment may be open to the public between the hours of one o’clock (1:00) a.m. and ten o’clock (10:00) a.m.

513.05: **ADDITIONAL CONDITIONS FOR ADULT CABARETS:** The following additional conditions apply to adult cabarets:

a. No owner, operator or manager of an adult cabaret shall permit or allow any dancer or other live entertainer to perform nude.

b. No dancer, live entertainer, performer, patron or any other person shall be nude in an adult cabaret.

c. No dancer, live entertainer or performer shall be under eighteen (18) years old. (Amended, Ord. 734, 4-26-04)

d. All dancing or live entertainment shall occur on a platform intended for that purpose and which is raised at least two feet (2’) from the level of the floor. (Amended, Ord. 734, 4-26-04)

e. No dancer or performer shall perform any dance or live entertainment closer than six feet (6’) to any patron. (Amended, Ord. 734, 4-26-04)

f. No dancer or performer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer. (Amended, Ord. 734, 4-26-04)

g. No patron shall pay or give any gratuity to any dancer or performer. (Amended, Ord. 734, 4-26-04)

h. No dancer or performer shall solicit any pay or gratuity from any patron. (Amended, Ord. 734, 4-26-04)
513.06: LICENSE REQUIRED.

Subd. 1. No person shall own or operate an adult establishment without having first secured a license as provided for in this subsection.

Subd. 2. Application: The application for an adult establishment license shall be submitted on a form provided by the City and shall include:

a. If the applicant is an individual, the name, residence, phone number, and birthdate of the applicant. If the applicant is a partnership, the name, residence, phone number, and birthdate of each general and limited partner. If the applicant is a corporation, the names, residences, phone numbers, and birthdates of all officers and directors of the corporation. (Amended, Ord. 734, 4-26-04)

b. The name, address, phone number, and birthdate of the operator and manager of such operation, if different from the owners.

c. The address and legal description of the premises where the adult establishment is to be located.

d. A statement detailing any gross misdemeanor or felony convictions relating to sex offenses, obscenity or the operation of an adult establishment or adult business by the applicant, operator or manager and whether or not the applicant, operator or manager has ever applied for or held a license to operate a similar type of business in other communities. In the case of a corporation, a statement detailing any felony convictions of the officers and directors of the corporation, and whether or not those officers and directors have ever applied for or held a license to operate a similar type of business in other communities. (Amended, Ord. 734, 4-26-04)

e. The activities and types of business to be conducted.

f. The hours of operation.

g. The provisions made to restrict access by minors.

h. A building plan of the premises detailing all internal operations and activities.
Subd. 3. License Fee:

a. The annual license fee is two thousand five hundred dollars ($2,500.00). (Amended, Ord. 734, 4-26-04)

b. Each application for a license shall be submitted to the City Administrator and payment made to the City. Each application for a license shall be accompanied by payment in full of the required license fee. Upon rejection of any application for a license, the City shall refund the license fee. (Amended, Ord. 844, 5-20-10)

c. All licenses shall expire on the last day of June in each year. Each license shall be issued for a period of one (1) year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rated fee. In computing such fee, any unexpired fraction of a month shall be counted as one (1) month.

d. No part of the fee paid by any license shall be refunded, except that a pro rata portion of the fee shall be refunded in the following instances upon application to the City Administrator within thirty (30) days from the happening of the event, provided that such event occurs more than thirty (30) days before the expiration of the license: (Amended, Ord. 844, 5-20-10)

   (1) Destruction or damage of the licensed premises by fire or other catastrophe.

   (2) The licensee’s illness.

   (3) The licensee’s death.

   (4) A change in the legal status making it unlawful for the licensed business to continue. (Amended, Ord. 734, 4-26-04)

e. Each application shall contain a provision on the application in bold print indicating that any withholding of information or the providing of false or misleading information will be grounds for denial or revocation of a license. Any changes in the information provided on the application or provided during the investigation shall be brought to the attention of the City Council by the application or licensee. If said changes take place during the investigation, said data shall be provided to the Police Chief in writing and they shall report the changes to the City Council. Failure to report said changes by the applicant(s) or the licensee may result in a denial or revocation of a license.
Subd. 4. Investigative Fee: The investigative fee for an adult establishment license shall be determined as follows:

a. Upon applying for the license, the applicant shall pay five hundred dollars ($500.00) per person identified on the application as an owner, operator or manager.

b. If it appears that the investigative costs will exceed five hundred dollars ($500.00), the City Administrator shall notify the applicant and give the applicant an estimate of costs. The applicant shall either make an additional deposit equal to the difference between five hundred dollars ($500.00) and the total estimate, or shall withdraw the application. If the additional deposit is not paid within fourteen (14) days, the application shall be deemed withdrawn. (Amended, Ord. 844, 5-20-10)

c. If the costs of administration, issuance and investigation are less than the deposit, the balance shall be refunded upon the issuance or denial of the license. No license shall be issued until the applicant has paid the entire cost of administration, issuance and investigation.

Subd. 5. Granting of License:

a. The Police Chief or such other designated person shall complete the investigation within thirty (30) days after the City Administrator receives a complete application and all license and investigative fees. (Amended, Ord. 844, 5-20-10)

b. If the application is for a renewal, the applicant shall be allowed to continue business until the Council has determined to renew or refuse to renew a license.

c. If, after such investigation, it appears that the applicant and the place proposed for the business are eligible for a license under the criteria set forth in this subsection, then the license shall be issued by the City Council within thirty (30) days after the investigation is completed. Otherwise the license shall be denied.

d. Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may 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 of the principals of the partnership or corporation shall be deemed a transfer of the license. All adult establishments existing at the time of the adoption of this subsection shall be required to obtain an annual license.
Subd. 6. Persons Ineligible for License: No license shall be granted to or held by any person:

a. Under twenty-one (21) years of age.

b. Who is overdue in payments to the City, county or state of taxes, fees, fines or penalties assessed against them or imposed upon them; (Amended, Ord. 734, 4-26-04)

c. Who has been convicted of a gross misdemeanor or felony, if such conviction relates to sex offenses, obscenity offenses or adult establishments; (Amended, Ord. 734, 4-26-04)

d. Who is not the proprietor of the establishment for which the license is to be issued; (Amended, Ord. 734, 4-26-04)

e. Who has been denied a license by the City or any other Minnesota municipal corporation to operate an adult establishment, or such license has been suspended or revoked within the preceding twelve (12) months; (Added, Ord. 734, 4-26-04).

f. Who has not paid the license and investigative fees required by this subsection.

Subd. 7. Places Ineligible for License: No license shall be granted to: (Amended, Ord. 734, 4-26-04)

a. Any adult establishment which is not in full compliance with the City Code, the City’s zoning ordinance, the Building Code, the Fire Code, the City’s Health Regulations and all provisions of state and federal law. (Amended, Ord. 734, 4-26-04)

b. Any establishment that holds an intoxicating liquor, beer or wine license. (Added, Ord. 734, 4-26-04)
Subd. 8. Conditions of License:

a. Every license shall be granted subject to the following conditions and all other provisions of this subsection, and of any applicable sections of the City Code, the City’s zoning ordinance, the Building Code, the Fire Code, the City’s Health Regulations and all provisions of state and federal law.

b. All licensed premises shall have the license posted in a conspicuous place at all times.

c. No minor shall be permitted on the licensed premises.

d. Any designated inspection officer of the City shall have the right to enter, inspect, and search the premises of a licensee during business hours.

e. Every licensee shall be responsible for the conduct of licensee’s place of business and shall maintain conditions of order.

f. No adult goods or material services shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.

g. No merchandise or pictures of the products or entertainment sold or conducted on the premises may be displayed in the window areas or in any area where they can be viewed from a sidewalk in front of the building.

h. The window areas may not be covered or made opaque in any way. No sign may be placed in any window. A one (1) square foot sign may be placed on the door of the business to state the hours of operation and that admittance is to adults only.
Subd. 9. Penalty:

a. Any person violating any provision of this Chapter is guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law. (Amended, Ord. 734, 4-26-04)

b. Any violation of this Chapter shall be a basis for the suspension or revocation of any license granted hereunder. In the event that the City Council proposes to revoke or suspend the license, the licensee shall be notified in writing of the basis for such proposed revocation or suspension. The Council shall hold a hearing for the purpose of determining whether to revoke or suspend the license, which hearing shall be within thirty (30) days of the date of the notice. (Amended, Ord. 734, 4-26-04)

c. The City Council shall determine whether to suspend or revoke a license within thirty (30) days after the close of the hearing or within sixty (60) days of the date of the notice, whichever is sooner, and shall notify the licensee of its decision within that period. The licensee may continue to operate until the City Council makes its final decision whether to suspend or revoke the license. (Amended, Ord. 734, 4-26-04)

Subd. 10. Right of Appeal:

a. In the event that the Council determines to suspend, or revoke a license, such suspension or revocation shall not be effective until fifteen (15) days after notification of the decision to the licensee. If, within that fifteen (15) days, the licensee files and serves an action in state or federal court challenging the Council’s action, then the suspension or revocation shall be stayed until the conclusion of such action.

b. If the City Council determines not to renew a license, the licensee may continue its business for fifteen (15) days after receiving notice of such non-renewal. If the licensee files and serves an action in state or federal court within that fifteen (15) days for the purpose of determining whether the City acted properly, the licensee may continue in business until the conclusion of the action.

c. If the City Council decides not to grant a license to an applicant, then the applicant may commence an action in state or federal court within fifteen (15) days for the purpose of determining whether the City acted properly. The applicant shall not commence doing business unless the action is concluded in its favor. (Ord. 574, 5-13-96)
CHAPTER 514

THERAPEUTIC MASSAGE

SECTION:

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514.01: FINDINGS. It is found and determined that:

a. Persons who have recognized and standardized training in therapeutic massage, health and hygiene provide a legitimate and necessary service to the general public;

b. Health and sanitation regulations governing therapeutic massage enterprises and massage therapists will minimize the risk of the spread of communicable diseases and promote health and sanitation;

c. License qualifications for therapeutic massage enterprises and massage therapists will minimize the risk that such businesses and persons may facilitate prostitution and other criminal activity in the city; and

d. Massage services provided by persons without recognized and standardized training in massage can endanger citizens by facilitating the spread of communicable diseases, by exposing citizens to unhealthy and unsanitary conditions, and by increasing the risk of personal injury.
514.02: **DEFINITIONS:** The terms defined in this Section have the meanings given them.

Subd. 1. “Clean” means the absence of dirt, grease, rubbish, garbage and other offensive, unsightly or extraneous matter.

Subd. 2. “In good repair” means free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions and similar defects.

Subd. 3. “Massage” means the rubbing, stroking, kneading, tapping or rolling of the body of another person with the hands for the purpose of physical fitness, health-care referral, relaxation and for no other purpose.

Subd. 4. “Operate” means to own, manage or conduct, or to have control, charge or custody over.

Subd. 5. “Recognized school” means any school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of a massage therapist that requires a resident course of study that requires not less than seventy (70) hours before the student is issued a diploma or certificate of graduation. If the school or institution is located in the United States, it must have current membership in good standing in the American Massage and Therapy Association or other recognized professional massage organization. If the school or learning institution is located outside of the United States, the applicant must provide the City with decipherable documentation that shows that he or she attended a school or learning institution that is equivalent to attending a school or learning institution in the United States in both its course of study and diploma or graduation requirements. Schools offering a correspondence course not requiring actual physical attendance of class shall not be deemed a recognized school. (Added, Ord. 817, 4-2-09)

Subd. 6. “Therapeutic massage enterprise” means a place of business providing massage services to the public for consideration: the term does not include a hospital, sanitarium, rest home, nursing home, boarding home or other institution for the hospitalization or care of other human beings duly licensed under the provisions of Minnesota Statutes, sections 144.50 through 144.69. (Amended, Ord. 817, 4-2-09)

Subd. 7. “Therapeutic massage therapist” means a person who practices or administers massage to the public for consideration. (Amended, Ord. 817, 4-2-09)

Subd. 8. “In the City” means physical presence as well as telephone referrals such as phone-a-massage operations in which the business premises, although not physically located within the City, serves as a point of assignment of employees who respond to requests for services in the City. (Amended, Ord. 817, 4-2-09)
514.03: **LICENSE REQUIRED:**

Subd. 1. Therapeutic Massage Enterprise: It is unlawful to operate, offer, engage in or carry on massage services in the City without a therapeutic massage enterprise license.

Subd. 2. Therapeutic massage therapist license: It is unlawful to practice, administer or provide massage services in the City without a therapeutic massage therapist license.

514.04: **EXEMPTIONS:** A therapeutic massage enterprise license or therapeutic massage therapist license is not required for the following persons and places:

a. Persons licensed by the state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, provided that the massage is administered in the regular course of the medical treatment not provided as part of a separate and distinct massage business;

b. Persons licensed by the state as beauty culturists or barbers, provided the persons do not hold themselves out as giving massage treatments and provided that massage by beauty culturists is limited to the head, hand, neck and feet and the massage by barbers is limited to the head and neck;

c. Persons working solely under the direction and control of a person duly licensed by the state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry;

d. Places licensed or operating as a hospital, nursing home, hospice, sanitarium or group home established for hospitalization or medical care; and

e. Athletic coaches, directors and trainers employed by public or private schools.

514.05: **GENERAL RULE:** The owner or operator of a licensed therapeutic massage enterprise may employ only licensed therapeutic massage therapists to provide massage services. The owner or operator of a licensed therapeutic massage enterprise need not be licensed as a therapeutic massage therapist unless that owner or operator personally provides massage services.
514.06: LICENSE APPLICATION:

Subd. 1. Therapeutic Massage Enterprise: The application for a therapeutic massage enterprise license must contain the following information:

a. For all applicants:

(1) Whether the applicant is an individual, corporation, partnership or other form of organization;

(2) The legal description of the premises to be licensed together with a plan of the area showing dimensions, location of buildings, street access and parking facilities;

(3) The floor number, street number and rooms where the massage services are to be conducted;

(4) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not, the years and amounts that are unpaid;

(5) If the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by preliminary plans showing the design of the proposed premises; if the plans for design are on file with the building inspector, no plans need be submitted;

(6) The name and street address of the business if it is to be conducted under a designation, name or style other than the name of the applicant, and a certified copy of the certificate required by Minnesota Statutes, section 333.02;

(7) Written consent of property owner, if applicant is NOT the property owner. (Added, Ord. 870, 4-19-12)

(8) Other information that the City Council may require.
b. For applicants who are individuals:

(1) The name and date of birth of the applicant and the applicant’s residence address;
(Amended, Ord. 817, 4-2-09)

(2) If the applicant has ever used or been known by a name other than the applicant’s name, and if so, the name or names and information concerning the dates and places where used;

(3) Residence addresses of the applicant during five (5) years preceding the date of application;

(4) The type, name and location of every business or occupation the applicant has been engaged in during the preceding five (5) years;

(5) Names and addresses of the applicant’s employers for the preceding five (5) years;

(6) If the applicant has ever been convicted of a felony, crime or violation of an ordinance other than a minor traffic offense; if so, the applicant must furnish information as to the time, place and offense involved in the convictions;

(7) If the applicant has ever been engaged in the operation of massage services; if so, the applicant must furnish information as to the name, place and length of time of the involvement in such activity.

c. For applicants that are partnerships:

(1) The names and addresses of general and limited partners and the information concerning each general partner described in subdivision 1b of this Section;

(2) The managing partners must be designated, and the interest of each general and limited partner in the business must be disclosed;

(3) A true copy of the partnership agreement must be submitted with the application, and if the partnership is required to file a certificate as to a trade name under Minnesota Statutes, Section 333.02, a certified copy of that certificate must be submitted.

The license if issued will be in the name of the partnership.
d. For applicants that are corporations:

(1) The name of the organization, and if incorporated, the state of incorporation;

(2) A true copy of the certificate of incorporation, and, if a foreign corporation, a certificate of authority as described in Minnesota Statutes, Section 303.02;

(3) The name of the general manager, corporate officers, proprietor, and other person in charge of the premises to be licensed, and the information about those persons described in subdivision 1b;

(4) A list of the persons who own or have a controlling interest in the corporation or organization or who are officers of the corporation or organization, together with their addresses and the information regarding such persons described in subdivision 1b of this Section.

Subd. 2. Therapeutic Massage Therapist: An application for a therapeutic massage therapist license must contain the following information:

a. The applicant’s name and address;

b. The applicant’s current employer;

c. The applicant’s employers for the previous five (5) years, including employer’s name, address and dates of employment;

d. The applicant’s residence address for the previous five (5) years;

e. The applicant’s social security number, date of birth, home telephone number, weight, height, color of eyes and color of hair;

f. If the applicant has ever been convicted of a felony, crime or violation of an ordinance other than a minor traffic offense and, if so, the time, place and offense involved in the convictions;
g. If the applicant has ever used or been known by a name other than the applicant’s name, and if so, the name or names and information concerning dates and places where used;

h. Evidence that the applicant:

   (1) Has legal work status in the United States;  (Added, Ord. 817, 4-2-09)

   (2) Has a diploma or certificate of graduation from a recognized school;  (Added, Ord. 817, 4-2-09)

   (3) Has current insurance coverage with liability limits of at least one million dollars ($1,000,000.00) for professional liability in the practice of massage;  (Amended, Ord. 817, 4-2-09)

   (4) Is affiliated with, employed by or owns a therapeutic massage enterprise licensed by the City;  (Amended, Ord. 817, 4-2-09)

   (5) In addition to the seventy (70) hours of resident study, applicant must complete at least four hundred (400) hours of certified therapeutic massage training as part of earning a diploma or certificate from a recognized school; (Amended, Ord. 817, 4-2-09)

   (6) Has at least one (1) year of experience practicing massage therapy as established by an affidavit.  (Amended, Ord. 817, 4-2-09)

i. Other information that the City Council may require.
514.07: **APPLICATION AND INVESTIGATION FEES:** The fees for a massage enterprise and therapist licenses are set forth from time to time by City Council resolution. An investigation fee will be charged for therapeutic massage enterprise licenses. An application for either license must be accompanied by payment in full of the required license and investigation fees, if applicable.

514.08: **APPLICATION VERIFICATION AND CONSIDERATION:**

Subd. 1. Therapeutic Massage Enterprise License: The City Administrator must verify the information supplied on the license application and investigate the background, including the criminal background, of the applicant to assure compliance with this Section. Within ninety (90) days of receipt of a complete application and fee for a therapeutic massage enterprise license, the City Administrator must make a written recommendation to the City Council as to issuance or non-issuance of the license. The City Council may order additional investigation if it deems it necessary, but must grant or deny the application within one hundred twenty (120) days of receipt by the City Administrator of the complete application and required fees. (Amended, Ord. 844, 5-20-10)

Subd. 2. Therapeutic Massage Therapist License: Within ninety (90) days of receipt of a complete application and fee for a therapeutic massage therapist license, the City Administrator must grant or deny the application. Notice will be sent to the applicant upon a denial informing the applicant of the right to appeal to the City Council within twenty (20) days. If an appeal is properly made, the matter will be placed on the next available City Council agenda. (Amended, Ord. 844, 5-20-10)
514.09: **PERSONS INELIGIBLE TO HOLD A LICENSE:** (Amended, Ord. 817, 4-2-09)

Subd. 1. Therapeutic Massage Enterprise License: A therapeutic massage enterprise license may not be issued to or held by an individual who: (Amended, Ord. 817, 4-2-09)

   a. Is a minor; (Amended, Ord. 817, 4-2-09)

   b. Has been convicted of any crime directly related to the occupation licensed as set forth in Minnesota Statutes, Section 364.03, subdivision 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as prescribed by Minnesota Statutes, Section 364.03, subdivision 3; (Amended, Ord. 817, 4-2-09)

   c. Is not of good moral character or repute;

   d. Is not the real party in interest of the enterprise;

   e. Has misrepresented or falsified information on the license application.

Subd. 2. Therapeutic Massage Therapist License: A therapeutic massage therapist license may not be issued to or held by a person who could not qualify for a therapeutic massage enterprise license or who is not (i) affiliated with, (ii) employed by or (iii) does not hold, a therapeutic massage enterprise license. (Amended, Ord. 817, 4-2-09)

514.10: **LOCATIONS INELIGIBLE FOR THERAPEUTIC MASSAGE ENTERPRISE LICENSE:**

Subd. 1. A therapeutic massage enterprise may not be licensed if the enterprise is located on property on which taxes, assessments or other financial claims to the state, county, school district or City are due and delinquent. In the event a suit has been commenced under Minnesota Statutes, Sections 278.01-278.13, questioning the amount or validity of taxes, the City Council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof, which remain unpaid for a period exceeding one (1) year after becoming due.

Subd. 2. Zoning Compliance: A therapeutic massage enterprise may not be licensed if the location of such enterprise is not in conformance with Title 1100 of the Mounds View Municipal Code.11 (Amended, Ord. 870, 5-19-12)

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11 See also Section 1106.03.
514.11: **GENERAL LICENSE RESTRICTIONS:**

Subd. 1. Posting: A therapeutic massage enterprise license issued must be posted in a conspicuous place on the premises for which it is used. A person licensed as a therapeutic massage therapist must have in possession a copy of the license when therapeutic massage services are being rendered.

Subd. 2. Area: A therapeutic massage enterprise license is effective only for the compact and contiguous space specified in the approved license application. If the licensed premises is enlarged, altered or extended, the licensee must inform the City Administrator. A licensed therapeutic massage therapist may perform on-site massage at a business, public gathering, private home, or other site not on the therapeutic massage enterprise premises. (Amended, Ord. 844, 5-20-10)

Subd. 3. Transfer: The license issued is for the person or the premises named on the approved license application. Transfer of a license from place to place or from person to person is not permitted.

Subd. 4. Coverings: The therapist must require that the person who is receiving the massage will at all times have that person’s breasts, buttocks, anus and genitals covered with non-transparent material or clothing. A therapist performing massage must have the therapist’s breasts, buttocks, anus and genitals covered with a non-transparent material or clothing.

Subd. 5. Prohibited Massage: A therapist may not intentionally massage or offer to massage the penis, scrotum, mons veneris, vulva or vaginal area of a person.
514.12: **RESTRICTIONS REGARDING SANITATION AND HEALTH:**

Subd. 1. A therapeutic massage enterprise must be equipped with adequate and conveniently located toilet rooms for the accommodation of its employees and patrons. The toilet room must be well ventilated by natural or mechanical methods and be enclosed with a door. The toilet room must be kept clean and in good repair and be fully and adequately illuminated.

Subd. 2. A therapeutic massage enterprise must provide single-service disposal paper or clean linens to cover the table, chair, furniture or area on which the patron receives the massage. If the table, chair or furniture on which a patron receives the massage is made of material impervious to moisture, such table, chair or furniture must be sanitized after each massage.

Subd. 3. The therapeutic massage therapist must wash the therapist’s hands and arms with water and soap, anti-bacterial scrubs, alcohol or other disinfectants prior to and following each massage service performed.

Subd. 4. Massage tables, chairs or furniture on which the patron receives the massage must have surfaces that can be readily disinfected after each massage.

Subd. 5. Rooms in a therapeutic massage enterprise must be fully and adequately illuminated.

Subd. 6. A therapeutic massage enterprise must have a janitor’s closet that provides for the storage of cleaning supplies.

Subd. 7. Therapeutic massage enterprises must provide adequate refuse receptacles that must be emptied as required by this code.

Subd. 8. Therapeutic massage enterprises must be maintained in good repair and sanitary condition.

Subd. 9. Therapeutic massage enterprises must comply with the requirements of the Minnesota Indoor Clean Air Act.

Subd. 10. A therapeutic massage enterprise must take reasonable steps to prevent the spread of infections and communicable diseases on the licensed premises.

Subd. 11. Massage therapists must wear clean clothing when performing massage services.
514.13:  LICENSE TERM; RENEWALS:  Licenses expire annually on December 31. The license fee will be prorated in thirty (30) day increments for licenses issued after June 30. The City Administrator must prepare an application form for the renewal of a license requiring information that he or she determines necessary for consideration of the renewal. The renewal application must be made no later than November 30. (Amended, Ord. 817, 4-2-09; Ord. 844, 5-20-10)

514.14:  SUSPENSION; REVOCATION:  A license granted under this Section may be suspended or revoked by the City Council by resolution upon notice and public hearing for any violation of this Chapter, a conviction of any crime directly related to the therapeutic massage occupation unless competent evidence can be shown of sufficient rehabilitation and present fitness to perform the duties of the occupation as set forth in Minnesota Statutes, Section 364.03 or any fraud, misrepresentations or incorrect statement in the license application or in the course of operating or conducting business. (Amended, Ord. 817, 4-2-09)

514.15:  TEMPORARY THERAPIST LICENSE:

Subd. 1.  The City Administrator may issue a temporary therapeutic massage therapist license as provided in this subsection. (Amended, Ord. 844, 5-20-10)

Subd. 2.  A temporary massage therapist license may be issued to a person who:

a.  Is qualified to hold a massage therapist license under this Section;

b.  Has completed the required application and paid the license fee at least seven (7) days prior to the effective date of the license.

Subd. 3.  A temporary license is effective for four (4) consecutive days. A person may not be issued more than three (3) temporary licenses in any period of three hundred sixty (360) consecutive days.

Subd. 4.  All other provisions of this Section apply to temporary licenses.

514.16:  HOURS OF OPERATION:  A licensed therapeutic massage enterprise may not operate for business between the hours of nine o’clock (9:00) p.m. and seven o’clock (7:00) a.m.

514.17:  VIOLATIONS AND PENALTIES:  Any person who violates any provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 104.01 of this Code. (Ord. 583, 9-23-96)
CHAPTER 515

TATTOO, BODY PIERCING, BODY BRANDING, BODY SCARRING AND BODY PAINTING ESTABLISHMENTS
(Added, Ord. 663, 9-11-00, Amended, Ord. 854, 10-21-10)

SECTION:

515.01. Purpose
515.02. Definitions
515.03. License Required
515.04. Location Requirements
515.05. General Requirements
515.06. Violations and Penalties

515.01: **PURPOSE:** The purpose of this Section is to regulate the business of body art in order to protect the health and welfare of the general public. (Ord. 663, 9-11-00, Ord. 854, 10-021-10)
515.02: **DEFINITIONS:** The following definitions apply in this Chapter of this Code. References hereafter to “Sections” are, unless otherwise specified, references to Sections in this Chapter. Defined terms remain defined terms whether or not capitalized.

“Body art” means physical body adornment using, but not limited to, tattooing and body piercing. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional’s scope of practice.

“Body art establishment” means any structure or venue, whether permanent, temporary, or mobile, where body art is performed. Mobile establishments include vehicle-mounted units, either motorized or trailered, and readily moveable without disassembling and where body art procedures are regularly performed in more than one geographic location.

“Body piercing” means the penetration or puncturing of the skin by any method for the purpose of inserting jewelry or other objects in or through the body. Body piercing also includes branding, scarification, suspension, subdermal implantation, microdermal and tongue bifurcation. Body piercing does not include the piercing of the outer perimeter or the lobe of the ear using a presterilized single-use stud-and-clasp ear-piercing system.

“Tattooing” means any method of placing indelible ink or other pigments into or under the skin or mucosa with needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. Tattooing also includes micropigmentation and cosmetic tattooing. (Ord. 854, 10-21-10)

515.03: **LICENSE REQUIRED:**

Subd. 1. **Body Art Establishment License:** No person acting individually or jointly with any other person shall maintain, own, or operate a body art establishment in the City without obtaining a body art establishment license issued by the State Commissioner of Health. (Ord. 663, 9-11-00, Ord. 854, 10-21-12)

Subd. 2. **Body Art Technician:** No individual shall perform tattooing in the City unless the individual holds a valid tattoo technician license issued by the State Commissioner of Health. No individual shall perform body piercing in the City unless the individual holds a valid body piercing technician license issued by the State Commissioner of Health. If an individual performs both tattooing and body piercing, the individual must hold a valid dual body art technician license issued by the State Commissioner of Health. (Ord. 663, 9-11-00, Ord. 854, 10-21-10)
515.04. **LOCATION REQUIREMENTS:**

Subd. 1. Zoning Compliance: A body art establishment must be operated in a location that is in conformance with Title 1100 of the Mounds View Municipal Code. (Ord. 663, 9-11-00, Ord. 854, 10-21-10)

Subd. 2. Private Residences. No place licensed by the State as a body art establishment shall be located within a private residence. (Ord. 854, 10-21-10)

Subd. 3. Mobile Establishments. Mobile body art establishments are prohibited. (Ord. 854, 10-21-10)

515.05. **GENERAL REQUIREMENTS:** (Ord. 854, 10-21-10)

Subd. 1. General licensing requirements are as follows:

   Hours of operation. A body art establishment shall not be open for business for tattooing before eight o’clock (8:00) a.m. nor after ten o’clock (10:00) p.m. (Ord. 854, 10-21-10)

   Adherence to Codes. Body art establishments shall comply with applicable Minnesota Statutes, including but not limited to Minnesota Statutes Chapter 146B and all titles, chapters and sections of the Mounds View City Code, including, but not limited to, those expressly stated as follows: Chapter 513, Adult Establishments; Section 514.11, subdivision 5, regarding prohibited massages; and Title 600, Public Health and Safety. (Ord. 854, 10-21-10)

   Maintenance of order. The operator of a body art establishment shall be responsible for the conduct of the business being operated and shall at all times maintain conditions of order. (Ord. 854, 10-21-10)

515.06. **VIOLATIONS AND PENALTIES:** Any person who violates any provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 104.01 of this Code. (Ord. 663, 9-11-00, Ord. 854, 10-21-10)
CHAPTER 516

PAWNSHOPS
(Added, Ord. 712, 11/10/03)

SECTION:

516.01: Purpose
516.02: Definitions
516.03: License Required
516.04: Application for License
516.05: Investigation by Police Department
516.06: Term of License and Renewals
516.07: License Fees
516.08: Billable Transaction Fees
516.09: Bond Requirement
516.10: Ineligible Persons and Locations
516.11: General License Requirements
516.12: Alarm System Requirement
516.13: Suspension or Revocation of License
516.14: Prohibited Acts
516.15: Adoption by Reference
516.16: Separability

516.01: **PURPOSE:** The City Council of the City of Mounds View finds that pawnbroker regulation is appropriate because such activities provide an opportunity for the commission of crimes and their concealment because such businesses have the ability to receive and transfer stolen property easily and quickly. The City Council also finds that consumer protection regulation of such activities is warranted because customers of such businesses frequently seek their services during times of desperate financial circumstances.

To help the City of Mounds View to better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this Chapter also implements and establishes the required use of the Automated Pawn System (APS).
DEFINITIONS: As used in this Chapter, the following words and terms shall have the meanings as follows:

ACCEPTABLE IDENTIFICATION: Acceptable forms of identification are a current valid Minnesota driver’s license, a current valid Minnesota identification card, or a current valid photo driver’s license or identification card issued by another state or province of Canada.

AUTOMATED PAWN SYSTEM (APS): A computerized data collection system that mandates the collection of data and digitized images via modem for the purpose of regulation and review of licensed pawn dealers by City officials and authorized subscribers.

BILLABLE TRANSACTIONS: Every reportable transaction conducted by a pawnbroker, except renewals, redemptions, or extensions of existing pawns on items previously reported and continuously in the licensee’s possession.

CONSIGNMENT: Acting as a sales agent for another, selling another person’s goods without having to first purchase said goods.

ISSUING AUTHORITY: The City of Mounds View.

ITEM CONTAINING PRECIOUS METAL: An item made in whole or in part of metal and containing more than one percent (1%) by weight of silver, gold or platinum.

MANAGER: A person or persons designated by the licensee to operate and supervise the pawnshop under the provisions of this Chapter.

MINOR: Any natural person under the age of eighteen (18) years.

PAWNBROKER: A person engaged in whole or in part in the business of lending money on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. The following are exempt from the definition of “pawnbroker”: any bank regulated by the state of Minnesota, the comptroller of the currency of the United States, the Federal Deposit Insurance Corporation, the board of governors of the Federal Reserve System, or any other federal or state authority and their affiliates; any bank or savings and loan whose deposits or accounts are eligible for insurance by the Federal Deposit Insurance Corporation or any successor to it and all affiliates of those banks and savings and loan associations; any state or federally chartered credit union; any industrial loan and thrift company or regulated lender subject to licensing and regulation by the department of commerce.
PAWSHOP: The licensed location in which a pawnbroker conducts business.

PERSON: One (1) or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic or nonprofit corporation, a trust, a political subdivision of the state; or any other business organization.

PRECIOUS METAL DEALER: Except as exempted by Minnesota Statutes, Section 325F.732, subdivision 2, any natural person, partnership or corporation engaging in the business of buying, selling or pawning secondhand items containing precious metal, including, but not limited to, jewelry, watches, eating utensils, candlesticks, and religious and decorative objects.

PRECIOUS METALS: Means silver, gold or platinum.

REDEMPTION PERIOD: The date by which an item of property that has been pawned must be redeemed by the pledger without risk that the item will be sold. Such date must be a day on which the pawnbroker or precious metal dealer is open for regular business.

REPORTABLE TRANSACTION: Every transaction conducted by a pawnbroker in which merchandise is received through a pawn or purchase, or in which a pawn is renewed, extended, or for which a unique transaction number or identifier is generated by their point of sale software, is reportable, except:

a. The bulk purchase of new or used merchandise from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase which describes each item, and must mark each item in a manner which relates it to that transaction record.

b. Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

516.03: LICENSE REQUIRED: No person shall exercise, carry on or be engaged in the trade or business of pawnbroker within the City unless such person is currently licensed in accordance with this Chapter to be a pawnbroker. Pawnbrokers shall also maintain and display at all times a current and valid Precious Metal Dealer License issued by Ramsey County.
516.04: **APPLICATION FOR LICENSE:** Every application for license under this Chapter, whether for a natural person, partnership, corporation or other organization, shall be made on a form supplied by the City and shall contain all information as required on that form by law.

Subd. 1. All applications for a license under this Chapter shall be signed and sworn to under oath or affirmation by applicant. If the application is that of a natural person, it shall be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one (1) of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

Subd. 2. Any falsification on a license application shall result in the denial of a license.

Subd. 3. No pawnbroker license will be issued, renewed or transferred without a public hearing conducted by the City Council after a notice has been published in the official City newspaper at least ten (10) days in advance of the hearing.

516.05: **INVESTIGATION BY POLICE DEPARTMENT:**

Subd. 1. Investigation and Report: All applications shall be referred to the police department for verification and investigation of the facts set forth in the application. The police department shall make a written report and recommendation to the City Council as to approval or denial of the license. The City Council may order and conduct such additional investigation that it deems necessary.

Subd. 2. Cost of Investigation: An investigation fee shall be collected with each application for a pawnshop license to cover the expense of any investigation needed to assure compliance with this Chapter. The investigation fee is established by resolution of the City Council. If the investigation and verification process is conducted outside the state of Minnesota, additional fees may be required.

Subd. 3. When a licensee places a manager in charge of the business, or if the named manager(s) in charge of a licensed business changes, the licensee must complete and submit the appropriate investigation application within fourteen (14) days. The manager shall be subject to the investigation required herein and to payment of the investigation fee required by this Chapter, which shall be paid in advance. The designation of a new manager shall not cause the license to become invalid before a decision is rendered, provided proper notice and application are made by the applicant. A proposed new manager shall be referred to as the interim manager. In the event an interim manager is rejected, the licensee shall designate another interim manager and make the required application within fourteen (14) days of the decision. If a proposed manager is rejected, the decision may be appealed to the City Council by filing a written notice of appeal with the City Administrator within ten (10) days after being notified of the rejection. (Amended, Ord. 844, 5-20-10)
516.06: TERM OF LICENSE AND RENEWALS:

Subd. 1. Term: Licenses expire annually on December 31. The license fee will be prorated in thirty (30) day increments for licenses issued after June 30.

Subd. 2. Renewal: A license under this Section will not be renewed if the City Council determines that the licensee has failed to comply with the provisions of this Chapter in a preceding license year or if there would be sufficient grounds not to issue a license in the first instance.

516.07: LICENSE FEES: To defray administrative and other costs of processing applications for pawnshop licenses, a nonrefundable fee shall be paid at the time an application is filed with the City. The minimum fee shall be established by resolution approved by the City Council.

516.08: BILLABLE TRANSACTION FEES: Licensees shall pay a monthly transaction fee on all billable transactions. The minimum fee shall be established by resolution approved by the City Council. Such fee shall be due and payable within thirty (30) days. Failure to timely pay the billable transaction fee shall constitute a violation of this Chapter.

516.09: BOND REQUIREMENT: At the time of filing an application for a license, the applicant shall file a bond in the amount of ten thousand dollars ($10,000.00) with the City. The bond, with a duly licensed surety company as surety thereon, must be approved as to form by the City Attorney. The bond must be conditioned on the licensee observing all ordinances of the City and all laws relating to the business of pawnbroker or precious metal dealer, and the licensee accounting for and delivering to any person legally entitled thereto any articles which may have come into the possession of the licensee as pawnbroker, or in lieu thereof such licensee paying the person or persons the reasonable value thereof. The bond shall contain a provision that it may not be canceled without thirty (30) days advance written notice to the licensing authority.
516.10:  **INELIGIBLE PERSONS AND LOCATIONS:**

Subd. 1. Ineligible Persons: No licenses under this Chapter shall be issued to an applicant who is a natural person, general or managing partner, manager, proprietor or agent if such applicant:

a. Is a minor at the time the application is filed;

b. Has been convicted of any offense related to the occupation licensed or involving moral turpitude;

c. Is not a citizen of the United States or a resident alien;

d. Is not of good moral character or repute;

e. Has misrepresented or falsified information on the license application;

f. Hold an intoxicating liquor license under this Code;

g. Has had a pawnbroker or precious metal dealer license revoked elsewhere; or

h. Other good and sufficient reason at the sole discretion of the City Council.

Subd. 2. Ineligible Locations: The following locations shall be ineligible for licenses under this Chapter:

a. No license shall be granted or renewed for operation on any property on which taxes, assessments or other financial claims of the state, county, school district or City are due, delinquent or unpaid.

b. No license shall be granted or renewed if the property on which the business is to be conducted is owned or controlled by a person who is ineligible for a license.

c. The property is not properly zoned.

d. A location within one thousand (1,000) feet of an existing pawnshop.

e. No license shall be granted for a premises in excess of five thousand (5,000) square feet.

Subd. 3. Multiple Brokers or Dealers Prohibited: No license shall be issued for multiple pawnbrokers at one (1) location.
516.11: **GENERAL LICENSE REQUIREMENTS:**

Subd. 1. **Record Keeping:** All licensees shall utilize the Automated Pawn System (APS) for the creation, maintenance, and storage of transactional records regarding licensed activities. At the time of a receipt of an item of property, whether purchased or pawned, the pawnbroker shall immediately record, on computer disc or if the computer is temporarily unavailable in a book or journal which has page numbers that are preprinted and in an indelible ink, the following information:

a. **Description of Item:** An accurate description of the item of property including, but not limited to, any trademark, identification number, serial number, model number, brand, brand name or other identifying mark on such item;

b. **Date and Time:** The date and time the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee’s records. Transaction identifiers must be assigned consecutively;

c. **Description of Person:** The name, address, residence phone number, date of birth, and accurate description including: sex, height, weight, race, color of eyes and color of hair of the person from whom the item of property was received;

d. **Identification number:** The identification number and state or nation of issue from any of the following forms of identification of the person from whom the item of property was received:

   (1) A valid driver’s license;

   (2) A valid state or national picture identification.

e. **Price:** The price of the item paid and whether the item was purchased or pawned;

f. **Fees:** A list of all fees and charges that the transaction may be subject to;

g. **Statement:** A signed statement from the person from whom the item of property is received that there are no liens on the item, that it is not stolen and that the person has the right to sell it.
h. Photograph or Video Recording: The licensee must take a color photograph or color video recording of each customer involved in a billable transaction and every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

(1) Photo Provisions: The photograph taken must be at least two inches (2") in length by two inches (2") in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the Chief of Police, or the Chief’s designee, upon request. The major portion of the photograph must include an identifiable front facial close up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that they are being photographed by displaying a sign of sufficient size in a conspicuous place on the premises.

(2) Video Provisions: If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item so as to include an identifiable close up of that person’s face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee shall display a sign of sufficient size in a conspicuous place on the premises informing patrons that all transactions are video-recorded. The licensee must keep the exposed videotape for four (4) months, and furnish it to the police department upon request.

(3) Digitized Photographs: Digital images shall be provided in a format specified by the issuing authority, electronically cross referenced to the reportable transaction with which they are associated.

i. Renewals, Extensions and Redemptions: For renewals, extensions and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, the type of transaction, interest charges accrued, and any amount paid for the transaction or the article. When an article of purchased or forfeited property is sold or disposed of by a licensee the records shall contain an account of such sale with the date, the amount for which the article was sold, and the full name, current address, and telephone number of the person to whom sold.

Subd. 2. Inspection of Records: The pawnbroker shall make available the information required in subdivision 1 of this Section at all reasonable times for inspection by the police department or other representatives of the licensing authority.

Subd. 3. Retention of Records: The pawnbroker shall retain the information required in this Section for at least five (5) years.
Subd. 4. Daily Reports to Police are Required: The pawnbroker shall submit daily to the police department all information required by this Section regarding every reportable transaction by transferring it from their computer to the Automated Pawn System. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority using procedures that address security concerns of the licensees and the issuing authority. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs all patrons that all transactions are reported to the police department daily.

Subd. 5. Data Transfer Failures:

a. If a licensee is unable to successfully transfer the required reports by electronic means, the licensee must provide the police department printed copies of all reportable transactions along with the videotape(s) for that date, by twelve o’clock (12:00) noon the next business day;

b. If the problem is determined to be in the licensee’s system and is not corrected by the close of the first business day following the failure, the licensee must provide the required reports and shall be charged a fifty dollar ($50.00) reporting failure penalty, daily, until the error is corrected; or

c. If the problem is determined to be outside the licensee’s system, the licensee must provide the required reports and resubmit all such transaction electronically when the error is corrected.

d. If a licensee is unable to capture, digitize or transmit digital photographs required by this Chapter, the licensee must immediately take all required photographs with a still camera, cross reference the photographs to the correct transaction, and make the pictures available to the police department upon request.

e. Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.

f. The police department may at their discretion, upon presentation of extenuating circumstances by the licensee, delay the implementation of the daily reporting penalty imposed by this Section.

Subd. 6. Police Order to Hold Property: Whenever the police department notifies the pawnbroker not to sell an item, the item shall not be sold or removed from the licensed premises until authorized to be released by the police department.
Subd. 7. Holding Period of Pawnbrokers:

a. Any item pawned to a pawnbroker for which a report to the police is required under this Chapter shall not be sold or otherwise transferred for ninety (90) days after the date of the pawn. However, an individual may redeem an item pawned seventy two (72) hours after the item was received on deposit by the pawnbroker, excluding Sundays and legal holidays.

b. Any item sold outright to a pawnbroker for which a report to the police is required under this Chapter shall not be sold or otherwise transferred for thirty (30) days after the date of the initial purchase.

Subd. 8. Receipt: The pawnbroker shall provide a receipt to the seller or pledger of any item of property received, which shall include:

a. The name, address and phone number of the pawnbroker or precious metal dealer business.

b. The date on which the pawnbroker or precious metal dealer received the item.

c. A description of the item received and amount paid to the pledger or seller in exchange for the item pawned or sold.

d. The signature of the pawnbroker or precious metal dealer or agent.

e. The last regular business day by which the item must be redeemed by the pledger without risk that the item will be sold and the amount necessary to redeem the pawned item on that date.

f. The annual rate of interest charged on pawned items received.

g. The name, address, and signature of the seller or pledger.

Subd. 9. Hours of Operation: No pawnbroker shall be open for the transaction of business on any day of the week before eight o’clock (8:00) A.M. or after eight o’clock (8:00) P.M.

Subd. 10. Minors: The pawnbroker shall not purchase or receive personal property of any nature on deposit or pledge from any minor.

Subd. 11. Inspection of Items: The pawnbroker shall at all times during the term of the license allow the police department to enter the premises where the pawnbroker business is located, for the purpose of inspecting such premises and inspecting the items, wares and merchandise therein for the purpose of locating items suspected or alleged to have been stolen or otherwise improperly disposed of.
Subd. 12. License Display: A license issued under this Chapter must be posted in a conspicuous place in the premises for which it is used. The license issued is only effective for the compact and contiguous space specified in the approved license application. Any additional required county and state licenses shall be similarly posted.

Subd. 13. Maintenance of Order: A licensee under this Chapter shall be responsible for the conduct of the business being operated and shall maintain conditions of order.

Subd. 14. Prohibited Goods: No licensee under this Chapter shall accept any item of property which contains an altered or obliterated serial number or “operation identification” number or any item of property whose serial number has been removed.

Subd. 15. Payment by Check: Payment of more than two hundred fifty dollars ($250.00) by a licensee for any article deposited, left, purchased, pledged or pawned shall be made only by a check, draft, or other negotiable or nonnegotiable instrument that is drawn against funds held by a financial institution. This policy shall be posted in a conspicuous place in the premises.

Subd. 16. Storage: All items shall be stored within the licensed premises.

Subd. 17. Prohibited Items: Licensee shall not accept for pawn or purchase or offer for sale firearms or handguns.

Subd. 18. Signage: Licensees shall by adequate signage and separate written notice inform persons seeking to pawn, pledge, sell, leave, or deposit articles of property with the licensee of the foregoing requirements:

**TO PAWN OR SELL PROPERTY:**

- YOU MUST BE AT LEAST EIGHTEEN (18) YEARS OF AGE
- YOU MUST BE THE TRUE OWNER OF THE PROPERTY
- THE PROPERTY MUST BE FREE OF ALL CLAIMS AND LIENS
- YOU MUST PRESENT VALID PHOTO IDENTIFICATION
- VIOLATION OF ANY OF THESE REQUIREMENTS IS A CRIME.

For the purpose of this Subsection, “adequate signage” shall mean at least one (1) sign of not less than four (4) square feet in surface area, comprised of lettering of not less than three-quarters (3/4) of an inch in height, posted in a conspicuous place on the licensed premises.
Subd. 19. Disposition of Articles: When any article is sold or disposed of by the licensee, the records shall contain an account of such sale with the date thereof, interest and charges accrued, the amount for which the article was sold and, in the case of items sold for more than one hundred dollars ($100.00), the name, address and telephone number of the purchaser.

Subd. 20. Managers: In the event the licensee places a manager or managers in charge of the operation (subject to the requirements of Section 516.04), the manager or managers shall work on average a minimum of eighty (80) hours per month during a six (6) month time period.

516.12: **ALARM SYSTEM REQUIREMENT:** An alarm system, professionally installed and approved by the Police Chief shall be installed at the licensed premises.

516.13: **SUSPENSION OR REVOCATION OF LICENSES:**

Subd. 1. Violation: The City Council may suspend or revoke a license issued under this Chapter upon a finding of a violation of:

a. Any of the provisions of this Chapter.

b. Any state statute regulating pawnbrokers or precious metal dealers.

c. Any state or local law relating to moral character and repute. Any conviction by the pawnbroker or precious metal dealer for theft, receiving stolen property or any other crime or violation involving stolen property shall result in the immediate suspension pending a hearing on revocation of any license issued hereunder.

Subd. 2. Notice; Hearing: Except in the case of a suspension pending a hearing on revocation, a revocation or suspension by the City Council shall be preceded by written notice to the licensee and a public hearing. The written notice shall give at least ten (10) days notice of the time and place of the hearing and shall state the nature of the charges against the pawnbroker or precious metal dealer. The Council may, without any notice, suspend any license pending a hearing on revocation for a period not exceeding thirty (30) days. The notice may be served upon the pawnbroker by United States mail addressed to the most recent address of the business in the license application.
516.14: **PROHIBITED ACTS:**

Subd. 1. No pawnbroker licensed upon this Chapter shall:

a. Lend money on a pledge at a rate of interest above that allowed by law;

b. Possess stolen goods;

c. Sell pledged goods before the time to redeem has expired;

d. Make a loan on a pledge to a minor or purchase property from a minor;

e. Accept consignments or sell consigned goods or items.

f. Keep, possess or operate, or permit the keeping, possession or operation on the licensed premises of dice, slot machines, roulette wheels, punchboards, blackjack tables or pinball machines which return coins or slugs, chips or tokens of any kind, which are redeemable in merchandise or cash. Gambling of any kind, except as noted herein, is prohibited. No gambling equipment authorized under Minnesota Statutes, Chapter 349, may be kept or operated and no raffles may be conducted on the licensed premises and/or adjoining rooms. The purchase of lottery tickets may take place on the licensed premises as authorized by the director of the lottery pursuant to Minnesota Statutes, Chapter 349A.

516.15: **ADOPTION BY REFERENCE:** Minnesota Statutes, Chapter 325J is hereby adopted by reference. Wherever this Chapter is more restrictive than said statutes, this Chapter will control. Wherever said statutes are more restrictive than this Chapter, said statutes shall control.

516.16: **SEPARABILITY:** Should any Section, Clause or other provisions of this Chapter be declared by a court of competent jurisdiction to be invalid such decision shall not effect the validity of the ordinance as a whole or any part other than the part so declared invalid.
CHAPTER 518

REGULATING LAWFUL GAMBLING
(Added, Ord. 835, 4-1-10)

SECTION

518.01 Adoption of State Law by Reference
518.02 Purpose
518.03 Definitions
518.04 Applicability
518.05 Lawful Gambling Permitted with Council Approval
518.06 Application and Local Approval of Premises Permits
518.07 Local Permits
518.08 Revocation and Suspension of Local Permit
518.09 License and Permit Display
518.10 Notification of Material Changes to Application
518.11 Designated Trade Area
518.12 Records and Reporting
518.13 Hours of Operation
518.14 Penalty
518.15 Severability

518.01: ADOPTION OF STATE LAW BY REFERENCE: The provisions of Minnesota Statutes, Chapter 349, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, provisions relating to sales, and all other matters pertaining to lawful gambling are hereby adopted by reference and are made a part of this Section as if set out in full. It is the intention of the Council that all future amendments of Minnesota Statutes, Chapter 349, are hereby adopted by reference or referenced as if they had been in existence at the time this Section was adopted.

518.02: PURPOSE: The purpose of this Section is to regulate lawful gambling within the City of Mounds View to ensure the integrity of operations, and to provide for the use of net profits only for lawful purposes.
518.03: **DEFINITIONS:** In addition to the definitions contained in Minnesota Statutes, Section 349.12, as it may be amended from time to time, the following terms are defined for purposes of this Section:

- **BOARD,** as used in this Section, means the State of Minnesota Gambling Control Board.
- **CITY,** as used in this Section, means the City of Mounds View.
- **COUNCIL,** as used in this Section, means the City Council of the City of Mounds View.
- **LICENSED ORGANIZATION,** as used in this Section, means an organization licensed by the Board.
- **LOCAL PERMIT,** as used in this Section, means a permit issued by the City.
- **TRADE AREA,** as used in this Section, means the City, Blaine, Shoreview, Arden Hills, New Brighton, Fridley, and Spring Lake Park.

518.04: **APPLICABILITY:** This Section shall be construed to regulate all forms of lawful gambling within the City except bingo conducted pursuant to Minnesota Statutes, Sections 349.166, subdivision 1(b), as amended from time to time.

518.05: **LAWFUL GAMBLING PERMITTED WITH COUNCIL APPROVAL:** Lawful gambling is permitted within the City provided it is conducted in accordance with Minnesota Statutes, Sections 609.75-609.763, inclusive, as they may be amended from time to time; Minnesota Statutes, Sections 349.11-349.23, inclusive, as they may be amended from time to time; and this Section. Lawful gambling shall not be conducted unless approved by the Council, with the exception of exempt or excluded lawful gambling as provided for in Minnesota Statutes, Section 349.11.

518.06: **APPLICATION AND LOCAL APPROVAL OF PREMISES PERMITS:**

Subd. 1. Any organization seeking to obtain a premises permit or renewal of a premises permit from the Board shall file with the City Administrator an executed, complete duplicate application, together with all exhibits and documents accompanying the application as will be filed with the Board. (Amended, Ord. 844, 5-20-10)
Subd. 2. Upon receipt of an application for issuance or renewal of a premises permit, the City Administrator shall transmit the application to the chief of police for review and recommendation. (Amended, Ord. 844, 5-20-10)

Subd. 3. The chief of police shall investigate the matter and make the review and recommendation to the City Council as soon as possible, but in no event later than forty-five (45) days following receipt of the notification by the City.

Subd. 4. Organizations applying for a state issued premises permit shall pay the City an annual one hundred dollars ($100.00) investigation fee. This fee shall be refunded if the application is withdrawn before the investigation is commenced.

Subd. 5. The applicant shall be notified in writing of the date on which the Council will consider the recommendation.

Subd. 6. The Council shall receive the police chief’s report and consider the application within forty-five (45) days of the date the application was submitted to the City Administrator. (Amended, Ord. 844, 5-20-10)

Subd. 7. The Council shall, by resolution, approve or disapprove the application within sixty (60) days of receipt of the application.

Subd. 8. The Council shall deny an application for issuance or renewal of a premises permit for any of the following reasons:

a. Violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling within the last three (3) years.

b. Violation by the on-sale establishment, or organization leasing its premises for gambling, of any state statute, state rule, or city ordinance relating to the operation of the establishment, including, but not limited to, laws relating to alcoholic beverages, gambling, controlled substances, suppression of vice and protection of public safety within the last three (3) years.

c. Lawful gambling would be conducted at premises other than those for which an on-sale liquor license has been issued.

d. Lawful gambling would be conducted at more than two (2) premises within the City.

e. Failure of the applicant to pay the investigation fee required by this Section within the prescribed time limit.
f. Operation of gambling at the site would be detrimental to health, safety, and welfare of the community.

g. The applicant’s registered place of business is not within the Trade Area. This requirement may be waived by the Council for good or just cause, at the Council’s sole discretion, if it is in the interest of the Community to do so.

Otherwise the Council shall pass a resolution approving the application.

518.07: **LOCAL PERMITS:** The City of Mounds View does not require that organizations conducting lawful gambling excluded or exempted from state licensure requirements (Minnesota Statutes, Section 349.166, as it may be amended from time to time) obtain a Local Permit. The organization shall provide proof of state exemption or exclusion if requested by the City.

518.08: **REVOCATION AND SUSPENSION OF LOCAL PERMIT:**

Subd. 1. A local permit may be revoked, or temporarily suspended for a violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling.

Subd. 2. A license shall not be revoked or suspended until written notice and an opportunity for a hearing have first been given to the permitted person. The notice shall be personally served or sent by certified or registered mail. If the person refuses to accept notice, notice of the violation shall be served by posting it on the premises. Notice shall state the provision reasonably believed to be violated and shall also state that the permitted person may demand a hearing on the matter, in which case the permit will not be suspended until after the hearing is held. If the permitted person requests a hearing, the Council shall hold a hearing on the matter at least one (1) week after the date on which the request is made. If, as a result of the hearing, the Council finds that an ordinance violation exists, then the Council may suspend or revoke the permit.

518.09: **LICENSE AND PERMIT DISPLAY:** All permits issued under state law or this Section shall be prominently displayed during the permit year at the premises where gambling is conducted.
518.10: **NOTIFICATION OF MATERIAL CHANGES TO APPLICATION:** An organization holding a state issued premises permit or a local permit shall notify the City within ten (10) days in writing whenever any material change is made in the information submitted on the application.

518.11: **DESIGNATED TRADE AREA:**

Subd. 1. Each organization licensed to conduct gambling within the City shall expend at least seventy-five percent (75%) of its lawful purpose expenditures on lawful purposes conducted within the City’s Trade Area.

Subd. 2. This section applies only to lawful purpose expenditures of gross profits derived from gambling conducted at a premises within the City’s jurisdiction.

518.12: **RECORDS AND REPORTING:**

Subd. 1. Organizations conducting lawful gambling shall file with the City Administrator one (1) copy of all records and reports required to be filed with the Board, pursuant to Minnesota Statutes, Chapter 349, as it may be amended from time to time, and rules adopted pursuant thereto, as they may be amended from time to time. The records and reports shall be filed on or before the day they are required to be filed with the Board. (Amended, Ord. 844, 5-20-10)

Subd. 2. Organizations licensed by the Board shall file a report with the City proving compliance with the trade area spending requirements imposed by Section 518.12 (Designated Trade Area). Such report shall be made on a form prescribed by the City and shall be submitted annually and in advance of application for renewal.

518.13: **HOURS OF OPERATION:** Lawful gambling shall not be conducted between one o’clock (1:00) a.m. (or two o’clock (2:00 A.M. if the premises has been approved for the extended bar closing time) and eight o’clock (8:00) A.M. on any day of the week.
518.14: **PENALTY:** Any person who violates:

(a) Any provision of this Section;

(b) Minnesota Statutes, Sections 609.75-609.763, inclusive, as they may be amended from time to time; or

(c) Minnesota Statutes, Sections 349.11-349.21, as they may be amended from time to time or any rules promulgated under those sections, as they may be amended from time to time shall be guilty of a misdemeanor and shall be subject to a fine of not more than one thousand dollars ($1,000.00) or imprisonment for a term not to exceed ninety (90) days, or both, plus in either case the costs of prosecution. In addition, violations shall be reported to the Board and recommendation shall be made for suspension, revocation, or cancellation of an organization’s license.

518.15: **SEVERABILITY:** If any provision of this Section is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.
CHAPTER 519
DONATION COLLECTION BINS

SECTION:

519.01: Definitions
519.02: License Required
519.03: Application for License
519.04: Review of Application; Issuance or Denial
519.05: License Fees; Expiration
519.06: Conditions of License
519.07: Revocation of License
519.08: Exceptions
519.09: Violation of Provisions

519.01: **DEFINITIONS:** When used in this Chapter, the following words and phrases shall have the meanings ascribed to them:

Subd. 1. DONATION COLLECTION BIN. A receptacle used for the collection of various items for recycling or resale including, but not limited to, clothing, shoes, textiles, books, household items, glass, paper or metals.

519.02: **LICENSE REQUIRED:** No person shall locate a Donation Collection Bin in the City of Mounds View without first obtaining a license as provided in this Chapter.

519.03: **APPLICATION FOR LICENSE:** The application for such license shall be made, in writing, to the City Administrator and shall state the full name and address of the applicant, the company name of the owner/operator or the Bin (if different from the applicant), the property address and site plan depicting the specific location where the Donation Collection Bin is to be situated, statement of permission from the property owner of the premises (if different from the applicant), 24-hour emergency contact information for the owner/operator, proof of insurance, license fee, and such other information as shall be required by the City Administrator.

519.04: **REVIEW OF APPLICATION; ISSUANCE OR DENIAL:** The City Administrator shall submit the application to the Council for its consideration. The Council may grant or refuse to grant the license after consideration of the application. It may require a public hearing, and such hearing shall be held at such time and upon such notice as the Council may determine. After such hearing, the Council may grant or refuse to grant the license.
519.05: **LICENSE FEES; EXPIRATION:**

Subd. 1. Fee and Expiration: The fee for every such license shall be established by resolution of the City Council. Every such license shall expire on December 31 next after its issuance. License fees paid to renew an expired license shall be paid on or before December 31 of the year preceding the effective year. Any annual fee paid later than ten (10) working days after December 31 shall be subject to an additional administrative service charge of ten percent (10%) of the renewal fee.

Subd. 2. Refund Upon Denial: If the Council denies the application for license, one-half (1/2) of the license fee shall be refunded to the applicant.

519.06: **CONDITIONS OF LICENSE:**

Subd. 1. Transferability: Licenses shall not be transferable from one (1) person to another.

Subd. 2. Conditions and Restrictions: The following conditions and restrictions shall apply to all Donation Collection Bins:

a. Donation Collection Bins may only be located on properties with an existing and operating noncommercial, educational, religious, governmental, institutional or charitable use.

b. Such Bins shall be located on an improved surface behind the front line of the principle structure. Bins shall be maintained in a like-new condition.

c. Donation Collection Bins shall not be visible from the County Road 10 right of way.

d. Donation Collection Bins shall not exceed seven (7) feet in height and twenty-five (25) square feet in ground area. Only one such Bin may be permitted per property.

e. The Bin shall not reduce the width of paved clear space for the passage of pedestrians to less than five (5) feet, shall not be located within five (5) feet of a fire hydrant or fire department connection, and shall not utilize any required parking spaces or impede/disrupt the flow of vehicular or pedestrian traffic.

f. Notice shall be affixed to such Bins indicating the "company" name and phone number of the bin's owner and operator and a statement discouraging the placement of items outside the bin, of a size sufficient to be legible at a distance of three (3) feet. Any advertising shall be affixed to the Bin only and shall be limited to no more than eight (8) square feet.

g. The owner and operator of the Bin shall maintain and provide proof of one million dollar ($1,000,000) general liability insurance coverage for each location where a Bin is located.
h. Items left outside the Bin shall be collected and removed within twenty-four (24) hour notice provided to the owner and operator of the Bin.

i. The Council may impose any additional conditions or restrictions it deems reasonably necessary or advisable.

519.07: **REVOCATION OF LICENSE:** Every such license may be revoked by the Council, after the licensee has been given reasonable notice and an opportunity to be heard, for the violation of any provision of this Code or for the violation of any conditions or restrictions imposed at the time of the issuance of the license or imposed thereafter or upon failure of the licensee to comply with any condition, order or direction issued by the Council.

519.08: **EXCEPTIONS:** Educational, religious, charitable or other non-profit entities hosting a Donation Collection Bin on a temporary basis for fund-raising purposes are exempt from the licensing requirements and the provisions in Section 519.06, excluding subdivision 2c.

519.09: **VIOLATION OF PROVISIONS:** Any person who shall violate any provision of this Chapter shall be guilty of a misdemeanor.

(Ord. 880, 8-26-13)
CHAPTER 520
CHRISTMAS TREES

SECTION:

520.01: Definitions
520.02: License Required
520.03: Application
520.04: License Fees
520.05: Restrictions of Sale
520.06: Licenses Not Transferable
520.07: License Expiration and Site Clean Up
520.08: Violation of Provisions

520.01: **Definitions:** For the purpose of this Chapter, the terms defined in this Section have the meaning given to them herein:

Subd. 1. Christmas Trees: Shall be defined as natural trees used for decoration at holiday time.

520.02: **License Required:** No person shall directly or indirectly sell Christmas trees at retail in the City without first obtaining a license from the City Administrator.

520.03: **Application:** Every applicant for such a license shall file an application with the City Administrator. The application shall be on a form supplied by the City Administrator and shall contain the full name and address of the applicant, address and property owners name of where said business is to be carried on, and such other information as the application form may require. Such license may contain reasonable restrictions on the operation of the business.

520.04: **License Fees:** The annual license fee shall be established by resolution of the City Council, and must be paid to the City at the time that the application is filed.

520.05: **Restrictions of Sale:** Christmas tree lots shall only be located in business zoned districts.
520.06: **LICENSES NOT TRANSFERABLE**: Licenses issued pursuant to this article shall not be transferable.

520.07: **LICENSE EXPIRATION AND SITE CLEAN UP**: A license issued pursuant to this article shall expire on January fifteenth following the date of granting. By such date, the premises described in the application must be cleaned up and unsold trees removed. If the premises are not cleaned up, the City may cause the premises to be cleaned up and charge the cost to the applicant.

520.08: The provisions of Chapter 1114.04 Subd. 5 are not applicable to Christmas tree sales.

520.09: **VIOLATION OF PROVISIONS**: Any person violating any provision of this Chapter shall be guilty of a misdemeanor. In addition, the license provided for in Section 520.02 of this Chapter may be revoked by the Council upon due notice.

(Ord. 901, 5-26-15)