

CHAPTER 14

LICENSING AND REGULATION OF BUSINESSES AND TRADES

LICENSING GENERALLY

14.101. Required Licenses. Any business or trade for which a city license is required under this chapter shall be regulated by the provisions of sections 14.101 to 14.110 and such other special provisions as may in this chapter be prescribed.

14.102. Application for License. Any person desiring a license for a business or trade for which a city license is required shall submit a written application to the City Administrator/Clerk containing the following information:

- (1) The applicant's name and permanent address and telephone number;
- (2) The business or trade for which a license is desired;
- (3) The exact location of the business or trade for which a license is desired;
- (4) The time period during which the business or trade is to be conducted;
- (5) A receipt for payment into the city treasury of the appropriate license fee;
- (6) Such other specific information as the council may desire to aid them when considering the issuance or rejection of the license.

14.103. Council Review and Action. The City Administrator/Clerk shall investigate all information set out in the application and shall submit the application and such other information as is necessary to the council, who shall, at its next regular meeting, and after giving opportunity to any person to be heard for or against the granting of the license, in its discretion grant or refuse the license.

(No prior Ordinance)

14.104. Issuance of License. After the council has granted a license, the City Administrator/Clerk shall issue to the applicant a license with the appropriate information ascribed thereon.

(No prior Ordinance)

14.105. Term of License. No license shall be valid for a time period exceeding one calendar year. All licenses shall expire on December 31 of each year unless an alternate expiration

date shall be prescribed by the council when granting the license.
(No prior Ordinance)

14.106. Posting or Display of License. Any business or trade issued a license shall post the license in a conspicuous place at the premises for which the license is issued. If posting of the license is not feasible, the license must be readily available for inspection by law enforcement personnel and the general public.
(No prior Ordinance)

14.107. Revocation of License. Any license granted by the council may be revoked for a violation of the provisions of sections 14.101 to 14.110, or for a violation of any provision of this code or a violation of the special conditions set forth for the regulation of the licensed business or trade. The holder of the license shall be granted a hearing upon at least 10 days notice before revocation is ordered. The notice shall state the time and place of the hearing and the nature of the charges against the licensee.
(No prior Ordinance)

14.108. Renewal of License. For continuous, uninterrupted operation of a business or trade, a licensee shall apply for renewal of the license at least 30 days prior to the expiration of the license.
(No prior Ordinance)

14.109. Penalty. Any person violating any provision of sections 14.101 to 14.108 shall be guilty of a misdemeanor.
(No prior Ordinance)

HAWKERS, PEDDLERS, TRANSIENT MERCHANTS, SOLICITORS

14.201 Definitions. For the purpose of sections 14.201 to 14.214, the following terms shall have the meanings given them:

- (1) "Transient Merchant" means any person, individual corporation, co-partnership and corporation, both principal and agent, who engage in, do, or transact any temporary and transient business in this city either in one locality or in traveling from place to place, selling goods, wares and merchandise; and who, for the purpose of carrying on such business, hire, lease, occupy or use a building, structure, vacant lot or railroad car for the exhibition and sale of such goods, wares and merchandise.
- (2) "Hawker and Peddler" means any person selling any goods or products from a vehicle pack, going about from place to place carrying said goods for the purpose of sale and delivery, if the goods or products be edible, is a hawker; if the goods be non-edible, such person is a peddler.

- (3) "Solicitor" means any person selling goods by sample or taking orders for future delivery and accepting a deposit or advance payment is a solicitor.

14.202 License Required. No transient merchant, hawker, peddler or solicitor shall sell or offer for sale any merchandise or attempt to do any business in the city without having obtained a city license from the city council to do so.

14.203 {Intentionally left blank }

14.204 Application for license. In addition to the information required by Section 14.102 each applicant will provide the following:

- (1) The name and address of the applicant and of all persons associated with him in his business.
- (2) The type of business for which the license is desired.
- (3) The place where the business is to be conducted or carried out.
- (4) The name and address of the applicant's employer or employers for the last two years prior to the date of the application.
- (5) The length of time during which the applicant intends to do business within the city and the dates on which the sale or business will be conducted.
- (6) An itemized description of the goods or merchandise to be offered for sale.
- (7) A description of the nature and content of any advertising to be done to promote the sale of goods or merchandise.
- (8) If the sale is to be conducted by a person or persons other than the applicant, credentials from the applicant shall be furnished authorizing such person or persons to act as the representative of the applicant.
- (9) The applicant's Minnesota sales tax permit number.
- (10) A written, signed statement from the landowner upon which the proposed sale will be conducted granting permission to the applicant to conduct the sale upon the landowner's property.

14.205 {Intentionally left blank }.

14.206 Duration of License.

- (1) Solicitor – Each license shall be valid for one (1) year unless a shorter time period is specified upon the license
- (2) Transient Merchant/Hawker/Peddler – Each license shall be valid for seven (7) days unless a shorter time period is specified upon the license.

14.207 License Not Transferable. Licenses issued under this section shall be non-transferable.

14.208 License to be Carried. All licenses issued under this Section shall be carried by the licensee or conspicuously posted in his place of business and such licensee shall whenever requested show said license to any officer or citizen who demands to see the same.

14.209 Person in Charge of Premises. The landowner or person in charge of any premises within the City of Long Prairie who enters into an agreement with a transient merchant as defined herein, to operate or temporarily conduct a transient merchant business on the premises shall be responsible for the conduct of such business upon the premises.

14.210 Fees

- (1) Transient merchant, hawker or peddler license fee - \$150.00
- (2) Solicitation license fee - \$50.00.

14.211 Exclusions No applicant shall be required to apply for a license in the following cases

- (1) For the conduct of business by appointment.
- (2) For the conduct of "garage sales" or "rummage sales" when conducted in or by a non-profit institution, or when conducted upon the premises of the owner of the articles be offered for sale, provided that such sales do not last longer than 72 hours, and provided further, that such sales are adequately advertised by notice in a paper of local distribution or by the placing of signs announcing the sale upon the premises.
- (3) For the conduct of "church bazaars" or other such "sales" or "fairs" when such events are conducted in of by non-profit institution, provided such events do not last longer than 72 hours
- (4) To the Long Prairie annual "crazy days" sale, or any participants therein.

- (5) To any sale under Court Order.
- (6) To any bona fide auction sale of a city resident.
- (7) To any sale at wholesale to retail dealers only.
- (8) Persons making an initial uninvited call upon the householders of the city as preliminary to the subsequent establishment of a regular service on a minimum monthly service for the sale and delivery to customers of the daily necessities of life which are perishable or subject to spoiling within a reasonable period of time.
- (9) Charitable organizations and representatives thereof, duly registered under the laws of Minnesota as set forth in Minnesota Statutes or specifically exempted from registration under the provisions thereof, including but not limited to schools, scouts, organized youth athletic leagues, social, fraternal, educational or related organizations and their representatives.
- (10) Farmers or truck gardeners who offer for sale or sell, vegetables, butter, eggs or other farm or garden products which are locally grown provided the sale of such items are restricted to the areas designated by the city council. Provided that every such farmer or truck gardener shall upon request of the City Administrator/Clerk present satisfactory proof by means of sworn statements or otherwise, that such farmer or truck gardener is entitled to such license, exemption, provided further that whoever shall execute a false sworn statement or make any false representations which shall induce the city to grant such exemption, shall upon conviction thereof, be deemed to be guilty of a misdemeanor.

14.212 Prohibited Solicitation Practices. It is unlawful for any transient merchant, hawker, peddler or solicitor to:

- (1) Engage in solicitation for any unlawful business or organizational purpose or activity.
- (2) Practice harassment, nuisance, theft, deceit or menacing, troublesome or otherwise unlawful activities during the course of solicitation.
- (3) Solicit to residential premises displaying at such entrance a sign with the words "Peddlers and Solicitors Prohibited" or "Solicitors Prohibited".
- (4) Refuse to leave premises when requested by owner, lessee or person in charge thereof.

- (5) Call attention to his business or to his merchandise by crying out, by blowing a horn, by ringing a bell, or by any loud or unusual noise.
- (6) Displaying merchandise, parking vehicles or placing temporary structure in such place or position as to prohibit or interfere with the movement of traffic or restrict the view of traffic on any city sidewalk, street or highway.
- (7) Displaying or selling merchandise on any right-of-way or public property.

14.213 Revocation. A license issued pursuant to this Chapter may be revoked by the City Council after notice and hearing for any of the following reasons:

- (1) Any fraud, misrepresentation or false statement contained in the application
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of the goods and merchandise offered for sale.
- (3) Any violation of any provisions of this ordinance.
- (4) The conduct of business by the applicant in an unlawful manner or in a manner which constitutes a breach of peace, nuisance or menace to the health, safety or general welfare of the public.

14.214 Penalties. Any person, firm, partnership, corporation or applicant who violates any provisions of this ordinance is guilty of a misdemeanor and upon conviction shall be punished in accordance with the state law.

SEXUALLY-ORIENTED BUSINESSES

14.301 Purpose. The purpose of this Article of the City Code is to prescribe licensing requirements for sexually-oriented businesses in order to protect the general health, safety, and welfare.

(No prior ordinance.)

14.302 Findings of the City Council. The City Council of the City of Long Prairie makes the following findings regarding the need to license sexually-oriented businesses. The findings are based upon the experiences of other cities where such businesses have located.

- (1) Sexually-oriented businesses 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.
- (2) Sexually-oriented businesses 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.

- (3) Sexually-oriented businesses 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 establishment but also the general public.
- (4) Sexually-oriented businesses 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.
- (5) The risk of criminal activity and/or public health problems can be minimized through a licensing and regulatory scheme as prescribed herein. (No prior ordinance.)

14.303 Conclusions of the City Council. In direct furtherance of the substantial goals of public health, safety, and welfare, the City Council adopts the following licensing regulations, recognizing that it has great interest in the promotion of health and the prevention of criminal activity.

(No prior ordinance.)

14.304 Definitions.

- (1) Adult Body Painting Studio - an establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of specified anatomical areas as defined herein.
- (2) Adult Book Store - an establishment that has 25% or greater of its current store stock in merchandise, videos, books, magazines, and/or other periodicals which are distinguished or characterized by their emphasis on matters depicting, or relating to Specified Sexual Activities or Specified Anatomical Areas as herein defined.
- (3) Adult Car Wash - a wash facility for any type of motor vehicle that allows employees, agents, independent contractors, or persons to appear in a state of partial or total nudity in terms of specified anatomical areas as defined herein.

- (4) Adult Companionship Establishment - a companionship establishment which excludes minors by reason of age, or which provides the service for a fee 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 as defined herein.
- (5) Adult Entertainment Facility - a building or space wherein and admission is charged for entrance, or food or nonalcoholic beverages are sold or intended for consumption, and wherein may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein.
- (6) Adult Modeling Studio - an establishment whose major business is the provision to customers of 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 as defined herein or display specified anatomical areas as defined herein while being observed, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- (7) Adult Motion Picture Theater - a building or space with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas as herein defined, for observation by patrons therein. The phrase "used for" in this definition shall mean a regular and substantial course of conduct and not a one-time presentation of such material.
- (8) Adult Mini-Motion Picture Theater - a building or space with a capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas as herein defined, for observation by patrons therein. The phrase "used for" in this definition shall mean a regular and substantial course of conduct and not a one-time presentation of such material.
- (9) Adult Sauna - a sauna which excludes minors by reason of age, or which 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 emphases on specified sexual activities

or specified anatomical areas as defined herein.

- (10) Booths, stalls, or partitioned portions of a room or individual room -
 - a. enclosures specifically offered to persons for a fee or as an incident to performing high-risk sexual conduct; or
 - b. enclosures which are part of a business operated on the premises which offers movies or other entertainment to be viewed within enclosures, including enclosures wherein movies or other entertainment is dispensed for a fee.

The phrase "booths, stalls, or partitioned portions of a room or individual rooms" does not mean enclosures which are private offices used by the owners, managers, or persons employed by the premises for attending to the tasks of their employment, and which are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing movies or other entertainment for a fee, and are not open to any persons other than employees.

- (11) Clean - the absence of dirt, grease, rubbish, garbage, semen, bodily excretions, and other offensive, unsightly, or extraneous matter.
- (12) Doors, curtains or portal partitions - full, complete, nontransparent closure devices through which one cannot see or view activity taking place within the enclosure.
- (13) Good repair - free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.
- (14) Health Inspectors - inspectors employed by the City of Long Prairie or their agents.
- 15) Issuing Authority - The City of Long Prairie.
- (16) Minor - any natural person under the age of eighteen (18) years.
- (17) Nudity - the showing of the human male or female genital or pubic area with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering below a point immediately above the top of the areola; or the depiction or showing of the covered male genitals in a discernibly turgid state.

- (18) Open to an adjacent public room so that the area inside is visible to persons in the adjacent public room - either the absence of any entire "door, curtain or portal partition" or a door or other device which is made of clear, transparent material such as glass, plexi-glass or other similar material meeting building code and safety standards, which permits the activity inside the enclosure to be entirely viewed or seen by persons outside the enclosure.
- (19) Person - one 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.
- (20) Sexually-oriented Business - an adult book store, adult body painting studio, adult companionship establishment, adult motion picture theater, adult entertainment facility, adult modeling studio, adult mini-motion picture theater, adult car wash, or adult sauna and herein defined.
- (21) Specified Sexual Activities - include the following:
 - a. Human genitals in a discernible state of sexual stimulation or arousal; or
 - b. Acts of human masturbation, sexual intercourse, or sodomy; or
 - c. Fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock, or female breast or breasts; or
 - d. Any combination of the foregoing.
- (22) Specified Anatomical Areas -
 - a. less than completely and opaquely covered:
 - 1. human genitals, pubic region or pubic hair, or
 - 2. buttock, or
 - 3. female breast or breasts below a point immediately above the top of the areola; or
 - 4. any combination of the foregoing; or
 - b. human male genitals in a discernibly turgid state even if completely

and opaquely covered.
(No prior ordinance.)

14.305 License Required. No person shall own or operate a sexually-oriented business within the city unless such person is currently licensed under this Article.
(No prior ordinance.)

14.306 License Application. The application for a license under this Article shall be made on a form supplied by the issuing authority and shall request the following information:

- (1) For all applicants:
 - a. Whether the applicant is a natural person, corporation, partnership, or other form of organization.
 - b. The legal description of the premises to be licensed, along with a floor plan of the premises. The floor plan of the premises shall detail all internal operations and activities, including a statement of the total floor space occupied by the business. The floor plan 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 six inches.
 - c. The name and street address of the business. If the business is to be conducted under a designation, name, or style other than the name of the applicant, a certified copy of the certificate required by Minnesota Statutes, Section 333.01 shall be submitted.
- (2) If the applicant is a natural person:
 - a. The name, place and date of birth, street and city address, and phone number of the applicant.
 - b. Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places where used.
 - c. The street addresses at which the applicant has lived during the preceding two (2) years.
 - d. The type, name, and location of every business or occupation in which the applicant has been engaged during the preceding two (2) years and name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding two (2) years.

- e. Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a petty misdemeanor traffic ordinance. If so, the applicant shall furnish information as to the time, place, and offense for which convictions were had.

(3) If the applicant is a partnership:

- a. the name(s) and address(es) of all general partners and all of the information concerning each general partner that is required of applicants in subpart (2) of this Section.
- b. The name(s) of the managing partner(s) and the interest of each partner in the business.
- c. A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, Section 333.01, a certified copy of such certificate shall be attached to the application.

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

- a. The name of the corporation or business form, and if incorporated, the state of incorporation.
- b. A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement, and By-laws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority as required by Minnesota Statutes, Section 303.06, shall be attached.
- c. The name of the manager(s), proprietor(s), or other agent(s) in charge of the business and all of the information concerning each manager, proprietor, or agent that is required of applicants in subpart (2) of this Section.
(No prior ordinance.)

14.307 Application Execution. If the application is that of a natural person, the application shall be signed and sworn to by that person; if of a corporation, by an officer thereof; if of a partnership, by one of the general partners; if of an unincorporated association, by the manager or managing officer thereof.
(No prior ordinance.)

14.308 Application Verification. Applications for licenses under this Article shall be

submitted to the issuing authority. Within twenty (20) calendar days of receipt of a completed application form by the issuing authority, the issuing authority shall verify any and all of the information requested of the applicant in the application, including the ordering of criminal background checks, and conduct any necessary investigation to assure compliance with this Article.(No prior ordinance.)

14.309 Application Consideration. No later than ten (10) calendar days after the completion of the license application verification and investigation by the issuing authority, as prescribed in Section 14.308, the issuing authority shall accept or deny the license application in accordance with Section 14.312 of this Article. If the application is denied, the issuing authority shall notify the applicant of the determination in writing. The notice shall be mailed by certified and regular mail to the applicant at the address provided on the application form and it shall inform the applicant of the applicant's right, within twenty (20) calendar days of receipt of the notice by the applicant, to request an appeal of the issuing authority's determination to District Court. If an application is granted for a location where a building is under construction or not ready for occupancy, the license shall not be delivered to the licensee until a certificate of occupancy has been issued for the licensed premises. During the application consideration process prescribed herein an applicant operating a business not previously subject to the license provisions of this Article may remain operating pending the outcome of the application consideration by the issuing authority.
(No prior ordinance.)

14.310 Renewal Application.

- (1) All licenses issued under this Article shall be effective for only one (1) year commencing January 1st of each year. An application for the renewal of an existing license shall be submitted to the issuing authority at least thirty (30) calendar days prior to the expiration date of the license. See Section 14. 311 (1).
- (2) Within twenty (20) calendar days of receipt by the issuing authority of a fully completed renewal application, the issuing authority shall verify any and all of the information requested of the applicant in the renewal application, including the ordering of criminal background checks, and shall conduct any necessary investigation to assure compliance with this Article. No later than ten (10) calendar days after the completion of the renewal application verification and investigation by the issuing authority, as prescribed herein, the issuing authority shall issue a renewal license unless one (1) or more of the following conditions exist:
 - a. The applicant is a minor at the time the application is submitted;
 - b. The applicant failed to supply all of the information requested on the renewal application;

- c. The applicant gave false, fraudulent, or untruthful information on the renewal application;
 - d. The sexually-oriented business was found in the immediately preceding license year to have violated the license restrictions prescribed in Sections 14.313 through 14.317 of this Article;
 - e. The sexually-oriented business does not meet the zoning requirements prescribed as set forth herein.
 - f. The premises licensed as a sexually-oriented business is currently licensed by the City as a tanning facility, tattoo establishment, pawnshop, therapeutic massage enterprise, or an establishment licensed to sell alcoholic beverages.
 - g. The applicant has had a conviction of any crime listed in Section 14.312 (1)(e) of this Article; or
 - h. The applicant has had a sexually-oriented license revoked within a one (1) year period immediately preceding the date the application was submitted.
- (3) If the issuing authority denies a renewal application, the issuing authority shall notify the applicant in accordance with Section 14.309 of this Article and the notice shall, in addition, state the grounds for the denial.
- (4) After the denial of a renewal application by the issuing authority, the applicant may appeal the issuing authority's determination in accordance with Section 14.309 of this Article. If the City denies renewal of a license under this Article, the applicant shall not be issued a license under this Article for one (1) year from the date of the denial. If, subsequent to the denial, the City finds that the basis for the denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the denial became final. (No prior ordinance.)

14.311 Fees.

- (1) Application fee.
 - a. The license application fee shall be \$1,500.00. Each license shall be issued for a period of one year, except that if an application is made during the license year, a license may be issued for the

remainder of the term for a pro rata fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of December.

- b. The application license fee shall be paid in full before the application for a license is accepted. All fees shall be paid to the issuing authority for deposit into the general fund of the City. Upon rejection of any application for a license or upon withdrawal of application before approval by the issuing authority the license fee shall be refunded to the applicant.
- c. When the license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee for the initial license period shall be ninety (90) days after approval of the license by the issuing authority or upon the date an occupancy permit is issued for the building.

(2) Investigation fee.

- a. An applicant for any license under this Article shall deposit with the issuing authority, at the time an original application is submitted, \$500.00 to cover the costs involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this Article. The investigation fee shall be nonrefundable.
(No prior ordinance.)

14.312 Persons and Locations Ineligible for a License.

- (1) The issuing authority shall issue a license under this Article to an applicant unless one (1) or more of the following conditions exist:
 - a. The applicant is a minor at the time the application is submitted;
 - b. The applicant failed to supply all of the information requested on license application;
 - c. The applicant gave false, fraudulent, or untruthful information on the license application;
 - d. The applicant has had a sexually-oriented license revoked with a one (1) year period immediately preceding the date the application was submitted;

- e. The applicant has had a conviction of a felony or gross misdemeanor or misdemeanor relating to sex offenses, obscenity offenses, or adult uses in the past five (5) years;
- f. The sexually-oriented business does not meet all of the zoning requirements in Chapter 16 of this Code;
- g. The premises to be licensed as a sexually-oriented business is currently licensed by the City as a tanning facility, tattoo establishment, pawnshop, therapeutic massage enterprise, or an establishment licensed to sell alcoholic beverages.
- h. The applicant has not paid the license and investigation fees required in Section 14.311.
(No prior ordinance.)

14.313 General License Restrictions.

- (1) Posting of License. A license issued under this Article must be posted in a conspicuous place in the premises for which it is used.
- (2) Effect of License. A license issued under this Article is only effective for the compact and contiguous space specified in the approved license application.
- (3) Maintenance of Order. A licensee under this Article shall be responsible for the conduct of the business being operated and shall not allow any illegal activity to take place on or near the licensed premises, including but not limited to prostitution, public indecency, indecent exposure, disorderly conduct, or the sale or use of illegal drugs. Every act or omission by an employee or independent contractor of the licensee constituting a violation of this Article shall be deemed the act or omission of the licensee if such act or omission occurs either with the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the employee's or independent contractor's conduct.
- (4) Distance Requirement for Live Adult Entertainment. All performers, dancers, and persons providing live entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas in the licensed facility or in areas adjoining the licensed facility where such entertainment can be seen by patrons, customers, or spectators and shall dance or provide such entertainment on a platform intended for that purpose, which shall be raised at least two (2) feet from the level of the floor on which patrons or

spectators are located.

- (5) Interaction with Patrons. No dancer, performer, or person providing live entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas in the licensed facility or in areas adjoining the licensed facility where the entertainment can be seen by patrons of the licensed facility shall fondle or caress any spectator or patron.
- (6) Gratuity Prohibition. No customers, spectator, or patron of a licensed facility shall directly pay or give any gratuity to any dancer or performer, and no dancer or performer shall solicit any pay or gratuity from any patron or spectator.
(No prior ordinance)

14.314 Restrictions Regarding License Transfer.

- (1) The license granted under this Article is for the person and the premises named on the approved license application. No transfer of a license shall be permitted from place to place or from person to person without complying with the requirements of an original application.
- (2) When a sexually-oriented business licensed under this Article is sold or transferred, the existing licensee shall immediately notify the issuing authority of the sale or transfer. If the new owner or operator is to continue operating the sexually-oriented business, the new owner or operator must immediately apply for a license under this Article.
(No prior ordinance.)

14.315 Restrictions Regarding hours of Operation. A licensee shall not be open for business to the public during the following hours on the following days:

- (1) Adult Body Painting Studio, Adult Book Stores, Adult Companionship Establishment, Adult Modeling Studio, Adult Motion Picture Theaters, Adult Mini-Motion Picture Theaters, Adult Sauna, Adult Car Wash:

Monday through Sunday - Not open before 6:00 a.m. nor after 11:00 p.m.

- (2) Adult Entertainment Facilities:

Monday through Sunday - Not open before 6:00 a.m. nor
after 1:00 a.m.

(No prior ordinance.)

14.316 Restrictions Regarding Minors. No licensee shall allow minors to enter the licensed premises. The licensee shall request proof of age of all persons the licensee believes to be under the age of eighteen (18) years. Proof of age may be established only by: a valid driver's license or identification card issued by Minnesota, another state; or a province of Canada, and including the photograph and date of birth of the licensed person; a valid military identification card issued by the United States Department of Defense; or in the case of a foreign national from a nation other than Canada, a valid passport.

(No prior ordinance.)

14.317 Restrictions Regarding Sanitation and Health.

- (1) Partitions Facilitating Sexual Activity. A licensee under this Article shall not allow any partition between a subdivision, portion, or part of the licensed premises having any aperture which is designed or constructed to facilitate sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region or pubic hair, buttocks, or female breast between persons on either side of the partition.
- (2) Restrictions on Booths, Stalls, and Partitions. A licensee under this Article shall not allow or have on the licensed premises or adjoining areas any booths, stalls, or partitions used for the viewing of motion pictures or other forms of entertainment that have doors, curtains, or portal partitions, unless such booths, stalls, or partitions have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. Such areas shall be lighted in a manner that the persons in the area used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms. Seating or reclining surfaces inside any booths, stalls, or partitions used for the viewing of motion pictures or other forms of entertainment including but not limited to live entertainment shall be prohibited.
- (3) Authority of Health Inspectors. The issuing authority and/or Health Inspectors shall have the authority to inspect or cause to be inspected the licensed premises and adjoining areas in order to ascertain the source of infection or reduce the spread of communicable diseases. Such officials shall have the authority to issue appropriate orders to the licensee regarding health and sanitation.
- (4) Limitation on Number of Persons in Partitioned Areas. Any booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment including but not limited to live entertainment shall not be occupied by more than one (1) person at a time.

- (5) Adult Sauna Regulations. Adult saunas shall comply with the following health requirements:
 - a. All steam rooms and bathrooms shall be constructed of materials which are impervious to moisture, bacteria, mold, or fungus growth. The floor-to-wall and wall-to-wall joints shall be constructed to provide a sanitary cover with a minimum radius of one inch.
 - b. The restrooms shall be provided with mechanical ventilation with two (2) cfm per square foot of floor area; a minimum of 15-foot candles of illumination; a hand washing sink equipped with hot and cold running water under pressure; and a sanitary towel dispenser.
 - c. Floors, walls, ceilings, water closets, hand washing sinks, and urinals shall be in good repair and maintained in a clean sanitary condition at all times. Sanitary hand cleaning agents, sanitary towels, and toilet tissue shall be provided at all times.
 - d. Adequate refuse receptacles shall be provided and shall be emptied as required.
- (6) General Sanitation Requirements. All sexually-oriented business shall at all times be kept clean as defined herein and in a state of good repair as define herein.
- (7) Duty to Supervise. The licensee shall not permit specified sexual activities as defined herein to take place on the premises and shall have an affirmative duty to supervise the licensed premises and prevent such activities.
(No prior ordinance.)

14.318 Restrictions on Location of Sexually Oriented Business.

- (1) A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than Light Industrial (I-1), as defined and described in the City of Long Prairie zoning code.
- (2) A person commits an offense if the person operates or causes to be operated a sexually oriented business within 300 feet of:
 - a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

- b. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school;
 - c. A boundary of a residential district as defined in the City of Long Prairie zoning code; a public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation, or management of the city park and recreation authorities;
 - d. The property line of a lot devoted to a residential use as defined in the City of Long Prairie zoning code.
 - e. An entertainment business which is oriented primarily towards children or family entertainment; or
 - f. A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State of Minnesota.
- (3) A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership of control of a sexually oriented business within 300 feet of another sexually oriented business.
- (4) A person commits a misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
- (5) For the purpose of subsection 14.318(2), measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structures used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection 14.318(2). Presence of a city, county or other political subdivision boundary shall be

irrelevant for purposes of calculating and applying the distance requirements of this Section.

- (6) For purposes of subsection 14.318(3), the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- 7) Any sexually oriented business lawfully operating on October 16, 1995, that is in violation subsections 14.318(1) through 14.318(6) shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 300 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the latter-established business(es) is/are nonconforming.
- (8) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in subsection 14.318(2) within 300 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

14.319 Civil Sanctions for License Violations.

- (1) Suspension. The City Council may suspend a license for up to sixty (60) days if the City Council determined that a licensee has:
 - a. violated or is not in compliance with any provisions of this Article;
or
 - b. knowingly permitted gambling by any person on the licensed premises.
- (2) Revocation. The City Council may revoke a license if the City Council determines that:
 - a. the licensee's license was suspended in the preceding fourteen (14)

- months and an additional cause for suspension as detailed a (a) above is found by the City Council to have occurred within the fourteen (14) month period;
- b. the licensee gave false or misleading information in the material submitted to the City during the application process;
 - c. a licensee or an employee or independent contractor of the licensee has knowingly allowed possession, use, or sale of controlled substance on the premises;
 - d. a licensee or an employee or independent contractor has knowingly allowed prostitution on the premises;
 - e. a licensee violated any of the provisions of Minnesota Statutes Section 617.241 - 617.299 relating to the illegal distribution, possession or sale of obscene materials;
 - f. a licensee or an employee knowingly operated the sexually-oriented business during a period of time when the licensee's license was suspended;
 - g. a licensee has been convicted of an offense listed in Section 14.312(1)(e) of this Article for which the time period required has not elapsed;
 - h. on two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section 14.312 (1)(e) of this Article for which a conviction has been obtained, and the person or persons were employees or independent contractors of the licensee at the time the offenses were committed;
 - i. a licensee or an employee or independent contractor of the licensee has knowingly allowed specified sexual activities to occur in or on the licensed premises; or
 - j. a licensee is delinquent in payment to the City, County, State or Federal Governments for hotel occupancy taxes, and ad valorem taxes, sales taxes, or other financial obligations.
- (3) Hearing Procedures. A revocation or suspension shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least eight (8) days' notice of the time and place of the public hearing and

shall state the nature of the charges against the licensee. The notice shall be mailed to the licensee at the most recent address listed on the application.
(No prior ordinance.)

14.320 Criminal Penalty. A violation of this article shall be a misdemeanor under Minnesota law.
(No prior ordinance.)

14.321 Severability. If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have adopted the Article and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.
(No prior ordinance.)

DRY CLEANING ESTABLISHMENTS

14.501 License Required No person shall own, establish, operate or maintain a dry cleaning establishment without first obtaining a license from the City.

14.502. Definition of Dry Cleaning Establishment. Dry cleaning establishment means any premises, building, room, or establishment commonly known to the trade as a cleaning plant equipped to perform the service of dry cleaning by immersion and agitation, spraying, or immersion only, in a volatile, commercially moisture-free solvent.

14.503. License Fee. Any person desiring a license required under Section 14.501 shall pay into the treasury the following fee:

- (1) Six and no/100 (\$6.00) Dollars for an annual license.

14.504. Penalty. Any person violating any provision of Sections 14.501 to 14.503 shall be guilty of a misdemeanor.

BOWLING ALLEYS

14.601 License Required. No person shall own, establish, operate, or maintain an establishment for the purpose of bowling without first obtaining a license from the City.

14.602 License Fee. Any person desiring a license required under Section 14.601 shall pay into the treasury the following fee:

- (1) Ten and no/100 (\$10.00) Dollars per bowling lane for an annual license.

14.603. Penalty. Any person violating any provision of Sections 14.601 to 14.602 shall

be guilty of a misdemeanor.

POOL TABLES

14.701 License Required. No person shall own or operate an establishment which contains a pool table or billiard table for public use and for which a person must pay for the use thereof without first obtaining a license from the City.

14.702 License Fee. Any person desiring a license required under Sections 14.701 to 14.702 shall pay into the treasury the following fee:

- (1) Ten and no/100 (\$10.00) Dollars per table for an annual license.

14.703 Penalty. Any person violating any provision of Section 14.701 to 14.702 shall be guilty of a misdemeanor.

(Adopted by Ordinance No. 81-12-7-12, 12/7/81)

GARAGE SALE

14.800 Definition of Garage Sale. An offering or display of goods to the public on a temporary basis by a person or organization on residential premises. The term "garage sale" encompasses yard sales, estate sales, moving sales, block sales rummage sale and related sales where second hand or other goods are sold or displayed to members of the public on a temporary basis. Estate sale or auction conducted at a descendant's residence is not included in the definition of garage sale. City-wide garage sales sponsored by the City of Long Prairie are not included in the definition of garage sales.

14.801 Restrictions.

- (1) None of the items offered for sale shall have been obtained for resale or received on consignment for sale.
- (2) Any garage sale shall be conducted solely within the boundaries of the property owned or occupied by the occupant who is conducting the sale.
- (3) There shall be no more than six garage or rummage sales conducted at any one residence during any period of twelve calendar months.
- (4) No garage sale shall be conducted during any part of more than three consecutive days.
- (5) No garage sale may be conducted before 6:00 a.m. or after 10:00 p.m.

14.802. Penalty. Any person violating sections 14.800 to 14.801 of this ordinance shall be guilty of a petty misdemeanor.

LODGING TAX

14.810 Lodging Tax

- (1) Amount of Tax. A tax of three (3) percent is hereby imposed on the gross receipts from the furnishing for consideration of lodging at a hotel, motel, rooming house, tourist court or resort, within the city limits of Long Prairie, other than the renting or leasing of it for a continuous period of thirty (30) days or more.
- (2) Persons Liable for Lodging Tax. All persons furnishing for consideration lodging at a hotel, motel, rooming house, tourist court or resort within the City of Long Prairie, other than the renting or leasing of it for thirty (30) days, are liable to the City of Long Prairie for payment of the Lodging Tax established hereby.
- (3) Payment of Tax. All persons liable for payment of the Lodging Tax shall remit amounts due to the City of Long Prairie at least monthly. Remittance of amounts due shall be accompanied by such information as the City Administrator may require showing calculations of the amount due. All persons liable for payment of the Lodging Tax shall maintain books and records of their activities which shall be available for inspection by the City of Long Prairie at reasonable times and upon reasonable notice.
- (4) Disposition of Proceeds. Disposition of proceeds of the Lodging Tax shall be made pursuant to Minnesota Statutes Section 469.190, subd. 3, as amended. The City Council may, at its discretion, seek such counsel or advice as it deems appropriate in disposition of the proceeds.

14.811 Penalties. Any person, firm, partnership, corporation or applicant who is delinquent in payment of the tax may have their city water and sewer services disconnected as outlined in Chapter 5, Section 5.306. In addition, any person, firm, partnership, corporation or applicant who violates any provisions of this ordinance is guilty of a misdemeanor and upon conviction shall be punished in accordance with the state law.