

**TITLE XI: BUSINESS REGULATIONS**

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## CHAPTER 110: ADULT ORIENTED BUSINESSES

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### **GENERAL PROVISIONS**

#### **§ 110.01 PURPOSE AND INTENT.**

(A) It is the purpose of this chapter to regulate adult oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city and to establish reasonable and uniform regulations to:

- (1) Prevent additional criminal activity within the city;
- (2) Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;
- (3) To locate adult oriented businesses away from residential areas, schools, churches, and parks and playgrounds; and
- (4) Prevent concentration of adult oriented businesses within certain areas of the city.

(B) The provisions of this chapter 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 no the intent nor effect of this chapter 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.

(Ord. 116, passed 5-12-2003)

#### § 110.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADULT USE.** Any of the activities and businesses described below constitute “adult oriented businesses,” which are subject to the regulation of this chapter.

**ADULT BOOK AND/OR MEDIA STORE.** An establishment which excludes minors and which has 25% of its inventory or floor area used to display books, magazines, films, videotape or other media which are characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

**ADULT CABARET.** An establishment which provides dancing or other live entertainment, if the establishment excludes minors by virtue of age from all or part of the establishment and if the dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of specified sexual activities or specified anatomical areas.

**ADULT ESTABLISHMENT.** Any business which offers its patrons, services, entertainment, or the sale of merchandise characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas. Specifically included in the term, but without limitations, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses and other adult establishments.

***ADULT HOTEL OR MOTEL.*** A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

***ADULT MINI-MOTION PICTURE THEATER.***

(1) A theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity for less than 50 persons used for presenting motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

(2) Any business which present motion pictures, from which minors are excluded from all or part of the establishment, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, for viewing on the premises, including but not limited to private booths, viewing by means of coin operated or other mechanical devices, and the viewing or excerpt of motion pictures offered for sale or rent.

***ADULT MODELING STUDIO.*** An establishment, which excludes minors from all or part of the establishment, whose major business is to provide, to 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 the customers.

***ADULT MOTION PICTURE ARCADE.*** Any place which excludes minors from all or part of the establishment wherein coin or token 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.

***ADULT MOTION PICTURE THEATER.*** A theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity of 50 or more persons used regularly and routinely for presenting live entertainment or motion pictures, including but not limited to film and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

***ADULT NOVELTY BUSINESS.*** A business, from which minors are excluded from all or part of the establishment, which sells, offers to sell, or displays devices which stimulate human genitals or devices which are designed for sexual stimulation.

***SPECIFIED ANATOMICAL AREAS.*** Are any of the following conditions:

- (1) Less than completely and opaquely covered;
  - (a) Human genitals, pubic region, or pubic hair;
  - (b) Buttock; and
  - (c) Female breast below a point immediately above the top of the areola.
- (2) Human male genitals in a discernible turgid state even if opaquely covered.

***SPECIFIED SEXUAL ACTIVITIES.*** Are any of the following conditions:

- (1) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.
  - (2) Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.
  - (3) Masturbation or lewd exhibitions of the genitals including any explicit, close-up Representation of a human genital organ clothed or unclothed.
  - (4) Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks or a human male or female, or the breasts of a female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.
- (Ord. 116, passed 5-12-2003)

### **§ 110.03 APPLICATION.**

(A) Except as in this chapter specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose not in any manner which is not in conformity with this chapter.

(B) No adult oriented business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the establishment which is prohibited by any ordinance of the city, the laws of the State of Minnesota, or the United States of America. Nothing in this chapter shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale, or distribution of specified materials to minors.

(Ord. 116, passed 5-12-2003)

**§ 110.04 EFFECTIVE DATE.**

This chapter becomes effective from and after its passage and publication.  
(Ord. 116, passed 5-12-2003)

***REGULATIONS***

**§ 110.15 LOCATION.**

During the term of this chapter, no adult oriented businesses shall be located less than 1,000 feet from any residential zoning district boundary or site used for residential purposes, and less than 1,000 feet from any church site, from any school site, from any day care facility, or from any park which is adjacent to property zoned residential. In addition, no adult oriented business may be located within 1,000 feet of another adult oriented business. For purposes of this chapter, this distance shall be a horizontal measurement from the nearest existing residential district boundary or site used for residential purposes, church site, school site, day care site, park site, or another adult oriented business site to the nearest boundary of the proposed adult oriented business site.  
(Ord. 116, passed 5-12-2003)

**§ 110.16 HOURS OF OPERATION.**

No adult oriented business site shall be open to the public from the hours of 11:00 p.m. to 9:00 a.m.  
(Ord. 116, passed 5-12-2003)

**§ 110.17 OPERATION.**

(A) *Off-site viewing.* An establishment operating as an adult oriented business shall prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of M.S. Ch. 617, as amended from time to time, or other applicable federal or state statutes or local ordinances.

(B) *Entrances.* All entrances to the business, with the exception of emergency fire exits which are not useable by patrons to enter the business, shall be visible from a public right-of-way.

(C) *Layout.* The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, or any other material.

(D) *Illumination.* Illumination of the premises exterior shall be adequate to observe the location and activities of all people on the exterior premises.

(E) *Signs.* Signs for adult oriented businesses shall comply with those sign regulations addressed in the Wanamingo Zoning Ord. 107B and in addition, signs for adult oriented businesses shall not contain representational depiction of an adult nature or graphic descriptions of the adult theme of the operation.

(Ord. 116, passed 5-12-2003)

### **§ 110.18 LICENSES REQUIRED.**

All establishments, including any business operating at the time this chapter becomes effective, operating or intending to operate an adult oriented business, shall apply for and obtain a license from the City of Wanamingo. A person is in violation of this chapter if he or she operates an adult oriented business without a valid license, issued by the city.

(Ord. 116, passed 5-12-2003)

### **§ 110.19 APPLICATION FOR LICENSE.**

An application for a license must be made on a form provided by the city and must meet the following requirements:

(A) The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus 6 inches.

(B) The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with the appropriate state, county, and local law and codes by the Health Official, Fire Marshal and Building Official.

(C) The application for a license shall contain the address and legal description of the property to be used, the names, addresses, phone numbers, dates of birth of the owner(s), lessee, if any, the operator or manager, and all employees; the name, address, and phone number of two persons, who shall be residents of the State of Minnesota, and who may be called upon to attest to the applicant's, manager's or operator's character, whether the applicant, manager or operator has ever been convicted of a crime or offense other than traffic offenses and, if so, complete and accurate information of the disposition thereof, the names and addresses of all creditors of the applicant, owner, lessee or manager who have extended credit for the purposes of constructing, equipping, maintaining, operating, or furnishing or acquiring the premises, personal effects, equipment, or anything incident to the establishment, maintenance and operation of the business.

(D) If the application is made on behalf of a corporation, joint business venture, partnership, or any legally constituted business association, it shall submit along with its application, accurate and complete business records showing the names, addresses, and dates of birth of all individuals having an interest in the business, including partners, officers, owners, and creditors furnishing credit for the establishment, acquisition, maintenance, and furnishings of the businesses and, in the case of a corporation, the names, addresses, and sates of birth of all officers, general managers, members of the board of directors as well as any creditors who have extended credit for the acquisition, maintenance, operation, or furnishing of the establishment including the purchase or acquisition of any items of personal property for use in the operation.

(E) All applicants shall furnish to the city, along with their applications, complete and accurate documentation establishing the interest of the applicant and any other person having an interest in the premises upon which the building is proposed to be located or the furnishings thereof, personal property thereof, or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage credit arrangement, loan agreements, security agreements, and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise.

(F) Payment of the license fee required by this ordinance must be made at the time the application is submitted.

(G) All applicants shall furnish to the city, along with their applications, complete and accurate documentation regarding whether applicant has been convicted of any of the following offenses:

(1) Any sex crimes as defined by M.S. §§ 609.293 through 609.352, inclusive, as amended from time to time, or as defined by any ordinance or statute in conformity, therewith;

(2) Any obscenity crimes as defined by M.S. §§ 617.23 through 617.299, inclusive, as amended from time to time, or as defined by any ordinance or statute in conformity, therewith; for which:

(a) Less than 2 years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(b) Less than 5 years have elapsed since the date of the conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is a gross misdemeanor or felony offense; or

(c) Less than 5 years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the conviction is of 2 or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(3) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant or applicant's spouse.  
(Ord. 116, passed 5-12-2003)

#### **§ 110.20 REQUALIFICATION.**

An applicant who has been convicted of an offense listed in § 110.19(G) is ineligible for a license and may qualify for an adult oriented business license only when the time period required by § 110.19(G), has elapsed.  
(Ord. 116, passed 5-12-2003)

#### **§ 110.21 POSTING.**

The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the adult oriented business. The license shall be posted in a conspicuous place at or near the entrance to the adult oriented business so that it may be easily read at any time.  
(Ord. 116, passed 5-12-2003)

#### **§ 110.22 COUNCIL ACTION.**

The City Council shall act to approve or disapprove the license application within 60 days from the date the application was submitted, provided that the application contains all of the information required by this chapter. If the application is deficient, the Council shall act on the application within 60 days from the date that the deficiency has been corrected.  
(Ord. 116, passed 5-12-2003)

#### **§ 110.23 APPEALS.**

Within 60 days after an adverse decision by the City Council, the applicant may appeal the decision to the district court by serving a notice of appeal upon the Mayor or City Administrator-Clerk/Treasurer.  
(Ord. 116, passed 5-12-2003)

#### **§ 110.24 FEES.**

Annual license fees shall be established from time to time by resolution of the City Council. The initial fee is \$2,000 per year. License fees are non-refundable.  
(Ord. 116, passed 5-12-2003)

**§ 110.25 INSPECTION.**

(A) *Access.* An applicant or licensee shall permit health officials, law enforcement officers, Fire Department and building inspection officials, to inspect the premises of an adult oriented business for the purpose of ensuring compliance with this chapter or any other state or federal law, at any time it is occupied or open for business.

(B) *Refusal to permit inspections.* A person who operates an adult oriented business or his or her agent or employee commits an offense if she or he refuses to permit a lawful inspection of the premises by health officials, law enforcement officers, Fire Department and building inspection officials at anytime it is occupied or open for business. Refusal to permit inspections may result in the suspension of the license as provided in § 110.27.

(C) *Exceptions.* The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.  
(Ord. 116, passed 5-12-2003)

**§ 110.26 EXPIRATION AND RENEWAL.**

(A) *Expiration.* Each license shall expire at the end of the calendar year and may be renewed only by making application as provided in § 110.19. Applications for renewal must be made at least 60 days before the expiration date, and when made less than 60 days before the expiration date, the expiration of the license will not be affected.

(B) *Denial of renewal.* When the city denies renewal of a license, the applicant shall not be issued a license for 1 year from the date of denial. If subsequent to denial, the city finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.  
(Ord. 116, passed 5-12-2003)

**§ 110.27 SUSPENSION.**

(A) *Causes of suspension.* The city may suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a licensee has:

- (1) Violated or is not in compliance with any provision of this chapter;
- (2) Engaged in the use of alcoholic beverages while on the adult oriented business premises other than at an adult hotel or motel;
- (3) Refused to allow an inspection of the adult oriented business premises as authorized by this chapter;

(4) Knowingly permitted gambling by any person on the licensed premises; or

(5) Demonstrated inability to operate or manage an adult oriented business in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

(B) *Notice.* A suspension by the city shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least 10 days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed business premises with the person in charge thereof.

(Ord. 116, passed 5-12-2003)

### § 110.28 REVOCATION.

(A) *Suspended licenses.* The city may revoke a license if a cause of suspension in § 110.27 occurs and the license has been suspended within the preceding 12 months.

(B) *Cause of revocation.* The city shall revoke a license if it determines that:

(1) A licensee gave false or misleading information in the material submitted to the city during the application process;

(2) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the licensed premises;

(3) A licensee or any employee has knowingly allowed prostitution on the licensed premises;

(4) A licensee or an employee knowingly operated the adult oriented business during a period of time when the licensee's license was suspended;

(5) A licensee has been convicted of an offense listed in § 110.20(G), for which the time period required in § 110.20(G), has not elapsed;

(6) On 2 or more occasions within a 12-month period, a person or persons committed an offense occurring in one or on the licensed premises of a crime listed in § 110.19(G), for which a conviction has been obtained, and the person or persons were employees of the adult oriented business at the time the offenses were committed; or

(7) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.

(C) *Appeals.* The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(D) *Exceptions.* Section 110.28(B)(5), does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

(E) *Granting a license after revocation.* When the city revokes a license, the revocation shall continue for 1 year and the licensee shall not be issued an adult oriented business license for 1 year from the date revocation became effective. If subsequent to revocation, the city finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have lapsed since the date the revocation became effective. If the license was revoked under § 110.28(B)(5), an applicant may not be granted another license until the appropriate number of years required under § 110.19(G), has elapsed.

(F) *Notice.* A revocation by the city shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least 10 day's notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed premises with the person in charge thereof.  
(Ord. 116, passed 5-12-2003)

**§ 110.29 TRANSFER OF LICENSE.**

A licensee shall not transfer this license to another, nor shall a licensee operate an adult oriented business under the authority of a license at any place other than the address designated in the application.  
(Ord. 116, passed 5-12-2003)



## CHAPTER 111: ALCOHOLIC BEVERAGES

### Section

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### ***WINE AND INTOXICATING LIQUOR***

#### **§ 111.01 DEFINITIONS.**

(A) Except as otherwise clarified by definition herein, all definitions as used in M.S. § 340A.101, as amended from time to time, are adopted and incorporated in this ordinance as if fully set out herein.

(B) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***CITY.*** The City of Wanamingo.

***HOTEL.*** An establishment where food and lodging are regularly furnished to transients and which has:

(a) A dining room serving the general public at tables and having facilities for seating at least 30 guests at 1 time; and

(b) A minimum of 10 guest rooms

***RESTAURANT.*** Any 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 of not less than 30 guests at 1 time.

(Ord. 114, passed 4-14-2003)

**§ 111.02 LICENSE REQUIRED.**

Except as permitted by Minnesota Law, no person may directly or indirectly, on any pretense or by any devise, sell, barter, keep for sale, charge for possession, or otherwise dispose of alcoholic beverages as part of a commercial transaction at any time or place within the city without first having obtained the required license or permit so to do as hereinafter provided.

(Ord. 114, passed 4-14-2003)

**§ 111.03 LICENSE TYPES ALLOWED.**

(A) *On-sale intoxicating liquor license.* On-sale intoxicating liquor licenses shall be issued only to hotels, restaurants, bowling centers, exclusive liquor stores, and clubs.

(B) *On-sale wine licenses.* On-Sale Wine licenses with the approval of the Commissioner shall be issued only to a restaurant and shall permit only the sale of wine of up to 14% alcohol by volume for consumption with the sale of food. A restaurant with gross receipts of the establishment of at least 60% attributable to the sale of food and which holds both an on-sale wine license and on-sale 3.2% malt liquor license may also sell “strong beer” (over 3.2% malt liquor) without an additional license. This license authorizes the sale of wine on all days of the week during the hours set forth in § 111.19.

(C) *Off-sale intoxicating liquor license.* Off-sale intoxicating liquor licenses shall be issued to an exclusive liquor store for the sale of alcoholic beverages in original packages for consumption off the licensed premises only.

(D) *Combination license.* Combination licenses are the issuance of any off-sale and on-sale intoxicating liquor license to the same licensee in lieu of issuing separate licenses to the same licensee.

(E) *Sunday on-sale intoxicating liquor license.* Sunday on-sale intoxicating licenses shall be issued to hotels, restaurants, bowling centers, and clubs with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license. This license permits the sale of intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and 1:00 a.m. on Mondays.

(F) *Club on-sale intoxicating liquor license.* Club on-sale intoxicating liquor licenses shall be issued only to clubs or congressionally chartered veterans' organizations with the approval of the Commissioner, provided that the organization has been in existence for at least 3 years and liquor sales will only be to members and bona fide guests.

(G) *Temporary on-sale intoxicating liquor license.* Temporary on-sale intoxicating liquor licenses shall be issued to a club or charitable, religious, or other non-profit organization in existence for at least three years, for the on-sale of intoxicating liquor in connection with a social event within the city sponsored by the licensee. This license may not be for more than 4 consecutive days, and may authorize

on-sales on premises other than premises the licensee owns or permanently occupies. This license is subject to the terms, including a license fee, imposed by the city and is not valid unless approved by the Commissioner of Public Safety.

(Ord. 114, passed 4-14-2003; Am. Ord. 166, passed 4-14-2014)

#### **§ 111.04 CONSUMPTION AND DISPLAY PERMITS.**

(A) No business establishment or club which does not hold an on-sale intoxicating liquor license may directly or indirectly allow the consumption and display of alcoholic beverages or knowingly serve any liquid for the purpose of mixing with intoxicating liquor without first having obtained a permit from the Commissioner of Public Safety. Such a permit is not effective until approved by the City Council and shall expire on the last day of December each year.

(B) An establishment holding a permit under this section is open for inspection by the Commissioner and the Commissioner's representative and by peace officers, who may enter and inspect during reasonable hours. Intoxicating liquor sold, served, or displayed in violation of law may be seized and may be disposed of under M.S. § 297G.20, as amended from time to time.

(C) A club issued a permit under this section may allow members to bring and keep a personal supply of intoxicating liquor in lockers on the club's premises. All bottles kept on the premises must have attached to it a label signed by the member. No person under 21 years of age may keep a supply of intoxicating liquor on club premises.

(D) The city may issue a one-day permit for the consumption and display of intoxicating liquor under this section to a non-profit organization in conjunction with a social activity in the city sponsored by the organization. The permit must be approved by the Commissioner and is valid only for the day indicated on the permit. The fee for the permit is \$25 and the city may not issue more than 10 permits under this section in any 1 year.

(Ord. 114, passed 4-14-2003)

#### **§ 111.05 APPLICATION FOR LICENSE.**

(A) Any person desiring to sell intoxicating liquor or wine under a license type allowed shall make his or her verified application in writing to the City Council of the city upon a form approved by the Minnesota Commissioner of Public Safety or its successor, and shall file the same with the City Administrator-Clerk/Treasurer of the city. Each application for the issuance or renewal of licenses must include a copy of each summons and complaint received by the applicant under M.S. § 340A.802, as amended from time to time, during the preceding year. Each application, whether new or for renewal, shall be signed and verified by the applicant in person, and if the applicant is a corporation, by the officer of the corporation, and it shall be unlawful to make any false statements in the application. The preliminary background and financial investigation of any applicant shall be conducted in accordance with M.S. § 340.A.412, Subd.2, as amended from time to time.

(B) In addition to the application form, the applicant must also provide a written statement verifying that all persons who will be selling or furnishing intoxicating liquor or wine upon the licensed premises or the proposed licensed premises have taken and passed a Responsible Beverage Service Training course within the preceding 12 months, with said verification being on file in the office of the City Administrator-Clerk/Treasurer of the city. The applicant shall be charged a \$100 training verification fee by the city in addition to the applicable license fee. Upon completion of the investigations as deemed necessary, the City Council shall, in its discretion, grant or refuse the application. An investigation fee of \$500 may be charged an applicant by the city if the investigation is conducted within the state, or the actual cost not to exceed \$10,000 if the investigation is required outside the state.

(Ord. 114, passed 4-14-2003; Am. Ord. 140, passed 11-13-2007)

#### **§ 111.06 FINANCIAL RESPONSIBILITY REQUIRED.**

No retail license may be issued, maintained or renewed unless the applicant demonstrates proof of financial responsibility with regard to liability imposed by M.S. § 340A.801, as amended from time to time. An applicant for an on sale license shall file with the City Administrator-Clerk/Treasurer a certificate for an insurance policy by an insurer, a bond of a surety company, or a certificate of the state treasurer, any one of which must meet the minimum requirements of M.S. § 340A.409, as amended from time to time. Any such policy shall further provide that no cancellation of the same for any cause, can be made either by the insured or the insurance company without first giving 10 days notice to the City Council in writing of intention to cancel the same, addressed to the City Administrator-Clerk/Treasurer. The operation of the business without having met the financial requirements herein referred to shall be grounds for immediate revocation of the license. No payment of any claim by an insurance company shall, in any manner, decrease the coverage provided or in respect to any other claim or claims brought against the insured or company thereafter.

(Ord. 114, passed 4-14-2003)

#### **§ 111.07 MAXIMUM NUMBER OF LICENSES.**

On-sale intoxicating liquor licenses shall be issued, subject to a maximum number of 4 or such other maximum number permitted by Minnesota Statutes. Off-sale intoxicating liquor licenses shall be issued subject to a maximum of 4.

(Ord. 114, passed 4-14-2003)

#### **§ 111.08 NO MULTIPLE LICENSES.**

Not more than 1 off-sale license shall be issued to any person in the municipality.

(Ord. 114, passed 4-14-2003)

**§ 111.09 QUALIFICATIONS OF LICENSEE.**

No retail license shall be issued to any person who is described in M.S. § 340A.402, as amended from time to time. In addition, no such license shall be issued or renewed for operation on any premises upon which taxes or assessments or other financial claims of the city are delinquent and unpaid or of a person who, within 5 years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.

(Ord. 114, passed 4-14-2003)

**§ 111.10 PREMISES LICENSES.**

No license shall be effective beyond the compact and contiguous space named therein for which the same was granted, except that a license granted for sales in the dining room of a hotel or restaurant may permit sale or liquor with meals in additional dining rooms open to the public as specified in the license where meals are regularly served to guests therein. All licenses granted hereunder shall set forth the exact location within the building structure where such sales may be made and no sales shall be permitted except in that part of the premises defined in the license. The structure within which liquor is to be sold as authorized by this subchapter shall at all time be in compliance with applicable building and safety codes.

(Ord. 114, passed 4-14-2003)

**§ 111.11 PROHIBITED IN CERTAIN AREAS.**

No license shall be issued for premises located within the areas restricted against commercial use by the zoning ordinances of the city or other proceedings or legal processes regularly had for that purpose, and no license shall be issued contrary to the provisions of the ordinances of the city or any special or general laws of the State of Minnesota restricting areas within which intoxicating liquor may be sold.

(Ord. 114, passed 4-14-2003)

**§ 111.12 REVOCATION AND SUSPENSION OF LICENSES.**

(A) Any license granted hereinunder may be revoked for a violation of this subchapter or of the Liquor Control Act of the State of Minnesota, or may be suspended if revocation is not mandatory. Unless mandatory revocation is required by law or this subchapter, the license may be revoked or suspended by the City Council, but the revocation or suspension shall not be made until the City Council has held a public hearing thereon upon at least 10 days notice before revocation or suspension is ordered by the City Council where mandatory revocation is not provided by law.

(B) (1) No portion of the license fee paid into the City Treasury shall be refunded to the licensee in case of revocation or suspension.

(2) No suspension shall exceed 60 days.  
(Ord. 114, passed 4-14-2003)

**§ 111.13 SALE OF FOOD ALLOWED.**

An exclusive liquor store as defined herein that has an on-sale, or combination on-sale and off-sale license, may sell food for on-premise consumption.  
(Ord. 114, passed 4-14-2003)

**§ 111.14 TRANSFERS.**

No license granted hereunder shall be transferable from person to person or to other premises without the prior consent of the City Council. Any transfer of stock of a corporate licensee is deemed a transfer of the license and a transfer of stock without the prior consent of the City Council is a ground for revocation of the license. Consent of the City Council shall be evidenced by motion passed by the City Council.  
(Ord. 114, passed 4-14-2003)

**§ 111.15 LICENSE FEES.**

The annual license fees are as follows:

- (A) On-sale intoxicating liquor license: \$2,100.
- (B) On-sale wine license: \$400.
- (C) Off-sale intoxicating liquor license: \$200.
- (D) Combination license: \$2,300.
- (E) Sunday on-sale intoxicating liquor license: \$300.
- (F) Club on-sale intoxicating liquor license: \$200.

(G) Temporary on-sale intoxicating liquor license: \$25/day.  
(Ord. 114, passed 4-14-2003; Am. Ord. 136, passed 1-8-2007; Am. Ord. 142, passed 1-14-2008; Am. Ord. 145, passed 1-14-2008)

**§ 111.16 PAYMENT OF LICENSE FEES.**

Each application for a license shall be accompanied by a receipt from the city for payment of one-half of the amount of the license fee. If the license is granted, the remaining one-half of the fee plus the training verification fee shall be paid on January 1 following its issuance. All such fees shall be paid into the General Fund. If an application for a license is rejected, the city shall refund the amount paid. (Ord. 114, passed 4-14-2003; Am. Ord. 140, passed 11-13-2007)

**§ 111.17 PRO-RATA LICENSE FEES.**

If an application for a license other than a renewal application is made by an applicant after December 31, the annual license fee as provided in § 111.15 shall be pro-rated as of the date of the application, with any unexpired fraction of a month counted as 1 month. No refund of any fee shall be made except as provided in M.S. § 340A.408, Subd. 5, as amended from time to time. (Ord. 114, passed 4-14-2003)

**§ 111.18 DURATION OF LICENSES.**

All licenses granted under the provisions of this subchapter shall expire on the last day of December of each year, following the date of issuance. A penalty of 50% of the annual license fee, but not to exceed \$300, shall be imposed on and collected from each applicant who files his or her application for renewal of his or her license after the commencement of the license year. (Ord. 114, passed 4-14-2003)

**§ 111.19 HOURS OF SALE.**

No sale of intoxicating liquor or wine for consumption on the licensed premises shall be made between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday or after 1:00 a.m. on Sundays, except that any license holding a Sunday license may sell intoxicating liquor on the licenses premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sunday and 1:00 a.m. on Mondays. Restaurants holding an on-sale wine license may have sales between noon and 10:00 p.m. on Sundays. No license shall permit any person to consume any liquor on his or her premises except within the hours when the sale of the liquor is permitted. No sale of intoxicating liquor may be made by an off-sale licensee on the days or times set forth in M.S. § 340A.504, Subd.4, as amended from time to time. (Ord. 114, passed 4-14-2003; Am. Ord. 166, passed 4-14-2014)

**§ 111.20 INSPECTIONS.**

All premises where any license hereunder is granted shall be open to inspection by any law enforcement officer, health officer, or any other properly designated officer or employee of the city, at any time during which the place so licensed shall be open to the public for business.  
(Ord. 114, passed 4-14-2003)

**§ 111.21 REGULATIONS.**

All licenses shall observe the following regulations:

(A) No on-sale place of business shall have the view of sales be obstructed by screens, curtains, or partitions. All sales shall be made in full view of the public.

(B) No liquor shall be sold or furnished for any purpose whatever to any person under 21 years of age, a habitual drunkard, to one obviously intoxicated, or to any person whom the sale is prohibited by any law of the state or this subchapter.

(C) Proof of age for purchasing or consuming alcoholic beverages shall be established by each licensee or his or her employee by only 1 of the methods as permitted by M.S. § 340A.503, Subd.6, as amended from time to time.

(D) No minors shall be allowed in any premises licensed for the sale of intoxicating liquor, unless accompanied by their parents or guardian. No minor shall be permitted in the premises used for the sale of intoxicating liquor for the sale of newspapers or any other merchandise.

(E) No sale shall be made in any place or in any part of a building where the sales are prohibited by state laws or this subchapter.

(F) No person under 18 years of age shall be employed in any room constituting the place in which intoxicating liquors are sold pursuant to an on-sale license except that persons under 18 years of age may be employed to musicians or to perform the duties of a busboy or dishwashing services in places defined as a restaurant or hotel serving food in which intoxicating liquors are sold at retail on-sale.

(G) Every licensee is responsible for the conduct of his or her place of business, and required to maintain order and sobriety in the place of business.

(H) Except as otherwise permitted by Minnesota law, no license shall keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice or any gambling devise as defined in M.S. § 349.30, as amended from time to time, or permit gambling therein except as provided in M.S. § 340A.410, Subd. 5, as amended from time to time.

(I) The license issued to the licensee shall be posted in a conspicuous place in that portion of the premises for which the license has been issued and shall be posted in compliance with M.S. § 340A.410, Subd, 4b, as amended from time to time.

(J) Every licensee is responsible for providing verification to the City Administrator-Clerk/Treasurer that all persons selling or furnishing intoxicating liquor or wine upon the licensed premises have taken and passed a Responsible Beverage Service Training course. No person shall be allowed to sell or furnish intoxicating liquor or wine to any person upon the licensed premises until said verification, written or electronic, is on file in the office of the City Administrator-Clerk/Treasurer of the city.

(Ord. 114, passed 4-14-2003; Am. Ord. 140, passed 11-13-2007)

#### **§ 111.22 MISREPRESENTATION OF AGE.**

No person shall misrepresent his or her age to any licensee hereunder for the purpose of inducing a sale of intoxicating liquor to him or her in violation of this subchapter.

(Ord. 114, passed 4-14-2003)

#### **§ 111.23 PROVISIONS OF STATE LAW ADOPTED.**

The provisions of M.S. Ch. 340A, as amended from time to time, relating to liquor control administration with reference to any matters not covered by this subchapter are hereby adopted and made a part of this subchapter as it fully set forth herein. Any references to Minnesota Statutes herein shall include any and all future amendments thereto.

(Ord. 114, passed 4-14-2003)

#### **§ 111.24 EFFECTIVE DATE.**

This subchapter becomes effective from and after its passage and publication.

(Ord. 114, passed 4-14-2003)

### ***3.2% MALT LIQUOR***

#### **§ 111.35 DEFINITIONS.**

(A) Except as otherwise clarified by definition herein, all definitions as used in M.S. § 340A.101, as amended from time to time, are adopted and incorporated in this subchapter as if fully set out herein.

(B) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**3.2% MALT LIQUOR.** Any malt liquor containing not less than 0.5% alcohol by volume nor more than 3.2% alcohol by weight.

**CITY.** The City of Wanamingo.

**OFF-SALE LICENSE.** A license which permits the licensee to sell 3.2% malt liquor at retail in original packages for consumption off the licensed premises only.

**ON-SALE LICENSE.** A license which permits the licensee to sell 3.2% malt liquor at retail for consumption on the licensed premises only.

**RESTAURANT.** Any 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 of not less than 30 guests at 1 time.  
(Ord. 115, passed 4-14-2003)



**§ 111.36 LICENSE REQUIRED.**

Except as permitted by Minnesota Law, no person may directly or indirectly, on any pretense or by any devise, sell, barter, keep for sale, charge for possession, or otherwise dispose of 3.2% malt liquor as part of a commercial transaction at any time or place within the city without first having obtained the required license or permit so to do as hereinafter provided.

(Ord. 115, passed 4-14-2003)

**§ 111.37 APPLICATION FOR LICENSE AND PAYMENT OF LICENSE FEES.**

Any person desiring to sell 3.2% malt liquor under an on-sale or off-sale license shall make his or her verified application in writing to the City Council of the city upon such form as required by either the city or by the Minnesota Commissioner of Public Safety, and shall file the same with the City Administrator–Clerk/Treasurer of the city. Each application for the issuance or renewal of licenses must include a copy of each summons and complaint received by the applicant under M.S. § 340A.802, as amended from time to time, during the preceding year. Each application, whether new or for renewal, shall be signed and verified by the applicant in person and it shall be unlawful to make any false statements in the application. Each application shall be accompanied by a payment in full of the required fee for the license. All fees shall be paid into the general fund. Upon rejection of any application for a license, the full amount of the fee paid shall be refunded.

(Ord. 115, passed 4-14-2003)

**§ 111.38 QUALIFICATIONS OF LICENSEES.**

No retail license to sell 3.2% malt liquor may be issued to any person who does not meet the eligibility requirements of M.S. § 340A.402, as amended from time to time.

(Ord. 115, passed 4-14-2003)

**§ 111.39 LICENSE TYPES ALLOWED.**

(A) On-sale licenses may be issued only to a drugstore, restaurant, hotel, club, bowling center, and an establishment used exclusively for the sale of 3.2% malt liquor with the incidental sale of tobacco and soft drinks.

(B) On-sale club licenses may be issued only to a club as defined in M.S. § 340A.101, Subd. 7, as amended from time to time, provided that any club so licensed may only sell 3.2% malt liquor to its members and to guests in the company of members.

(C) Off-sale licenses may be issued only to a club or other business establishment but may not be issued to a place where 3.2% malt liquor is sold for consumption on the premises.

(D) On-sale temporary licenses may be issued to a club or other charitable, religious, or non-profit organization who shall have a restricted area where 3.2% malt liquor is to be sold containing only one combined entrance and exit and patrolled and supervised by a licensed law enforcement official at all times during the duration on the license.

(Ord. 115, passed 4-14-2003)

#### **§ 111.40 LICENSE DURATION.**

Each license, except for an on-sale temporary license, shall expire on the last day of December in each year following the date of issuance. Each license, except for an on-sale temporary license, shall be issued for a period of 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 license year. An on-sale temporary license may be issued for a 72-hour period from and after the date and time listed on the license.

(Ord. 115, passed 4-14-2003)

#### **§ 111.41 LICENSE FEES.**

The annual license fees for 3.2% malt liquor licenses are as follows:

(A) On-sale license: \$2,100.

(B) On-sale club license: \$200.

(C) Off-sale license: \$200.

(D) On-sale temporary license: \$25 per day.

(E) Pro-rata license fees: If an application for an annual license other than a renewal application is made by an applicant after December 31, the annual license fee as provided in this section shall be pro-rated as of the date of the application, with any unexpired fraction of a month counted as 1 month.

(F) Late license renewals: The license fee for an annual license shall be increased by 50% in the event the application is for renewal of a license held by the applicant and the application is filed later than the beginning of the license year.

(G) Refunds: No refund of any fee shall be made except as provided in M.S. § 340A.408, Subd. 5, as amended from time to time.

(Ord. 115, passed 4-14-2003; Am. Ord. 161, passed 1-14-2013)

**§ 111.42 HOURS AND DAYS OF SALE.**

No sale of 3.2% malt liquor may be made on Sunday or between 1:00 a.m. and 8:00 a.m. on any other day.

(Ord. 115, passed 4-14-2003)

**§ 111.43 FINANCIAL RESPONSIBILITY REQUIRED.**

No retail license may be issued, maintained or renewed unless the applicant demonstrates proof of financial responsibility with regard to liability imposed by M.S. § 340A.801, as amended from time to time. An applicant for an on-sale license shall file with the City Administrator–Clerk/Treasurer a certificate for an insurance policy by an insurer, a bond of a surety company, or a certificate of the state treasurer, any one of which must meet the minimum requirements of M.S. § 340A.409, as amended from time to time. Any such policy shall further provide that no cancellation of the same for any cause, can be made either by the insured or the insurance company without first giving 10 days notice to the City Council in writing of intention to cancel the same, addressed to the City Administrator–Clerk/Treasurer. Unless the license meets the requirements of M.S. § 340A.409, Subd. 4, as amended from time to time, and files proof thereof with the City Administrator–Clerk/Treasurer, the operation of the business without having met the financial requirements herein referred to shall be grounds for immediate revocation of the license. No payment of any claim by an insurance company shall, in any manner, decrease the coverage provided or in respect to any other claim or claims brought against the insured or company thereafter.

(Ord. 115, passed 4-14-2003)

**§ 111.44 INTOXICATING LIQUOR PROHIBITED.**

No licensee who is not also licensed to sell intoxicating liquors shall sell or permit the consumption or display of intoxicating liquors on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquor. The presence of intoxicating liquors on the premises of such a licensee shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale, and the serving any liquid for the purpose of mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this subchapter.

(Ord. 115, passed 4-14-2003)

**§ 111.45 INSPECTIONS.**

All premises where any license hereunder is granted shall be open to inspection by any law enforcement officer, health officer, or any other properly designated officer or employee of the city, at any time during which the place so licensed shall be open to the public for business.

(Ord. 115, passed 4-14-2003)

**§ 111.46 TRANSFERS.**

No license granted hereunder shall be transferable from person to person or to other premises without the prior consent of the City Council. Any transfer of stock of a corporate licensee is deemed a transfer of the license and a transfer of stock without the prior consent of the City Council is a ground for revocation of the license. Consent of the City Council shall be evidenced by motion passed by the City Council.

(Ord. 115, passed 4-14-2003)

**§ 111.47 REGULATIONS.**

All licenses shall observe the following regulations:

(A) No on-sale place of business shall have the view of sales obstructed by screens, curtains, or partitions. All sales shall be made in full view of the public.

(B) No 3.2% malt liquor shall be sold or furnished for any purpose whatever to any person under 21 years of age, a habitual drunkard, to one obviously intoxicated, or to any person whom the sale is prohibited by any law of this state or subchapter.

(C) Proof of age for purchasing or consuming alcoholic beverages shall be established by each licensee or his or her employee by only 1 of the methods as permitted by M.S. § 340A.503, Subd.6, as amended from time to time.

(D) No person under 18 years of age shall be employed in any room constituting the place in which 3.2% malt liquors are sold pursuant to an on-sale license except that persons under 18 years of age may be employed as musicians or to perform the duties of a busboy or dishwashing services in places defined as a restaurant or hotel serving food in which 3.2% malt liquor are sold at retail on-sale.

(E) Every licensee is responsible for the conduct of his or her place of business, and required to maintain order and sobriety in the place of business.

(F) Except as otherwise permitted by Minnesota law, no license shall keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice or any gambling devise as defined in M.S. § 349.30, as amended from time to time, or permit gambling therein except as provided in M.S. § 340A.410, Subd. 5, as amended from time to time.

(G) The license issued to such licensee shall be posted in a conspicuous place in that portion of the premises for which the license has been issued and shall be posted in compliance with M.S. § 340A.410, Subd. 4b, as amended from time to time.

(Ord. 115, passed 4-14-2003)

**§ 111.48 MISREPRESENTATION OF AGE.**

No person shall misrepresent his or her age to any licensee hereunder for the purpose of inducing a sale of 3.2% malt liquor to him or her in violation of this subchapter.  
(Ord. 115, passed 4-14-2003)

**§ 111.49 SUSPENSION AND REVOCATION OF LICENSE.**

(A) Any license issued by the city pursuant to this subchapter may be suspended or revoked upon finding that the licensee during the term of the license, or in connection with the application or transfer or renewal of the license, failed to comply with any applicable statute, rule, or ordinance relating to alcoholic beverages.

(B) Whenever it appears to the City Council that adequate grounds may exist for the suspension or revocation of a specific license, the City Council shall by resolution specify the nature of the alleged grounds and order that a hearing on the matter be held as provided below.

(C) No such suspension or revocation shall be effective until the licensee has been given an opportunity for a hearing under §§ 14.57 to 14.69 of the Minnesota Administrative Procedure Act.

(D) Upon finding that the licensee has violated any such statute, rule, or ordinance, the City Council may either:

- (1) Suspend the license for up to 60 days;
- (2) Revoke the license;
- (3) Impose a civil penalty of up to \$2,000 for each violation; or
- (4) Impose any combination of these sanctions.

(E) A license issued pursuant to this subchapter may be summarily suspended by the City Council if the licensee fails to maintain financial responsibility in the manner required by the M.S. § 340A.409, as amended from time to time.  
(Ord. 115, passed 4-14-2003)

**§ 111.50 PROVISIONS OF STATE LAW ADOPTED.**

The provisions of M.S. Ch. 340A, as amended from time to time, relating to liquor control administration to any matters not covered by this subchapter are hereby adopted and made a part of this

ordinance as it fully set forth herein. Any references to Minnesota Statutes herein shall include any and all future amendments thereto.

(Ord. 115, passed 4-14-2003)

**§ 111.51 EFFECTIVE DATE.**

This subchapter becomes effective from and after its passage and publication.

(Ord. 115, passed 4-14-2003)

**§ 111.99 PENALTY.**

(A) Except where a violation of §§ 111.01 *et seq.* is made a gross misdemeanor under M.S. § 340A.702, as amended from time to time, a violation of §§ 111.01 *et seq.* is a misdemeanor punishable in accordance with Minnesota law.

(Ord. 114, passed 4-14-2003)

(B) Except where a violation of §§ 111.35 *et seq.* is made a gross misdemeanor under M.S. § 340A.702, as amended from time to time, a violation of §§ 111.35 *et seq.* is a misdemeanor punishable in accordance with Minnesota law.

(Ord. 115, passed 4-14-2003)

## CHAPTER 112: TOBACCO

### Section

- 112.01 License
- 112.02 Sales prohibited to minors
- 112.03 Self-service sales
- 112.04 Vending machine sales
- 112.05 Compliance checks
- 112.06 Effective date

### § 112.01 LICENSE.

(A) No person shall keep for retail sale, sell at retail or otherwise dispose of any tobacco product at any place in the city without first obtaining a license from the city. *TOBACCO* is defined as, and includes: cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff, snuff flour, cavendish, plug and twist tobacco, fine cut, and other chewing tobaccos; shorts, refuse scraps, clippings, cuttings, sweeping of tobacco, and other kinds and forms of tobacco prepared in such a manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.

(M.S. § 609.685)

(B) The annual license fee for a retail tobacco license shall be \$40 per year. All retail tobacco licenses shall be valid for 1 calendar year from the date that the license is issued.

(C) Every license shall be conspicuously posted at the place for which the license is issued and shall be exhibited to any person upon request.

(Ord. 88, passed 1-15-1997; Am. Ord. 102, passed 1-8-2001; Am. Ord. 136, passed 1-8-2007; Am. Ord. 156, passed 1-3-2012) Penalty, see § 10.99

### § 112.02 SALES PROHIBITED TO MINORS.

(A) If a licensee or employee of a licensee sells tobacco to a person under the age of 18 years, or violates any other provision of this chapter, the licensee shall be charged an administrative penalty of \$75. An administrative penalty of \$200 must be imposed for a second violation at the same location within 24 months after the initial violation. For a third violation at the same location within 24 months after the initial violation, an administrative penalty of \$250 must be imposed, and the licensee's authority

to sell tobacco at that location must be suspended for not less than 7 days. No suspension or penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for hearing before a person authorized by the city to conduct the hearing.  
(M.S. § 461.12(2))

(B) An individual who sells tobacco to a person under the age of 18 years must be charged an administrative penalty of \$50. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the city to conduct the hearing.  
(M.S. § 461.12(3))

(C) It is affirmative defense to the charge of selling tobacco to a person under the age of 18 years in violation of this chapter that the licensee or individual making the sale relied in good faith upon proof of age as follows:

(1) A valid driver's license or identification card issued by the State of Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person; or

(2) A valid military identification card issued by the United States Department of Defense; or

(3) In the case of a foreign national, from a nation other than Canada, by a valid passport.  
(M.S. §§ 461.12(6), 340A.503)  
(Ord. 88, passed 1-15-1997; Am. Ord. 102, passed 1-8-2001)

### § 112.03 SELF-SERVICE SALES.

(A) No license shall offer for sale single packages of cigarettes or smokeless tobacco in open displays, which are accessible to the public without the intervention of a store employee.  
(M.S. § 461.18(1)(a))

(B) Cartons and other multi-pack units may be offered and sold through open displays accessible to the public.  
(M.S. § 461.18(1)(b))

(C) Division (B) above will expire upon the effective date and implementation of Title 21 C.F.R. part 897.16(c).  
(M.S. §§ 461.18(1)(c), 461.18(3))

(D) The self-service restrictions described in this section shall not apply to retail stores which derive at least 90% of their revenue from tobacco and tobacco-related products and which cannot be entered

at any time by persons younger than 18 years of age.

(M.S. § 461.18(1)(d))

(Ord. 88, passed 1-15-1997; Am. Ord. 102, passed 1-8-2001)

**§ 112.04 VENDING MACHINE SALES.**

No person shall sell tobacco products from vending machines. This section does not apply to vending machines in facilities that cannot be entered at any time by persons younger than 18 years of age.

(M.S. § 461.18(2)) (Ord. 88, passed 1-15-1997; Am. Ord. 102, passed 1-8-2001)

**§ 112.05 COMPLIANCE CHECKS.**

The city shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco is sold to test compliance with M.S. § 609.685, as amended from time to time. Compliance checks shall utilize minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco under the direct supervision of a law enforcement officer or an employee of the licensing authority.

(M.S. § 461.12(5)) (Ord. 88, passed 1-15-1997; Am. Ord. 102, passed 1-8-2001)

**§ 112.06 EFFECTIVE DATE.**

This chapter shall be in force and effect from and after its passage and publication.

(Ord. 88, passed 1-15-1997; Am. Ord. 102, passed 1-8-2001)



## CHAPTER 113: PEDDLERS AND SOLICITORS

### Section

- 113.01 Definitions
- 113.02 Exceptions to definitions
- 113.03 Licensing; exemptions
- 113.04 License ineligibility
- 113.05 License suspension and revocation
- 113.06 License transferability
- 113.07 Registration
- 113.08 Prohibited activities
- 113.09 Exclusion by placard

### § 113.01 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.

**PEDDLER.** A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise or other personal property that the person is carrying or otherwise transporting. The term **PEDDLER** shall mean the same as the term “hawker.”

**PERSON.** Any natural individual, group, organization, corporation, partnership or association. As applied to groups, organizations, corporations, partnerships and associations, the term shall include each member, officer, partner, associate, agent or employee.

**REGULAR BUSINESS DAY.** Any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be counted as **REGULAR BUSINESS DAYS**.

**SOLICITOR.** A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for

which delivery or performance shall occur at a later time. The absence of samples or catalogs shall 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. The term shall mean the same as the term "canvasser."

***TRANSIENT MERCHANT.*** A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than 14 consecutive days.

### § 113.02 EXCEPTIONS TO DEFINITIONS.

(A) For the purpose of the requirements of this chapter, the terms ***PEDDLER, SOLICITOR,*** and ***TRANSIENT MERCHANT*** shall not apply to any person selling or attempting to sell at wholesale any goods, wares, products, merchandise or other personal property to a retailer of the items being sold by the wholesaler. The terms also shall not apply to 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 and milk, nor shall they apply to any person making deliveries of perishable food and dairy products to the customers on his or her established regular delivery route.

(B) In addition, persons conducting the type of sales commonly known as garage sales, rummage sales, or estate sales, as well as those persons participating in an organized multi-person bazaar or flea market, shall be exempt from the definitions of ***PEDDLERS, SOLICITORS,*** and ***TRANSIENT MERCHANTS,*** as shall be anyone conducting an auction as a properly licensed auctioneer, or any officer of the court conducting a court-ordered sale. Exemption from the definitions for the scope of this chapter shall not excuse any person from complying with any other applicable statutory provision or local ordinance.

(C) Nothing in this chapter shall be interpreted to prohibit or restrict door-to-door advocacy. Persons engaging in door-to-door advocacy shall not be required to register as solicitors under § 113.07. The term ***DOOR-TO-DOOR ADVOCACY*** includes door-to-door canvassing and pamphleteering as vehicles for the dissemination of religious, political and other ideas.

### § 113.03 LICENSING; EXEMPTIONS.

(A) *County license required.* No person shall conduct business as a peddler, solicitor or transient merchant within the city limits without first having obtained the appropriate license from the county as required by M.S. Ch. 329, as it may be amended from time to time, if the county issues a license for the activity.

(B) *City license required.* Except as otherwise provided for by this chapter, no person shall conduct business as either a peddler or a transient merchant without first having obtained a license from the city. Solicitors need not be licensed, but are still required to register pursuant to § 113.07.

(C) *Application.* Application for a city license to conduct business as a peddler or transient merchant shall be made at least 14 regular business days before the applicant desires to begin conducting business. Application for a license shall be made on a form approved by the City Council and available from the office of the City Administrator-Clerk/Treasurer. All applications shall be signed by the applicant. All applications shall include the following information:

- (1) Applicant's full legal name;
- (2) All other names under which the applicant conducts business or to which applicant officially answers;
- (3) A physical description of the applicant (hair color, eye color, height, weight, distinguishing marks and features, and the like);
- (4) Full address of applicant's permanent residence;
- (5) Telephone number of applicant's permanent residence;
- (6) Full legal name of any and all business operations owned, managed or operated by applicant, or for which the applicant is an employee or agent;
- (7) Full address of applicant's regular place of business (if any);
- (8) Any and all business related telephone numbers of the applicant;
- (9) The type of business for which the applicant is applying for a license;
- (10) Whether the applicant is applying for an annual or daily license;
- (11) The dates during which the applicant intends to conduct business, and if the applicant is applying for a daily license, the number of days he or she will be conducting business in the city (maximum 14 consecutive days);
- (12) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up business;
- (13) A statement as to whether or not the applicant has been convicted within the last 5 years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statute or any local ordinance, other than traffic offenses;

(14) A list of the 3 most recent locations where the applicant has conducted business as a peddler or transient merchant;

(15) Proof of any requested county license;

(16) Written permission of the property owner or the property owner's agent for any property to be used by a transient merchant;

(17) A general description of the items to be sold or services to be provided;

(18) All additional information deemed necessary by the City Council;

(19) The applicant's driver's license number or other acceptable form of identification; and

(20) The license plate number, registration information and vehicle identification number for any vehicle to be used in conjunction with the licensed business and a description of the vehicle.

(D) *Fee.* All applications for a license under this chapter shall be accompanied by the fee established herein.

(E) *Procedure.* Upon receipt of the completed application and payment of the license fee, the City Administrator-Clerk/Treasurer, within 2 regular business days, must determine if the application is complete. An application is determined to be complete only if all required information is provided. If the City Administrator-Clerk/Treasurer determines that the application is incomplete, the City Administrator-Clerk/Treasurer must inform the applicant of the required necessary information that is missing. If the application is complete, the City Administrator-Clerk/Treasurer must order any investigation, including background checks, necessary to verify the information provided with the application. Within 10 regular business days of receiving a complete application the City Administrator-Clerk/Treasurer must issue the license unless there exist grounds for denying the license under § 113.04, in which case the Administrator-Clerk/Treasurer must deny the license. If the City Administrator-Clerk/Treasurer denies the license, the applicant must be notified in writing of the decision, the reason for denial, and of the applicant's right to appeal the denial by requesting, within 20 days of receiving notice of rejection, a public hearing before the City Council. The City Council shall hear the appeal within 20 days of the date of the request. The decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a writ of certiorari.

(F) *Duration.* An annual license granted under this chapter shall be valid for 1 calendar year from the date of issue. All other licenses granted under this chapter shall be valid only during the time period indicated on the license.

(G) *License exemptions.*

(1) No license shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm.

(2) No license shall be required of any person going from house-to-house, door-to-door, business-to-business, street-to-street, or other type of place-to-place when the activity is for the purpose of exercising that person's State or Federal Constitutional rights such as the freedom of speech, press, religion and the like, except that this exemption may be lost if the person's exercise of Constitutional rights is merely incidental to a commercial activity.

(3) Professional fund raisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this chapter.  
Penalty, see § 10.99

**§ 113.04 LICENSE INELIGIBILITY.**

The following shall be grounds for denying a license under this chapter:

(A) The failure of the applicant to obtain and show proof of having obtained any required county license.

(B) The failure of the applicant to truthfully provide any of the information requested by the city as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of application.

(C) The conviction of the applicant within the past five years from the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner. Those violations shall include but not be limited to burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.

(D) The revocation within the past five years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor or transient merchant.

(E) The applicant is found to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to, the existence of more than 3 complaints against the applicant with the Better Business Bureau, the Attorney General's Office, or other similar business or consumer rights office or agency, within the preceding 12 months, or three complaints filed against the applicant within the preceding 5 years.

**§ 113.05 LICENSE SUSPENSION AND REVOCATION.**

(A) *Generally.* Any license issued under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

- (1) Fraud, misrepresentation or incorrect statements on the application form.
- (2) Fraud, misrepresentation or false statements made during the course of the licensed activity.
- (3) Conviction of any offense for which granting of a license could have been denied under § 113.04.
- (4) Violation of any provision of this chapter.

(B) *Multiple persons under one license.* The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.

(C) *Notice.* Prior to revoking or suspending any license issued under this chapter, the city shall provide the license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

(D) *Public hearing.* Upon receiving the notice provided in division (C) of this section, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the City Administrator-Clerk/Treasurer within 10 regular business days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of mailed notices, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within 20 days from the date of the request. Within 3 regular business days of the hearing, the City Council shall notify the licensee of its decision.

(E) *Emergency.* 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 licensed under this chapter, the City Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in division (C) of this section.

(F) *Appeals.* Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court.

Penalty, see § 10.99

#### **§ 113.06 LICENSE TRANSFERABILITY.**

No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

Penalty, see § 10.99

**§ 113.07 REGISTRATION.**

All solicitors, and any person exempt from the licensing requirements of this chapter under § 113.03, shall be required to register with the city. Persons engaging in door-to-door advocacy shall not be required to register. The term *DOOR-TO-DOOR ADVOCACY* includes door-to-door canvassing and pamphleteering as vehicles for the dissemination of religious, political and other ideas. Registration shall be made on the same form required for a license application, but no fee shall be required. Immediately upon completion of the registration form, the City Administrator-Clerk/Treasurer shall issue to the registrant a certificate of registration as proof of the registration. Certificates of registration shall be non-transferable.

Penalty, see § 10.99

**§ 113.08 PROHIBITED ACTIVITIES.**

No peddler, solicitor or transient merchant shall conduct business in any of the following manners:

(A) Calling attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.

(B) Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way.

(C) Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public.

(D) Conducting business before 7:00 a.m. or after 9:00 p.m.

(E) Failing to provide proof of license or registration, and identification, when requested; or using the license or registration of another person.

(F) Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler, solicitor or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person.

(G) Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.

Penalty, see § 10.99

**§ 113.09 EXCLUSION BY PLACARD.**

No peddler, solicitor or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business as a peddler, solicitor or transient merchant when the property is marked with a sign or placard at least 4 inches long and four inches wide with print of at least 48 point in size stating "No Peddlers, Solicitors or Transient Merchants," or "Peddlers, Solicitors, and Transient Merchants Prohibited," or other comparable statement. No person other than the property owner or tenant shall remove, deface or otherwise tamper with any sign or placard under this section.

Penalty, see § 10.99

## CHAPTER 114: REGULATION OF PUBLIC DANCES AND SPECIAL EVENTS

### Section

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### ***PUBLIC DANCES***

#### **§ 114.01 REGULATION OF PUBLIC DANCES.**

All public dances held in this city shall be conducted in accordance with the provisions of this

chapter.

Penalty, see § 114.99

### § 114.02 DEFINITIONS.

The terms stated below shall have the following meanings:

***PUBLIC DANCE.*** Any dance where the general public may participate, whether or not a charge for admission for dancing is made.

***PUBLIC DANCING PLACE.*** Any room or space or other area, whether indoors or outside, which is open to the general public for the purpose of participating in public dancing.

### § 114.03 PERMIT REQUIRED.

No person shall conduct a public dance in this city unless a permit has been obtained from the City Administrator-Clerk/Treasurer prior to the holding of the dance. The fees for a permit shall be as established by City Council from time to time. In addition to this fee, the applicant shall pay the cost to the city of providing a licensed peace officer or officers to be present at the dance. The City Council shall establish criteria for determining the number of licensed peace officers required to be present at any dance. No permit shall be issued until the fee and the cost for providing the peace officer or officers has been paid.

Penalty, see § 114.99

### § 114.04 APPLICATION FOR PERMIT.

Any person desiring a permit to hold a public dance in this city shall submit an application for a permit on the form provided by the City Administrator-Clerk/Treasurer, submitted to the City Administrator-Clerk/Treasurer at least 10 days before the date of the proposed dance. The application shall set forth the name and address of the applicant, who shall be the person responsible for conducting the public dance, and any business, committee or organization sponsoring the dance, the place where the dance is to be held, the date of the dance and the time of its beginning and end. Proof of all insurance required by this chapter shall be submitted with the application and no permit shall be issued until proof of insurance has been received. A request for any use of a city building or other city property shall be included with the permit application, and no permit shall be issued until the fees for the use of the city building or other city property have also been paid.

Penalty, see § 114.99

**§ 114.05 INSURANCE.**

All insurance policies required for the event, including any insurance required by law for the sale of alcoholic beverages, shall list the city as a named insured and provide a provision to defend, indemnify and hold harmless the city and any of its employees from any claims arising from the event. Penalty, see § 114.99

**§ 114.06 LOCATION.**

The applicant shall make sure that adequate parking is available for the persons wishing to attend the dance and make sure that the location is safe and accessible. This information shall also be provided to the City Administrator-Clerk/Treasurer before a permit shall be issued. Penalty, see § 114.99

**§ 114.07 PERMIT TO BE POSTED.**

When a permit is issued, the holder of the permit shall post the permit in a prominent location on the premises on which the dance is to be held during the time the dance is occurring. The applicant shall be present at all times while the dance is occurring. Penalty, see § 114.99

**§ 114.08 LIQUOR LICENSE REQUIRED.**

No person shall give, hold, conduct or permit any public dance where liquor will be served, as defined in M.S. Ch. 340A, without obtaining a license from the city. Penalty, see § 114.99

**§ 114.09 LICENSED PEACE OFFICER PRESENCE.**

No public dance shall occur without at least one licensed peace officer or more, if more are required under the criteria established by the City Council, who shall be present at the public dancing place during the duration of the dance and after the dance, until all of the participants have left the public dancing place. Penalty, see § 114.99

**§ 114.10 HOURS.**

No public dance shall occur between the hours of 1:00 a.m. and 12:00 noon. Penalty, see § 114.99

**§ 114.11 MINORS PROHIBITED.**

No person under the age of 21 shall be allowed to be present by the permit holder or any peace officer at a public dance where alcohol is sold or consumed, unless accompanied by a parent or guardian. Penalty, see § 114.99

**§ 114.12 CERTAIN BEHAVIOR PROHIBITED.**

No person present at any public dance shall engage in any disorderly conduct, as defined by M.S. § 609.72, as it may be amended from time to time, and any disorderly person shall be immediately removed from the dance by the peace officer present at the public dancing place. Should a substantial number of persons at the public dance engage in disorderly conduct, the peace officer present shall terminate the dance and remove all persons from the public dancing place. Penalty, see § 114.99

**§ 114.13 LIGHTING.**

In order to protect the safety of persons attending a public dance, public dancing places shall be adequately illuminated and dancing therein while lights are extinguished, dimmed or turned low so as to give inadequate or imperfect illumination is hereby prohibited. All exit areas shall be illuminated at all times during the public dance with light having intensity of not less than 1 footcandle at floor level. Illumination of less than 0.5 foot-candles in any area where dancing is occurring, permitted or encouraged is prohibited. Penalty, see § 114.99

**§ 114.14 NOISE.**

All public dances shall be subject to the provisions of this code regulating noise. Penalty, see § 114.99

**§ 114.20 PURPOSE AND FINDINGS.**

The purpose of this chapter is to protect the health, safety and welfare of the citizens of this city by regulating the time, place and manner of conduct of special events and by establishing permit requirements for conducting special events as such are herein defined. The City Council finds that special events often exceed the city's capacity to provide usual city services. These city services include, but are not limited to sanitary, fire, police and utility services. The City Council also finds these regulations necessary to ensure that such events are conducted with sufficient consideration given to public safety issues, including, among other things, the impact of these events on parking and vehicular traffic within the city.

**§ 114.21 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PERSON.** A natural person, association, organization, club, group formed for a common purpose, partnership of any kind, limited liability company, corporation or any other legal entity.

**SPECIAL EVENTS.** An outdoor gathering of at least 25 individuals, whether on public or private property, assembled with a common purpose for a period of 1 hour or longer. **SPECIAL EVENTS** include, but are not limited to concerts, fairs, carnivals, circuses, parades, flea markets, marathons, walkathons, festivals, races, bicycle events, celebrations or any other gathering or events of similar nature. **SPECIAL EVENTS** do not include noncommercial events held on private property, such as graduation parties or social parties.

**§ 114.22 PERMIT REQUIRED.**

No person shall hold, conduct or participate in a special event within the city, unless a permit has been issued for such event upon timely written application made to the city.

Penalty, see § 114.99

**§ 114.23 APPLICATION FOR PERMIT.**

Written application for special event permits must be made at least 30 days in advance of the event's proposed date in a form prescribed by the City Council. This application period shall not begin to run until a complete application has been filed with the city. Application forms shall be made available in the office of the City Administrator-Clerk/Treasurer. A fee, in the amount established by City Council from time to time, shall be paid to the city along with the completed application form. In addition to the fee, the applicant shall pay all additional costs incurred by the city as a direct result of the special event. Failure to provide a complete application or to pay the fee, as herein required, is sufficient reason to deny the special event permit.

**§ 114.24 ISSUANCE OF PERMIT, CONDITIONS AND POSTING.**

(A) Special event permits will be issued upon City Council approval. The Council may attach reasonable conditions to the permit as are deemed necessary to protect the health, safety and welfare. Such conditions may pertain to any of the following:

- (1) Location and hours during which the event may be held;

- (2) Sanitation/availability of potable water;
- (3) Security/crowd management;
- (4) Parking and traffic issues;
- (5) Emergency and medical services;
- (6) Clean-up of premises and surrounding area/trash disposal;
- (7) Insurance;
- (8) Lighting;
- (9) Fire service/safety;
- (10) Temporary construction, barricades/fencing;
- (11) Removal of advertising/promotional materials;
- (12) Noise levels;
- (13) Alcohol consumption;
- (14) Any other conditions which the Council deems necessary.

(B) Upon Council approval, the City Administrator-Clerk/Treasurer shall issue a permit to the person(s) named in the permit application. The permit shall clearly state the conditions, if any, imposed by the Council. Copies of the permit shall be posted in three prominent locations during the special event.

Penalty, see § 114.99

#### **§ 114.25 EXCEPTIONS TO THE PERMIT.**

The permit requirement contained in this chapter does not apply to the following:

- (A) Special events sponsored and managed by the city;
- (B) Funerals and funeral processions;

(C) The grounds of any school, playground, place of worship, hotel conference center, stadium, athletic field, arena, auditorium or similar permanent place of assembly when used for regularly established assembly purposes.

**§ 114.99 PENALTY.**

(A) Any permit holder violating any of the provisions of this chapter relating to public dances shall be guilty of a misdemeanor and punished as provided in § 10.99, and their public dance permit is suspended immediately at the time of any arrest or citation for violating this chapter.

(B) (1) Any person who violates any condition of a special event permit or any provision of this chapter shall be guilty of a misdemeanor punishable as prescribed by § 10.99.

(2) Enforcement of this division may, at the Council's discretion, take any of the following forms:

- (a) Citation/criminal prosecution;
- (b) Injunctions, declaratory judgements or other civil remedies;
- (c) Permit revocation;
- (d) Disbursement of persons gathered.

