

TITLE 6. NUISANCES AND OFFENSES

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Chapter 600 - Health and Safety; Nuisances**600.01 Assessable Current Services.**

- (A) **Definition.** For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning. “Current service” means one or more of the following: snow, ice or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 through 463.26, as they may amended from time to time; installation or repair of water service lines; street sprinkling, street flushing, light street oiling or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.
- (B) **Snow, ice, dirt and rubbish.**
- (1) **Duty of owners and occupants.** The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than 36 hours after its deposit thereon. Failure to comply with this section shall constitute a violation.
- (2) **Removal by city.** The City Administrator or designee may cause removal from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning

36 hours after any matter has been deposited thereon or after the snow has ceased to fall. The City Administrator or other designated person shall keep a record showing the cost of removal adjacent to each separate lot and parcel. The Council may establish the charge for this service.

- (C) **Public health and safety hazards.** When the city removes or eliminates public health or safety hazards from private property under the following provisions of this chapter, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and deliver that information to the City Administrator.
- (D) **Installation and repair of water service lines.** Whenever the city installs or repairs water service lines serving private property, the City Administrator shall keep a record of the total cost of the installation or repair against the property.
- (E) **Repair of sidewalks and alleys.**
 - (1) **Duty of owner.** The owner of any property within the city abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications approved by the City Engineer. No public sidewalk shall be permanently removed without the written consent of the city.
 - (2) **Inspections; notice.** The City Council or its designee shall make inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If it is found that any sidewalk or alley abutting on private property is unsafe and in need of repairs, the City Council shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property, ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and stating that if the owner fails to do so the city will do so and that the expense thereof must be paid by the owner and, if unpaid, it will be made a special assessment against the property concerned.
 - (3) **Repair by city.** If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the City Administrator shall report the facts to the City Council and the City Council shall by resolution order the work done by contract in accordance with law. The City Administrator shall keep a record of the total cost of the repair attributable to each lot or parcel of property.
- (F) **Personal liability.** The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the cost of the service. As soon as the service has been completed and the cost determined, the City Administrator, or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the City Administrator.

- (G) **Damage to public property.** Any person driving any vehicle, equipment, object or contrivance upon any street, road, highway or structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation or driving or moving of the vehicle, equipment or object or contrivance or as a result of operating, driving or moving any vehicle, equipment, object or contrivance weighing in excess of the maximum weight permitted by statute or this code. When the driver is not the owner of the vehicle, equipment, object or contrivance, but is operating, driving or moving it with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount thereof, which amount shall be collectable by action or as a lien under M.S. § 514.67, as it may be amended from time to time.
- (H) **Assessment.** On or before September 1 of each year, the City Administrator shall list the total unpaid charges for each type of current service and charges under this chapter against each separate lot or parcel to which they are attributable under this section. The City Council may then spread the charges against property benefitted as a special assessment under the authority of M.S. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

Penalty, see §100.99

600.02 Tree Diseases.

- (A) **Trees constituting nuisance declared.** The following are public nuisances whenever they may be found within the city:
- (1) Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus *Ceratocystis Ulmi (Buisman) Moreau* or which harbors any of the elm bark beetles *Scolytus Multistriatus (Eichh.)* or *Hylungopinus Rufipes (Marsh)*;
 - (2) Any dead elm tree or part thereof, including branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide;
 - (3) Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt fungus *Ceratocystis fagacearum*;
 - (4) Any dead oak tree or part thereof which in the opinion of the designated officer constitutes a hazard, including but not limited to logs, branches, stumps, roots, firewood or other oak material which has not been stripped of its bark and burned or sprayed with an effective fungicide;

- (5) Any other shade tree with an epidemic disease.
- (B) **Abatement of nuisance.** It is unlawful for any person to permit any public nuisance as defined in division (A) of this section to remain on any premises the person owns or controls within the city. The City Council may by resolution order the nuisance abated. Before action is taken on that resolution, the City Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to the affected property owner and published once no less than one week prior to the meeting. The notice shall state the time and place of the meeting, the street affected, action proposed, the estimated cost of the abatement and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the City Council shall hear any property owner with reference to the scope and desirability of the proposed project. The City Council shall thereafter adopt a resolution confirming the original resolution with modifications as it considers desirable and provide for the doing of the work by day labor or by contract.
- (C) **Record of costs.** The City Administrator shall keep a record of the costs of abatement done under this section for all work done for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.
- (D) **Unpaid charges.** On or before September 1 of each year, the City Administrator shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this section. The City Council may then spread the charges or any portion thereof against the property involved as a special assessment as authorized by M.S. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor and collection the following year along with the current taxes.

Penalty, see §100.99

600.03 Public Nuisance Defined. Whoever by his or her act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- (A) Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any member or members of the public;
- (B) Interferes with, obstructs or renders dangerous for passage, any public highway or right-of-way or waters used by the public; or
- (C) Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance and for which no sentence is specifically provided.

600.04 Public Nuisances Affecting Health. The following are hereby declared to be nuisances affecting health:

- (A) Exposed accumulation of decayed or unwholesome food or vegetable matter, except bona fide, properly maintained compost;
- (B) All diseased animals running at large;
- (C) Carcasses of animals not buried or destroyed within 24 hours after death;
- (D) Accumulations of manure, refuse or other debris;
- (E) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- (F) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substance;
- (G) All noxious weeds and other rank growths of vegetation upon public or private property;
- (H) Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities;
- (I) Any offensive trade or business as defined by statute not operating under local license.

600.05 Public Nuisances Affecting Morals and Decency. The following are hereby declared to be nuisances affecting public morals and decency:

- (A) All unlicensed gambling devices;
- (B) Betting, bookmaking and all apparatus used in such occupations;
- (C) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses;
- (D) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place; and
- (E) Any vehicle used for the transportation of intoxicating liquor, or for promiscuous sexual intercourse or any other immoral or illegal purpose.

600.06 Public Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety:

- (A) All snow and ice not removed from public sidewalks 12 hours after the snow or other precipitation causing the condition has ceased to fall;

- (B) All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- (C) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- (D) All unnecessary noises and annoying vibrations;
- (E) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks or public grounds except under such conditions as are permitted by this code or other applicable law;
- (F) Radio aerials or television antennae erected or maintained in a dangerous manner;
- (G) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;
- (H) All hanging signs, awnings and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provide by ordinance;
- (I) The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
- (J) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
- (K) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- (L) Raw sewage cast upon or permitted to flow upon streets or other public properties;
- (M) Accumulations in the open of one or more discarded or disused piece of machinery, household appliance, automobiles body, junk vehicles (as defined under paragraph "E" of Section 240.03 of these ordinances) or other material, in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from such accumulation;
- (N) Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
- (O) Obstruction to the free flow of water in a natural waterway or public street drain, gutter or ditch with trash of other materials;

- (P) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;
- (Q) The depositing of garbage or refuse on a public right-of-way or on adjacent private property; and
- (R) All other conditions or things which are likely to cause injury to the person or property of anyone.

600.07 Duties of City Officers. The Public Works Superintendent, Police Department, Community Development Officer or other designated official shall enforce the provisions of §§ 600.03 *et seq.* relating to nuisances affecting public safety. The Police Department shall enforce provisions relating to other nuisances and shall assist the other designated officer(s) in the enforcement of provisions relating to nuisances affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

600.08 Abatement.

- (A) **Notice.** Written notice of violation; notice of the time, date, place and subject of any hearing before the City Council; notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this subdivision.
 - (1) **Notice of Violation.** Written notice of violation shall be served by the officer charged with enforcement on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violations shall be served by posting it on the premises.
 - (2) **Notice of Council Hearing.** Written notice of any City Council hearing to determine or abate nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of Council hearing, notice of Council hearing shall be served by posting it on the premises.
 - (3) **Notice of City Council Order.** Except for those cases determined by the city to require summary enforcement, written notice of any City Council order shall be made as provided in M.S. § 463.17 (Hazardous and Substandard Building Act).
 - (4) **Notice of Motion for Summary Enforcement.** Written notice of any motion for summary enforcement shall be made as provided for in M.S. § 463.17 (Hazardous and Substandard Building Act).

- (B) **Procedure.** Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council. Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the county the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement.
- (C) **Emergency Procedure; Summary Enforcement.** In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in divisions (A) and (B) above will permit a continuing nuisance to unreasonably endanger public health safety or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The enforcement officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in division (A) above, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.
- (D) **Immediate Abatement.** Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

600.09 Recovery of Cost.

- (A) **Personal Liability.** The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other official designated by the Council shall prepare a bill for the cost and mail it to the owner. Thereupon, the amount shall be immediately due and payable at the officer of the City Clerk.
- (B) **Assessment.** If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees,

the Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under M.S. §429.101 against each such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the Council may determine in each case.

600.10 Penalty. Any person violating the provisions of this chapter shall upon conviction thereof be guilty of a misdemeanor and punished as provided by §100.99.

Chapter 605 - Signs and Display of Commercial Merchandise in Public Rights-of-Way

605.01 Obstruction of Right-of-Way. No person, firm or corporation shall construct, erect or maintain any sign or other obstruction upon any street, including sidewalk, boulevard or curb, within the City of Princeton, Minnesota, the support of which depends upon any pole, standard, brace or guy wire placed or anchored in any portion of street, including sidewalk, boulevard and curb unless otherwise allowed elsewhere in these city ordinances.

605.02 Display of Merchandise. No person shall display merchandise or equipment for any commercial venture within the limits of the public right-of-way.

605.99 Penalty. Any person violating the provisions of this chapter shall upon conviction thereof be guilty of a misdemeanor and punished as provided by §100.99.

Chapter 610 – Sidewalks

610.01 Cleaning of Sidewalks. The owners or occupants of all buildings and real estate within the city shall remove all snow and ice from the public sidewalks adjacent thereto as follows. Each owner or occupant of real estate within the Central Business District shall clear or cause to be cleared all snow or ice from such sidewalks within 12 hours after the snow or ice has ceased to fall thereon. “Central Business District” as used herein includes that part of the city bounded by 4th Avenue on the east, 6th Avenue on the west, Hwy. 95 on the north and 4th Street South on the south.

Penalty, see §610.99

610.02 Removal to Street. Snow and ice which is cleared from public sidewalks in the Central Business District may be placed on the city streets for collection by the city; however, no person shall place on city streets snow or ice which has fallen on private walkways, drive-ways or private parking lots.

Penalty, see §610.99

610.03 Removal by City; Assessment of Costs. Any snow or ice remaining on the public sidewalks of the city is in violation of this chapter and may be removed by the Public Works Director or other authorized employee. The Public Works Director or other authorized em-

ployee shall determine the cost of such removal, and the owner of the property abutting the sidewalk from which the city has removed the snow or ice shall be charged for said cost. If the cost is not paid within 30 days, the City Council shall assess and levy and cause to be collected the amount of the charges as a special assessment upon and against the property involved in the manner as provided for by law for the levy and collection of other special assessments.

610.99 Penalty. Any person who violates, disobeys, omits, neglects or refuses to comply with the provisions of this chapter shall be guilty of a petty misdemeanor and, upon conviction, shall be punished in accordance with §100.99.

Chapter 615 - Weeds

615.01 Short Title. This chapter shall be cited as the “Weed Ordinance.”

615.02 Jurisdiction. This chapter shall be in addition to any state statute or county ordinance presently in effect, subsequently added, amended or repealed.

615.03 Definitions; Exclusions.

- (A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- (1) “Destruction order” means the notice served by the City Council or designated city official, in cases of appeal, on the property owner of the ordinance violation.
 - (2) “Property owner” means the person occupying the property, the holder of legal title or a person having control over the property of another, such as a right-of-way, easement, license or lease.
 - (3) “Weeds, grasses and rank vegetation” includes but is not limited to the following:
 - (a) Noxious weeds and rank vegetation shall include but not be limited to: alum (allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion and Wild Parsnip;
 - (b) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated or otherwise maintained for two consecutive years;
 - (c) Bushes of the species of tall, common or European barberry, further

known as *berberis vulgaris* or its horticultural varieties.

- (4) Any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, growing to a height exceeding six inches;
 - (5) Rank vegetation includes the uncontrolled, uncultivated growth of annuals and perennial plants;
 - (6) The term “weeds” does not include shrubs, trees, cultivated plants or crops.
- (B) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

615.04 Owners Responsible for Trimming, Removal and the Like. All property owners shall be responsible for the removal, cutting or disposal and elimination of weeds, grasses and rank vegetation or other uncontrolled plant growth on their property, which at the time of notice is in excess of six inches in height.

Penalty, see §100.99

615.05 Notice of Violations.

- (A) Upon becoming aware of the probable existence of weeds in violation of this chapter, a person designated by the City Administrator shall make an inspection and prepare a written report. Said designee, upon concluding that there is a probable belief that this chapter has been violated, shall forward written notification in the form of a “Destruction Order” to the property owner or the person occupying the property as that information is contained within the records of the City. The notice shall be served in writing by certified mail. The notice shall provide that within seven regular business days after the receipt of the notice that the designated violation shall be removed by the property owner or person occupying the property.
- (B) (1) All notices are to be in writing and all filings are to be with the City Administrator.
- (2) Certified mailing to the City Administrator or others is deemed filed on the date of posting to the United States Postal Service.

615.06 Appeals.

- (A) The property owner may appeal to the City Council by filing written notice of objections with the City Administrator within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the City Administrator. It is the property owner’s responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants or crops or is not otherwise in violation of this chapter and should not be subject to destruction under this chapter.

- (B) An appeal by the property owner shall be brought before the City Council and shall be decided by a majority vote of the Council members in attendance and being at a regularly scheduled or special meeting of the City Council.

615.07 Abatement by City. In the event that the property owner shall fail to comply with the “Destruction Order” within seven regular business days and has not filed a notice within 48 hours to the City Administrator of an intent to appeal, the City Council may employ the services of city employees or outside contractors and remove the weeds to conform to this chapter by all lawful means.

615.08 Liability.

- (A) The property owner is liable for all costs of removal, cutting or destruction of weeds as defined by this chapter.
- (B) The property owner is responsible for all collection costs associated with weed destruction, including but not limited to court costs, attorney’s fees and interest on any unpaid amounts incurred by the city. If the city uses municipal employees, it shall set and assign an appropriate per hour rate for employees, equipment, supplies and chemicals which may be used.
- (C) All sums payable by the property owner are to be paid to the City Administrator and to be deposited in a general fund as compensation for expenses and costs incurred by the city.
- (D) All sums payable by the property owner may be collected as a special assessment as provided by M.S. §429.101, as it may be amended from time to time.

Chapter 620 - Garbage

620.01 Containers. All garbage, rubbish and refuse accumulated on any premises shall be placed and maintained in plastic bags, containers or packaged or bundled in a manner so as to enable convenient pickup. Garbage, rubbish and refuse bags and/or containers provided by the owner, tenant, lessee or occupants of the premises shall be maintained in good, clean, neat and sanitary condition at all times. All garbage, rubbish and refuse bags and/or containers shall be used solely and only by that owner, tenant, lessee or occupant of the premises or commercial establishment as a receptacle.

620.02 Illegal Dumping or Depositing. It shall be unlawful for any person to deposit or dump any residential, commercial or large amount of garbage, rubbish, refuse or any other type of waste on any public or private property and/or in any commercial establishment dumpster, container or receptacle unless specifically authorized by the commercial establishment.

620.99 Penalty. Any person found in violation of this chapter is guilty of a misdemeanor and shall be punished as provided by §100.99.

Chapter 625 - Discharge of Firearms

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

- (A) “Bodily harm” means physical pain or injury, illness or any impairment of physical condition.
- (B) “Bows and arrows” or “bow and arrow” means any device or combination of devices designed to propel any arrow from a cord connecting the two ends of a bow by pulling on the cord, thus bending the bow and then releasing the cord; except it shall not mean devices of this type commonly interpreted to be toys.
- (C) “Dangerous weapon” means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing bodily harm, or any other device or instrument which, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm.
- (D) “Firearm” means any device from which is propelled any missile, projectile, bullet or other mass through a barrel by means of explosives, gas, air and/or spring devices, except that any device that discharges blank cartridges for a show or theater, for signal or ceremonial purposes in athletics or sports, or for use as a bird or animal repelling device shall not be considered a “firearm” for purposes of this subchapter.

625.02 Prohibited Activity.

- (A) It shall be unlawful to do the following:
 - (1) Recklessly handle or use a firearm, bow and arrow, dangerous weapon or explosive so as to endanger the safety of another;
 - (2) Intentionally point a firearm of any kind, whether loaded or unloaded, at or toward another;
 - (3) Possess any device or weapon known as a slingshot, slingshot, sand club, metal knuckles, switchblade knife, dagger, stiletto, dirk, blackjack, chain club, pipe club, Molotov cocktail, grenade, throwing star or similar device;
 - (4) Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; and
 - (5) Sell or have in possession any device designed to silence or muffle the discharge of a firearm.
- (B) Division (A) above shall not apply to the articles mentioned when they are carried or possessed as curiosities for their historical significance or value.

625.03 Discharge and Uses Prohibited. *Amended 2-10-11 ord #662*

- (A) Except in accordance with this subchapter, it shall be unlawful to discharge or use any firearm or bow and arrow within the corporate boundaries of the city.
- (B) Bows and arrows may be used on private property, or on school and city property in connection with an organized school or recreation class provided that the arrows used shall be equipped with blunt tips (also known as “field points” or “target arrows”).
- (C) Certain firearms, limited to shotguns, muzzle loaders, bow and arrow and cross bow may be discharged in the following locations within the City (hereinafter called “Permitted Discharge Areas”);
 - (1) On any approved firearms range or other location approved by the City Council for a special hunting program operating under a permit issued by the City Council.
 - (2) Within any county or regional park while participating under a permit or license in a special hunting program established by the county board.
 - (3) In any unplatted area approved by the City Council in accordance with the procedure described in sub-paragraph 4 of this section and identified by green cross-hatching on the map which is attached hereto and made a part hereof as if fully set out herein. (see Appendix F for map.)
 - (4) The City Council shall designate Permitted Discharge Areas by resolution after considering: (a) the proximity of the proposed area to adjacent areas zoned or used for residential or commercial purposes; (b) the proximity of the proposed area to schools, churches, parks and other places where people congregate; (c) the effect of both the noise of a discharge and the danger which a discharged projectile may pose to persons living, traveling, or legally present in or in proximity to the proposed area.
 - (5) Any Property Owner may petition to have his or her property included in, or excluded from the Permitted Discharge Area based upon the criteria described in sub-paragraph 4 of this section.
- (D) Except for discharge, this section intends neither to further restrict nor to permit what is restricted in M.S. §624.711 through 624.7181.
- (E) Under the conditions for discharge allowed in this section, it shall be unlawful for any person to be under the influence of alcohol, narcotics or any other drug when discharging a firearm or bow and arrow.
- (F) Nothing in this section shall be construed to include any discharge of any firearm or bow and arrow when done in the lawful defense of person, family, property or within the basement of a private residence.

- (G) Nothing in this section shall be construed to include any discharge of any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition when used for construction purposes.

625.04 Transportation Requirements.

- (A) It shall be unlawful to transport any firearm in a motor vehicle, airplane, snowmobile or boat unless the same is unloaded in both barrels and magazine and completely contained in a gun case expressly made for that purpose which is fully enclosed by being zipped, snapped, buckled, tied or otherwise fastened, with no portion of the firearm exposed, or unless unloaded and contained in the trunk of a car with the trunk door closed, except that pistols and revolvers may be transported when done in accordance with M.S. §§ 624.711 through 624.717.
- (B) It shall be unlawful to transport the following in a motor vehicle, airplane, snowmobile or boat:
 - (1) A bow and arrow unless unstrung, completely contained in a case or unless contained in the trunk of a car with the trunk door closed; or
 - (2) A muzzle loading firearm unless fully unloaded and completely contained in a gun case expressly made for that purpose which is fully enclosed by being zipped, snapped, buckled, tied or otherwise fastened with no portion of the firearm exposed, or unless unloaded and contained in the trunk of a car with the trunk door closed. A muzzle loading firearm with a flintlock ignition is fully unloaded if it has no priming powder in any pan and a muzzle loading firearm with percussion ignition is fully unloaded if it has no percussion cap on any nipple.

625.05 Possession by Minors.

- (A) Except in accordance with this section, it shall be unlawful for any person under the age of 16 years, unless accompanied by a parent or guardian, to have in his or her possession or under his or her control, any firearm for any purpose. For the purposes of this section, the word “guardian” is defined as legal guardian or any other person over the age of 18 years who has been selected by the parent or legal guardian to supervise the person under the age of 16 years while he or she has in his or her possession or under his or her control any firearm.
- (B) This section shall not apply to any person between the ages of 14 years and 16 years who has the certificate provided for in M.S. §97.81, or to any person participating in the course provided by the section to carry a properly encased and unloaded firearm to and from class and to handle the same during the instruction. Also, the person shall be allowed participation in organized target shooting programs conducted under qualified adult supervision.
- (C) It shall be unlawful for a parent or guardian to permit a child under 14 years of age to

handle or use outside of the parent's or guardian's presence, any firearm, any ammunition or any explosive.

- (D) It shall be unlawful for any person to furnish a minor under 18 years of age with any firearm, any ammunition, or any explosive without the written consent of the minor's parent or guardian.

625.06 Exception. This subchapter does not apply to law enforcement officers and members of the armed services of either the United States or the state for use in the course of their duties.

625.99 Penalty. Any person who violates any provision of this chapter shall be guilty of a gross misdemeanor or a felony. *Amended 6-9-11 ord #665*

Chapter 630 - Curfew

630.01 Purpose. This chapter is enacted to ensure the safety of our youths in public places in the late evening hours and early morning hours and to further provide accountability of the youths and their parent(s) for the youth activities in our community. M.S. § 412.221, Subd. 32, provides that the Council shall have power to provide for the government and good order of the city, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of residence, trade and commerce, and the promotion of health, safety, order, convenience and the general welfare by such ordinances not inconsistent with the constitution and laws of the United States or of this state as it shall deem expedient.

630.02 Title. This chapter shall be known and may be cited and referred to as the "Princeton City Curfew Ordinance."

630.03 Validity. Should any section or provision of this chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared invalid.

630.04 Jurisdiction. The jurisdiction of this chapter shall be city wide, including incorporated areas.

630.05 Interpretation. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the protection of the public safety and general welfare.

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

- (A) "Minor" means any individual who is under the age of 17 and has not been declared by a court of competent jurisdiction as being emancipated.
- (B) "Parent" means any individual who is 18 or older and is the birth or adoptive parent of the minor, or who has the legal custody of the minor as established by order of a court

of competent jurisdiction. This definition excludes individuals who are providing foster care as it is defined in M.S. § 260.015, subd. 7.

- (C) Unless specifically defined herein, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application. Words used in the present tense shall include the future; words in the singular shall include the plural; and the words “shall” and “must” are mandatory and not discretionary.

630.07 Minors Curfew.

- (A) **Curfew Hours and Locations.** It shall be unlawful for any minor who is unaccompanied by a parent or accompanied by an adult who does not have permission of the parent to be with the minor, to be present upon any public street, avenue, alley, park, playground or place open to the public, or place of amusement and entertainment, vacant lot or other unsupervised place in the city during the following hours:
- (1) If the minor is under the age of 16, between the hours of 10:00 p.m. of any day and 5:00 a.m. of the following day.
 - (2) If the minor is 16, between the hours of 12:00 a.m. and 5:00 a.m. of any day.
- (B) **Exceptions:**
- (1) In a motor vehicle involved in interstate travel.
 - (2) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop.
 - (3) Involved in an emergency.
 - (4) Attendance at an official school, religious or other recreational activity supervised by adults and sponsored by the City of Princeton, a civic organization, a local nonprofit or another similar entity that takes responsibility for the minor, and travel to and returning home from the qualifying activity, without detour or stop.

630.99 Penalties.

- (A) A person under the age of 17 may be charged with a misdemeanor under this chapter.
- (B) Any parent whose minor violates this provision shall be notified of all offenses at the address given by the minor or the last known address. Service by first class mail to the last known address or the address given by the minor shall be deemed notice to such parent. The parent shall be notified that if the minor incurs three or more curfew violations, then the parent shall be held subject to the penalties set forth herein.

- (C) A parent of a person under the age of 17 (minor) may be charged with a misdemeanor under this chapter.

Chapter 635 - Crimes on School Property

635.01 Unlawful Actions.

- (A) It shall be unlawful for any person to remain in a public or private school building or upon the grounds and office after being requested to leave the premises by the school principal or other person lawfully responsible for the control of the premises.
- (B) It shall be unlawful for any person, whether on or off school premises, willfully to annoy, disturb, interfere with or obstruct any classroom instruction teaching program or other school organization or assembly being conducted upon the premises of any public or private school.
- (C) It shall be unlawful for any person, whether on school property or on property contiguous to school property, to interfere with school bus loading and unloading or to obstruct school buses in their safe operation.

Penalty, see §635.99

635.99 Penalty. Any person violating any provisions of this chapter shall be guilty of a petty misdemeanor and, upon conviction thereof, shall be punished as provided in §100.99.

Chapter 640 - Open Burning

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

- (A) “Fire Chief, Fire Marshal and Assistant Fire Marshals” means the Fire Chief, Fire Marshal and Assistant Fire Marshals of the Fire Department which provides fire protection services to the city.
- (B) “Open burning” means the burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, duct or chimney, except a recreational fire, as defined herein. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers and propane or natural gas devices are not defined as “open burning.”
- (C) “Recreational fire” means a fire set with approved starter fuel no more than three feet in height, contained within the border of a “recreational fire site” using dry, clean wood; producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; for recreational, ceremonial, food

preparation for social purposes; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans and air quality so that nuisance, health or safety hazards will not be created. No more than one recreational fire is allowed on any property at one time.

- (D) “Recreational fire site” means an area of no more than a three-foot diameter circle (measured from the inside of the fire ring or border), completely surrounded by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile or blocks or ferrous metal only, and which area is depressed below ground, on the ground or on a raised bed. Included are permanent outdoor wood burning fireplaces. Burning barrels are not a “recreation fire site” as defined herein. “Recreational fire sites” shall not be located closer than 25 feet to any structure.
- (E) “Starter fuels” means dry, untreated or unpainted kindling, branches, cardboard or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution must be used to start an open burn.
- (F) “Wood” means dry, clean fuel only such as twigs, branches, limbs, “presto logs,” charcoal, cord wood or untreated dimensional lumber. The term does not include wood that is green with leaves or needles, rotten, wet, oil soaked or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut into three-foot lengths.

640.02 Prohibited Materials.

- (A) No person shall conduct, cause or permit open burning of oils, petro fuels, rubber, plastics, chemically-treated materials or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or glued wood composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint or paint fillers.
- (B) No person shall conduct, cause or permit open burning of hazardous waste or salvage operations, open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment or building material generated from demolition of commercial or institutional structures.
- (C) No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.
- (D) No person shall conduct, cause or permit open burning of any leaves or grass clippings.

Penalty, see §100.99

640.03 Permit Required for Open Burning. No person shall start or allow any open burning on any property in the city without first having obtained an open burn permit, except that a

permit is not required for any fire which is a recreational fire, as defined in §640.01.

Penalty, see §100.99

640.04 Purposes Allowed for Open Burning.

- (A) Open burn permits may be issued only for the following purposes:
- (1) Elimination of fire or health hazard that cannot be abated by other practical means;
 - (2) Ground thawing for utility repair and construction;
 - (3) Disposal of vegetative matter for managing forest, prairie or wildlife habitat and in the development and maintenance of land and rights-of-way where chipping, composting, land spreading or other alternative methods are not practical;
 - (4) Disposal of diseased trees generated on site, diseased or infected nursery stock or diseased bee hives;
 - (5) Disposal of unpainted, untreated, non-glued lumber and wood shakes generated from construction, where recycling, reuse, removal or other alternative disposal methods are not practical.
- (B) Fire training permits can only be issued by the Minnesota Department of Natural Resources.

Penalty, see §100.99

640.05 Permit Application for Open Burning; Permit Fees.

- (A) Applications for open burning permits shall be made on forms provided by the city and submitted at least ten days prior to the desired burn date. The Fire Chief or designee shall review the permit and may issue the permit in conformance with the provisions of this chapter. The Fire Chief or designee may set dates, times, and special conditions as a condition of the permit. The permit holder shall also obtain any required permit from the Department of Natural Resources.
- (B) An open burning permit shall require the payment of a fee. Permit fees shall be in the amount established from time to time by ordinance of the Council.

Penalty, see §100.99

640.06 Permit Process for Open Burning. Upon receipt of the completed open burning permit application and permit fee, the Fire Chief, Fire Marshal or Assistant Fire Marshals shall schedule a preliminary site inspection to locate the proposed burn site, note special conditions and set dates and time of permitted burn and review fire safety considerations.

640.07 Permit Holder Responsibility.

- (A) Prior to starting an open burn, the permit holder shall be responsible for confirming that no burning ban or air quality alert is in effect. Every open burn event shall be constantly attended by the permit holder or his or her competent representative. The open burning site shall have available, appropriate communication and fire suppression equipment as set out in the fire safety plan.
- (B) The open burn fire shall be completely extinguished before the permit holder or his or her representative leaves the site. No fire may be allowed to smolder with no person present. It is the responsibility of the permit holder to have a valid permit, as required by §§ 640.06 through 640.09, available for inspection on the site by the Police Department, Fire Department, MPCA representative or DNR forest officer.
- (C) The permit holder is responsible for compliance and implementation of all general conditions, special conditions and the burn event safety plan as established in the permit issued. The permit holder shall be responsible for all costs incurred as a result of the burn, including but not limited to fire suppression and administrative fees.

Penalty, see §100.99

640.08 Revocation of Open Burning Permit. The open burning permit is subject to revocation at the discretion of a police officer, the DNR forest officer, the Fire Chief, Fire Marshal or Assistant Fire Marshals. Reasons for revocation include but are not limited to a fire hazard existing or developing during the course of the burn, any of the conditions of the permit being violated during the course of the burn, pollution or nuisance conditions developing during the course of the burn or a fire smoldering with no flame present.

Penalty, see §100.99

640.09 Denial of Open Burning Permit. If established criteria for the issuance of an open burning permit are not met during review of the application, it is determined that a practical alternative method for disposal of the material exists, a pollution or nuisance condition would result or if a burn event safety plan cannot be drafted to the satisfaction of the Fire Chief, Fire Marshal or Assistant Fire Marshals, these officers may deny the application for the open burn permit.

640.10 Burning Ban or Air Quality Alert. No recreational fire or open burn will be permitted when the city or DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an Air Quality Alert.

Penalty, see §100.99

640.11 Rules And Laws Adopted by Reference. The provisions of M.S. §§ 88.16 to 88.22 and the *Minnesota Uniform Fire Code*, Minn. Rules Ch. 1510, as these statutes and rules may be amended from time to time, are hereby adopted by reference and made a part of this chapter as if fully set forth at this point.

640.12 Burning.**(A) Outdoor Fires/Recreational Fires.**

- (1) **Outdoor Fires.** No person shall build, ignite or maintain any outdoor fire of any kind or character, or for any purpose whatsoever, in or upon any hazardous fire area, except by the authority of a written permit from the Princeton Fire Chief. Such a permit shall incorporate such terms and conditions which will reasonably safeguard public safety and property. Regardless of permit, however, no person shall build, ignite or maintain any outdoor fire in or upon any hazardous fire area under the following conditions:
 - (a) When any high wind is blowing (exceeding 15 mph); or
 - (b) When there is no person aged 18 or older, who is capable of tending such fire, present at all times to watch; or
 - (c) Such times as public announcement is made that there shall be no open burning.

- (2) **Recreational Fires.**
 - (a) No permit will be required for outdoor fires within habited premises or designated campsites where such fires are built in a permanent barbecue, portable barbecue, outdoor fireplace, grill or a fire pit not to exceed three feet in diameter and 30 inches in height. A fire pit shall have a perimeter of which shall consist of rock, brick or other noncombustible material and shall be a minimum of 15 feet from any structure, brush, tall grass or other similar combustible material.
 - (b) Recreational fires must be at least ten feet from any property line that abuts another private property or public property which contains public facilities, a minimum of 30 feet from any tall grass, grain, brush or other similar combustible material.
 - (c) Recreational fires must be attended by a person at all times.
 - (d) Water, sand or other material or device to extinguish the recreational fire must be readily available at all times.
 - (e) Recreational fires must be extinguished to the point of being cold before being left unattended.

- (3) **Grilling, Barbequing and the Like.** No person shall use any permanent barbecue, portable, barbecue, outdoor fireplace, grill or fire pit for the disposal of leaves, garbage, cleanings, rubbish, trash, litter, organic waste, animal residue, tires, treated, painted, varnished or other coated lumber, green or fresh cut wood, or other solid or combustible waste material.

(B) Incinerators and Fireplaces.

- (1) No person shall build, install, or maintain any incinerator, outdoor fireplace, permanent barbecue or grill in any hazardous fire area without first securing written approval of the Princeton Fire Chief.
- (2) Every incinerator, outdoor fireplace, permanent barbecue or grill shall be maintained in good repair and in a safe condition at all times. All openings in any such appliance shall be provided with an approved spark arrester, screen or door. If required for their property functioning, barbecues and grills may be approved with certain openings left unprotected.
- (3) External Solid fuel-fired heating devices
 - (a) Definition of terms
 - a. “External solid fuel-fired heating device” means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, solid fuel-fired cooking stoves, combination fuel furnaces or boilers which burn solid fuel, and outdoor wood burning stoves or units. Solid fuel-fire heating devices do not include outdoor grills, fire rings, fireplaces or interior natural gas-fired fireplace logs or wood-burning fireplaces, wood stoves or similar devices located in the interior of a dwelling.
 - b. “Stacks” or “chimney” means any vertical structure incorporated into a building, or upon an outdoor solid fuel-fired heating device, and enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such a structure extending above a roof.
 - c. “Person” means an individual, partnership, corporation, company or other association.
 - (b) Requirements - Outdoor wood-burning furnaces or solid fuel-fired heating devices designed and intended, and/or used, for the purpose of heating the principal structure or another accessory structure on the premises may be allowed to be installed within the City of Princeton only after this issuance of an Interim Use Permit pursuant to the process outlined in the City of Princeton’s Zoning Ordinance.
 - (c) Non-conforming use
 - a. The lawful use of any existing wood-burning unit or solid fuel-fired heating device existing at the time of the effective date of this ordinance may be continued, although such use may not conform to the

provision of this ordinance.

- b. No pre-existing, non-conforming wood-burning unit or solid fuel-fired heating device shall hereafter be extended, enlarged, or expanded.
- c. At such time as the useful life of a non-conforming wood-burning unit or solid fuel-fired heating device has elapsed or would need to be repaired to function properly, the unit cannot be replaced and must be abandoned, not used, and removed from the property immediately.
- (d) Officers and Enforcement - City Building Inspector, Zoning Administrator, Fire Chief, Police Chief and/or their designees, or designated officials shall enforce the provisions of this sub-paragraph.

(C) Bonfires and Rubbish Fires.

- (1) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - (a) A “bonfire” means a fire larger than three feet in diameter and 30 inches in height.
 - (b) “Rubbish” means useless or rejected construction debris including waste material from the construction or demotion of buildings.
- (2) A permit is required to kindle or authorize the kindling or maintenance of bonfires or rubbish fires.
- (3) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless:
 - (a) The location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure; or
 - (b) The fire is contained in an approved waste burner located safely not less than 15 feet from any structure.
- (4) Bonfires and rubbish fires shall be constantly attended by a competent person until the fire is extinguished. This person shall have a garden hose connected to a water supply or other fire-extinguishing equipment readily available for use.
- (5) The Fire Chief may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

(D) Additional Requirements.

- (1) **Hours of Burning.** Waste matter shall not be disposed of by burning except as follows:
 - (a) All burning shall take place during hours approved by the Princeton Fire Chief.
 - (b) Recreational fires shall not be allowed to burn for more than four consecutive hours in one day unless a garden hose and water supply or other fire-extinguishing equipment is on hand and a competent person is in constant attendance until all fire has been extinguished.
 - (c) Burning shall be confined to incinerators. **EXCEPTION:** All burning shall be done in an approved incinerator, except that outdoor burning of combustible waste matter other than paper may be done in the open if:
 1. A permit to engage in such burning is obtained from the Princeton Fire Chief.
 2. Such burning is done at a distance of more than 50 feet from any building, structure or other combustible waste matter.
 3. A garden hose and water supply or other fire-extinguishing equipment is on hand and a competent person is in constant attendance until all fire has been extinguished. Applicants for such permit must be in legal control of the lot or parcel of land on which the burning is to be done.
- (2) **Offensive Smoke and Odors.** Waste matter shall not be burned, under permit or otherwise, which shall, in burning, cause or create a dense smoke, odor, noxious fumes, gas and soot or cinders in unreasonable quantities.
- (3) **R-1 Occupancy Deck, Balcony or Patio Fire or Barbecues.**
 - (a) No person shall kindle, maintain, or cause any fire or open flame on any R-1 Occupancy deck or balcony above ground level or a combustible ground floor patio immediately adjacent to or within 15 feet of any unit except for the use of an attended propane barbecue grill.
 - (b) No person shall store any charcoal lighter fluid, liquid fuel, kerosene or other similar heating or lighting chemicals on deck or similar combustible surface.
- (4) **Attendant for Fire.** Except in an approved incinerator, every bonfire, campfire or burning of combustible waste matter shall be constantly attended by a competent person and shall be completely extinguished before being left alone.
- (5) **Fire Hazard Prohibited.** A person shall not construct, erect, install, maintain

or use any incinerator or barbecue pit or so burn any combustible material as to constitute or occasion a fire hazard by the use or burning thereof or as to endanger the life or property of any person hereby.

- (6) **Items Not Allowed to Burn.** Items which are not allowed to be burned include: paper (except when used as a starter), tarpaper, roofing, shingles, tires, garbage, paint, varnish, stains, chemicals, cleaning supplies or petroleum based products.
- (7) **Starting Fires; Conditions.** If conditions, including weather, are not right, fires should not be started.

(E) **Responsibility for Enforcement.**

- (1) The Princeton Fire Chief shall be primarily responsible for the administration and enforcement of this code. Under his or her direction, the Fire Department shall enforce all ordinance of the jurisdiction pertaining to:
 - (a) The prevention of fires;
 - (b) The suppression or extinguishing of dangerous or hazardous fire;
 - (c) The storage, use and handling of explosive, flammable, combustible, toxic, corrosive and other hazardous gaseous, solid and liquid materials;
 - (d) The installation and maintenance of automatic, manual and other private fire alarm systems and fire-extinguishing equipment;
 - (e) The maintenance and regulation of fire escapes;
 - (f) The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction;
 - (g) The means and adequacy of each exit in the event of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters and all other places in which people work, live or congregate from time to time for any purpose; and
 - (h) The investigation of the cause, origin and circumstances of fire.
- (2) The Princeton Fire Chief and designated members of the Princeton Fire Department shall have the powers of a police officer in performing their duties under this code. Further, members of the Princeton Police Department are also authorized to issue citations or levy administrative fines under this code.
- (3) The Princeton Fire Chief shall have the authority to stipulate conditions as he

deems necessary in all permits. If, in his or her judgment, public safety would be better served, he or she may refuse to issue any such permit.

- (F) **Penalty.** Any person violating the provisions of this chapter shall be guilty of a petty misdemeanor. Each day a violation exists shall be a separate violation. In all cases, the violator may be held accountable for the costs of prosecution and the cost incurred from suppression of the fire.

Chapter 645 - Other Nuisances

645.01 Assembly. No person or group of persons shall assemble or cause others to assemble on any sidewalk, street, alley or parking lot generally open to the public so as to obstruct the free passage of pedestrians or vehicular traffic thereon or to interfere with the use thereof.

645.02 Loitering. It shall be unlawful for any person, individually or as a member of any group of persons, to loiter, stand, sit, lay or remain upon or within any street, sidewalk, crosswalk, alley or parking lot generally open to the public or other public way or otherwise occupy any portion thereof with the intent or purpose to block, obstruct or interfere with the free passage of any pedestrians thereon or the orderly free-flow of vehicle traffic on the street or public way.

Penalty, see §100.99

645.03 Freedom of Speech and Assembly Retained. Sections 645.01 through 645.02 shall not be interpreted to restrict the lawful exercise of freedom of speech and assembly.

645.04 Penalty. Violation of §645.01 through 645.03 constitutes a petty misdemeanor, punishable as provided by § 100.99.

645.05 Motor Vehicle Noise.

(A) For the purposes of this section, the following phrases are defined as follows:

- (1) “Engine retarding brake” means a dynamic brake, Jake break, Jacobs brake, C-brake, Paccar brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.
- (2) “Abnormal or excessive noise” shall mean:
 - (a) Distinct and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property’s value;
 - (b) Noise in excess of that permitted by M.S. § 169.69, as it may be amended from time to time, which requires every motor vehicle to be equipped

with a muffler in good working order; or

- (c) Noise in excess of that permitted by M.S. § 169.693 and Minn. Rules parts 7030.1000 through 7030.1060, as this statute and these rules may be amended from time to time, which establish motor vehicle noise standards.
- (B) It shall be unlawful for any person to discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with all applicable state laws and regulations.
- (C) It shall be unlawful for the operator of any truck to intentionally use an engine retarding brake on any public highway, street, parking lot or alley within the city which causes abnormal or excessive noise from the engine because of an illegally modified or defective exhaust system, except in an emergency.
- (D) M.S. §169.69 and 169.693 (motor vehicle noise limits) and Minn. Rules parts 7030.1000 through 7030.1050, as these statutes and rules may be amended from time to time, are hereby adopted by reference.
- (E) Signs stating “Vehicle Noise Laws Enforced” may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this section, except that no sign stating “Vehicle Noise Laws Enforced” shall be installed on a state highway without a permit from the Minnesota Department of Transportation. The provisions of this section are in full force and effect even if no signs are installed.

Penalty, see §100.99

Chapter 650 - Fireworks

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

- (A) “Fireworks” will have the same definition as contained in M.S. §624.20; that being:
 - (1) The term “fireworks” means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges, toy cannons and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers other than those specified in division (A)(3) below, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks.

- (2) The term “fireworks” shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture.
- (3) The term also does not include wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes and glow worms, smoke devices or trick noisemakers which include paper streamers, party poppers, string poppers, snappers and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture. The use of items listed in this paragraph is not permitted on public property. This paragraph does not authorize the purchase of items listed in it by persons younger than 18 years of age. The age of a purchaser of items listed in this paragraph must be verified by photographic identification.
- (4) The term “explosive fireworks” means any fireworks that contain pyrotechnic or flash powder, gunpowder, black powder or any other explosive compound constructed to produce detonation or deflagration.

650.02 Permit Required. No person shall sell or possess for sale fireworks without first having an annual permit from the city.

- (A) The designated Fire Official shall give final approval or denial of an application for the manufacture, storage for commercial purposes or sale of fireworks within 30 days of such application being made to the city.
- (B) Permits shall be issued for the calendar year applied for and shall be issued on May 1st.
- (C) Prior to processing the application, a criminal records check shall be conducted. Neither the applicant(s) nor the responsible parties for the permit shall have been convicted of a felony or a fire or fireworks-related misdemeanor within the last three years. All information resulting from said Minnesota Computerized Criminal History Check will be maintained at the Princeton Police Department.
- (D) Prior to processing the application, the designated Fire Official shall determine that the proposed location is code compliant.
- (E) The applicant shall include a letter from the person legally responsible for the property on which the fireworks related activity would occur. The letter shall grant permission to the applicant for the use of the property.

650.03 Sales and Storage of Fireworks.

- (A) No person shall sell or store fireworks within 100 feet of any fuel dispensing apparatus. Fireworks sales and display shall not be permitted within malls, within buildings where alcohol is sold, and within assembly areas such as halls, theaters, churches or schools. The designated Fire Official shall determine compliance.
- (B) It shall be unlawful for any seller of any fireworks to permit smoking at any site containing fireworks. "No Smoking" signs must be conspicuously posted and approved and fire extinguishers must be available for use.
- (C) In buildings that do not have an approved automated sprinkling system, retail sales displays of fireworks shall be limited to a gross weight of 400 pounds of fireworks and packaging. In buildings that do contain an approved automated sprinkling system, the amount of fireworks contained in retail sales displays shall be a maximum of 1,000 gross pounds of fireworks and packaging.
- (D) The requirements of this chapter are in addition to any requirements imposed by any building and zoning regulations, fire codes or state law.
- (E) Only persons 18 years of age or older may purchase fireworks and the age of the purchaser must be verified by photographic identification.
- (F) Exterior storage, display, sales or transient sales of fireworks are permitted subject to a site plan review. Site plans shall be submitted for review and approval a minimum of 30 days before display. A distance of 100 feet shall be provided from the exterior display to adjacent buildings, combustibles or flammable liquids. No manufacturing, sales or storage for commercial purposes shall occur on residentially zoned property or properties used for educational purposes or assemblies.
- (G) A list of all consumer fireworks displayed for sale and stored on the property shall be available at all times. The list shall document the name, weight and quantity of the fireworks and be accompanied by the material safety data sheets.
- (H) Manufacturing, warehouse buildings or sale displays in excess of the quantities listed in division (C) above for retail consumer fireworks shall be classified as an H occupancy as defined in the Building Code and protected as such, similar to explosives and aerosols and in accordance with Explosives Article 77 of the Fire Code.
- (I) A handout describing fireworks shall be provided to each consumer purchasing fireworks.

650.04 Use and Possession.

- (A) It is unlawful to use, fire or discharge any fireworks along the route of and during any parade, in any place of public assembly, on any public property, or in any commercial/industrial zoning district, except as provided in § 650.05, in accordance with M.S. §§ 624.2 through 624.25.

- (B) It is unlawful at any time to throw, toss or aim any fireworks at any person, animal, vehicles or other thing or object, or used in any manner that may threaten or cause possible harm to life or property.
- (C) The discharge of fireworks shall be prohibited inside a building and within 15 feet of any building.
- (D) The Fire Official may ban fireworks if dry or windy conditions occur.
- (E) Juveniles may not possess fireworks unless under the direct supervision of a responsible adult.
- (F) Fireworks may not be discharged in such a manner that may create a nuisance nor between the hours of 12:00 a.m. to 7:00 a.m. Fireworks use shall also be subject to any additional ordinances such as noise and/or assembly.

650.05 Fireworks Displays.

- (A) Fireworks displays by the city, Fair Association or other organizations, are allowed in accordance with M.S. §624.2 through 624.25.
 - (1) A fireworks display may be conducted only when supervised by an operator certified by the state's Fire Marshal.
 - (2) An application for a permit must be made in writing to the Municipal Clerk at least 15 days in advance of the date of the display.
 - (3) After a permit has been granted, sales, possession, use and distribution of fireworks for a display are lawful for that purpose only. A permit is not transferable.

650.99 Penalties.

- (A) Materials that violate and/or pose a threat to public safety may be confiscated and destroyed. Costs associated with disposal shall be assessed back to the property owner or permit holder.
- (B) Violations of this chapter or state statute may result in revocation of the permit.
- (C) Any person violating the provisions of this chapter shall be guilty of a misdemeanor. Each incident shall be a separate violation.

Chapter 655 –Nuisances Caused by Sound

- 655.01** It is declared to be a public nuisance for any person to make or assist in the making of any nuisance noise or any loud, unnecessary or unusual sound or any sound which annoys, dis-

turbs, or affects the comfort, repose, health, peace, or safety of others in the city.

655.02 Nuisance Noises. The following are declared to be nuisance noises:

- (A) **Horns or Sirens.** The sounding of any siren or any horn, siren, or other signaling device on a motor vehicle, except in cases of eminent danger or emergency, or blowing of a locomotive whistle or steam whistle, except to give notice of the time to begin or stop work or as a warning of fire or danger.
- (B) **Radios, Stereos, Tape Recorders, Etc.** The use or operation of a radio receiving set, musical instrument, phonograph, stereo, tape recorder, or other machine or device used for production or reproduction of sound at a volume in excess of that reasonably necessary for the convenient hearing of the person or persons in the room, vehicle, or changer in which the same is being operated.

The operation of any radio receiving set, musical instrument, phonograph, stereo, tape recorder, or other machine or device for the reproducing or producing of sound between 11:00 pm. and 7:00 a.m. shall be prima facie evidence of a violation of this ordinance if sound therefrom is plainly audible:

1. In an apartment or hallway of a multi-family building adjacent to the unit where the device is operating.
 2. At the boundary of the real property on which the device is operated.
 3. At a distance of 50 feet from any motor vehicle in which the device is operating.
- (C) **Loudspeakers, Amplifiers, Sound Trucks.** The use or operation of any loudspeaker, sound amplifier, sound truck, or vehicle equipped with sound amplifying devices or other machine or device for the producing or reproducing of sound which is used to attract the attention of the public to any building, structure, business, vehicle, or other area.
 - (D) **Human Noise.** Yelling, shouting, screaming, whistling, or singing at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any office, dwelling, hotel, motel, other place of residence, or in the vicinity of the source.
 - (E) **Animal Noises.** The frequent or continued barking, howling, or other noise from any animal or bird not confined within a building.
 - (F) **Vehicle Loading and Exhaust.** The discharge of the exhaust of any motor vehicle into the ambient air except through a muffler which is free of holes, cracks, or other defects. The operation, loading, or unloading of any motor vehicle in such manner as to create loud and unnecessary grinding, rattling, or other noise which shall disturb the comfort or repose of any persons in the vicinity.
 - (G) **Construction Activities.** The erection, demolition, alternation, or repair of any build-

ing or earth moving or excavation activities occurring between the hours of 9:00 p.m. and 6:00 a.m. Monday through Saturday or on Sunday except as undertaken by persons working on single family residences occupied by them or as authorized by the building official based upon emergency for the protection of health and safety.

- (H) **Schools, Courts, Churches, and Hospitals.** Any activity which generates sound occurring adjacent a school, court, church, or hospital while the same are in use and which unreasonably interferes with the use thereof.
- (I) **Loud Parties.** Sound emanating from any party or gathering between the hours of 11:00 p.m. and 7:00 a.m. of a sufficient volume so as to disturb the peace, quiet, or repose of other persons within the city.

It shall be prima facie evidence of a violation of this ordinance if the sound of the party or gathering is audible to a human ear at a distance of 50 feet from the building, dwelling unit, or area from which the sound emanates.

655.03 Persons Liable

Any person who participate in a party or gather which generates nuisance noise shall be guilty of maintaining a public nuisance. In the event that any party or gathering is determined by a city official to generate nuisance noise, all persons, except the owner or permanent occupant, shall promptly leave the premises in an orderly manner.

A violation of this ordinance shall be deemed to be the act of the owner of the residential dwelling unit wherein it occurs, as well as the persons on the premises who violate the ordinance, except that the owner of a dwelling unit occupied by others shall be liable only for those violations occurring after a written notice of violation of this ordinance shall have been received.

- 655.04. Exceptions.** Activities for which a permit has been obtained from the City and activities coordinated through the Princeton Area Chamber of Commerce, Mille Lacs County Fairgrounds, and/or Princeton Speedway and approved by the City shall be exempt from this Ordinance, provided that such activities are limited to those activities reasonably within the scope of the City's permit or approval.

- 655.05 Penalty.** Any person violating the provisions of this chapter shall be guilty of a petty misdemeanor and shall be punished as provided by §100.99.

Chapter 660 – Hours of Operation for City Parks and Recreation Facilities

660.01 Definitions.

Park – City owned real estate purchased or dedicated for use by the public for recreation or leisure activities.

Recreation Facilities – City owned buildings or equipment purchased, constructed, leased, or

dedicated for use by the public for recreation or leisure activities.

660.02 Hours of Operation

- (A) All city park and recreation facilities shall be open and available for public use from sunrise until 10:00 p.m., at which time they shall be closed to all people and activities.
- (B) The following exceptions are hereby made:
 - (1) **Riverside Park** – open at sunrise; close at 10:00 p.m., except that overnight camping in the campground is permitted.
 - (2) **Triangle Park** - open at sunrise; close at 10:00 p.m., except that overnight camping in the campground is permitted.
 - (3) **Mark Park** – open at sunrise, close at 10:00 p.m., except to accommodate league softball and baseball games only.
 - (4) **Civic Center** – by reservation and payment of rent, open at sunrise and close at 1:00 a.m.

660.99 Penalty. Any person violating the provisions of this chapter shall be guilty of a petty misdemeanor and shall be punished as provided by §100.99.

Chapter 665 –Alcoholic Beverages in Riverside Park and Campground

665.01 Definitions. *Amended 10-25-12 ord #693*

“Alcoholic Beverage” – Any liquid for drinking which contains any part alcohol, whether it be intoxicating or non-intoxicating.

“Riverside Campground” – That area of publicly owned property south of 3rd street North, East of Rum River Drive, North of 2nd Street North and west of the Rum River.

“Riverside Park” – That area of publicly owned property south of Minnesota State Highway 95, east of Rum River Drive, north of 3rd Street North, and west of the Rum River.

“Display” – To place in view, exhibit, or show to the public an object in such a manner as one does not have to go out of one’s way, strain, or maneuver into position to see said object.

665.02 Prohibition. The consumption and/or possession of alcoholic beverages or container shall at all times be prohibited in Riverside Park but shall be allowed from noon until 10 p.m by registered campers in the Riverside campground. *Amended 10-25-12, ord #693*

665.99 Penalty. Any person violating the provisions of this chapter shall be guilty of a petty misdemeanor and shall be punished as provided by §100.99.

Chapter 670 – Peddlers, Hawkers, Solicitors, Transient Merchants, and Food Vendors

Amended 9-11-14 #712

670.01 Purpose. The purpose of this chapter is to regulate and control the conduct of selling goods and merchandise in any manner where the sale or solicitation does not occur within a building, store, or structure or outside of a structure on property owned or leased by a business entity and properly zoned for commercial uses. The purpose of this chapter is also not to regulate sales at craft shows, flea markets, farmer’s market, trade shows, fairs or similar events sponsored by a bone fide civic group, club or organization being held on non-public property. Similar events being held on public municipal property must have the prior permission of the City Council. This chapter does not regulate personal and household effects sold at a “garage” or estate sale held at or in a residential property which is regulated under Ordinance 550.

670.02 Definitions. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this section, the following definitions shall apply.

1. “Door-To-Door Advocacy” - includes door-to-door canvassing and pamphlet-
eering as a method for the dissemination of religious, political and other ideas.
2. “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 have the same meaning as the term hawker.
3. “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.
4. “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.
5. “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, mer-

chandise, other personal property or services of which the person 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 section if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. The term shall have the same meaning as the term "canvasser."

6. "Transient Merchant" - a person who temporarily sets up business to sell or purchase out of a vehicle, trailer, boxcar, tent, hotel/motel, other portable shelter, or empty storefront 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 The purpose of this chapter is also not to regulate sales at craft shows, flea markets, farmer's market, trade shows, fairs or similar events sponsored by a bone fide civic group, club or organization being held on non-public property. Similar events being held on public municipal property must have the prior permission of the City Council. consecutive days.
7. "Bone Fide Civic Group, Club or Organization" - A charitable, civic, educational or political organization with offices in the Princeton area and which primarily serves the greater Princeton area with its services.

Exceptions to Definitions.

- A. For the purpose of the requirements of this Section, 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 is personally known by the person being solicited or who is first contacted by the person being solicited.
- B. 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, flea market, farmer's market or festival, shall be exempt from the definitions of PEDDLERS, SOLICITORS, and TRANSIENT MERCHANTS, as shall any person 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 Section shall not excuse any person from complying with any other applicable statutory provision or local ordinance.

- C. Nothing in this section prohibits or restricts door-to-door advocacy. Persons engaging in door-to-door advocacy are not required to register as solicitors under section 670.06 of this Section.

670.03 Licensing; Exemptions.

- A. City License Required.** Except as otherwise provided for by this section, no person shall conduct business as either a peddler or a transient merchant without first obtaining a license from the City. This license is nontransferable. Solicitors need not be licensed, but are required to register under Subdivision 6 of this Section.

- B. Application.** Application for a city license to conduct business as a peddler or transient merchant shall be made sufficiently prior to when the applicant wishes to begin conducting business such that the application can be thoroughly processed. Application for a license shall be made on a form approved by the City Council and available from the office of the City Clerk. All applications shall be signed by the applicant and shall include the following information:

1. Applicant's full legal name and date of birth;
2. All other names under which the applicant conducts business or to which the applicant officially answers;
3. A physical description of the applicant (hair color, eye color, height, weight, and distinguishing marks and features);
4. Full address and telephone number of applicant's permanent residence;
5. 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;
6. Full address and telephone number of applicant's regular place of business (if any);
7. The type of business for which the applicant is applying for a license and a general description of the items to be sold or services to be provided;
8. Whether the applicant is applying for an annual or daily license;
9. The dates during which the applicant intends to conduct business, and if the applicant is applying for a daily license, the number of days the applicant will be conducting business in the City (maximum 14 consecutive days);
10. 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;

11. Written permission of the property owner or the property owner's agent for any property to be used by a transient merchant;
12. A statement as to whether or not the applicant has been convicted within the last five years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statute or any local ordinance, other than traffic offenses;
13. A list of the three most recent locations where the applicant has conducted business as a peddler or transient merchant;
14. Proof of any required county, state or federal license;
15. A general description of the items to be sold or services to be provided;
16. The applicant's driver's license number or other acceptable form of identification;
17. 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;
18. All additional information deemed necessary and applicable by the City Council.
19. A photocopy of the driver's license for each and every member, officer, partner, associate, agent or employee engaged in the vender activity.

C. Fee. All applications for a license under this Section shall be accompanied by the fee established by ordinance.

D. Procedure. Upon receipt of the completed application and payment of the license fee, the City Clerk shall determine if the application is complete. An application is determined to be complete only if all required information is provided. If the City Clerk determines that the application is incomplete, the City Clerk shall inform the applicant what required information is missing. If the application is complete, the City Clerk shall order any investigation, including background checks, necessary to verify the information provided with the application. Upon completion of the background check, the City Clerk shall issue the license unless there are grounds for denying the license under Section 670.04 of this Section, in which case the Clerk must deny the license. If the City Clerk 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.

E. Duration. An annual license granted under this Section shall be valid for one calendar year from the date of issue. All other licenses granted under this Section shall be valid only during the time period indicated on the license.

F. License Exemptions.

1. 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, and religion, except that this exemption may be lost if the person's exercise of Constitutional rights is merely incidental to a commercial activity.
2. Professional fundraisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this Section.
3. No license shall be required of any person or group that is a tax exempt, transient merchant when it operates in an area of the City zoned as a Business District (B-1 through B-3) for one period, up to three days in length, per calendar year. Registration is still required pursuant to 670.06 of this Section.
4. Any person claiming to be exempt from the licensing or registration requirements of this section shall, when requested, present to the City Clerk proof of qualification for such exemption.

670.04 License Ineligibility. The following shall be grounds for denying a license under this Section:

- A. The failure of the applicant to obtain and show proof of having obtained any state or Federal license (if required).
- 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.

670.05 Suspension and Revocation.

- A. Generally. Any license or Certificate of Registration 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. Failure to exhibit the license or Certificate of Registration when requested to do so by any prospective customer or city employee.
4. Conviction of any offense for which granting of a license could have been denied under Subdivision 670.04 of this Section.
5. Violation of any provision of this section.

- 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 Section, the City shall provide the license holder with written notice of the alleged violations and inform the licensee of the 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 of this Subdivision, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the City Clerk 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 timeframe, a hearing shall be

scheduled within 20 days from the date of the request. Within three 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 Section, 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 Subparagraph D. of this Subdivision.

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

670.06. Registration. All solicitors, and any person exempt from the licensing requirements of this under Subdivision 670.03 of this Section, shall be required to register with the City. Persons engaging in door-to-door advocacy shall not be required to register. 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 Clerk shall issue to the registrant a Certificate of Registration as proof of the registration. Certificates of Registration are nontransferable.

670.07. Prohibited Activities. No peddler, solicitor or transient merchant shall conduct business or otherwise behave in any of the following manners:

- A. Calling attention to the business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by the use of a loudspeaker system, 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 8:00 a.m. or after 9:00 p.m.
- E. Failing to provide proof of identification and license or Certificate of Registration, when requested; or using the license or Certificate of 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 or transient merchant shall claim to have the endorsement of the City solely based on the City having issued a license 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.

670.08. 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 with print of at least 48 point in size stating “No Peddlers,” “No Solicitors,” “No Transient Merchants,” “Peddlers and Solicitors 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.

670.09 Severability. In the event any portion of this chapter is hereafter declared or held to be invalid, that shall not affect the remaining provisions of this chapter which shall remain in full force and effect.

670.99. Enforcement and Penalties.

A. It shall be the duty of the Princeton Police Department to require any person observed in peddling, hawking, or soliciting, and who is not known by such officer to have obtained a license hereunder, to produce said license and to enforce the provisions of this ordinance against person found to be violating the same.

B. Any person failing to exhibit his license when requested by the Princeton Police Department or any officer thereof shall be guilty of a misdemeanor.

C. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Chapter 675- Alcoholic Beverages in Mark Park Softball Field Areas

675.01 Definitions.

Mark Park Softball Field Areas – that area within 75’ (seventy five feet) of the Concession Stand and the fenced in area for softball play.

675.02 Prohibition. The consumption and/or possession of alcoholic beverages or containers and/or food items not purchased from the concession stand shall be prohibited in the Mark Park Softball Field areas during those times when the concession stand is open.

675.99 Penalty. Any person violating the provisions of this chapter shall be guilty of a petty misdemeanor and shall be punished as provided by §100.99.

Chapter 685 Adult Establishments

685.01: Authority. The United States Supreme Court has ruled that sexually-explicit speech, including nude dancing, is entitled to some level of protection under the First Amendment to the United States Constitution. As a result, municipalities may not ban adult establishments. However, the Supreme Court has ruled that municipalities may adopt content-neutral zoning and licensing provisions to regulate and control the adverse secondary effects of adult establishments on the municipality.

685.02: Findings of the City Council of the City Of Princeton. The Minnesota Attorney General's Office and the cities of St. Paul, Alexandria, and Rochester, Minnesota, as well as Indianapolis, Indiana; Phoenix, Arizona; Los Angeles, California; Seattle, Washington, St. Croix County, Wisconsin; and Adams County, Colorado; have conducted studies of the impact of adult establishments on their respective communities. These studies have concluded that adult establishments have an adverse impact on the surrounding neighborhoods. Those impacts include increased crime rates, lower property values, increased transiency, neighborhood blight and potential health risks. The City Council of the City of Princeton is relying on such studies, recognizing that the same or similar adverse impacts could occur in a small city such as Princeton. The findings are based upon the experiences of other cities where such businesses have located. Based on these studies, the City Council of the City of Princeton adopts the following findings regarding the need to regulate adult establishments:

- (A) Adult establishments have adverse secondary impacts on the types set forth above.
- (B) The adverse impacts caused by adult establishments tend to diminish if adult establishments tend to diminish if adult establishments are governed by location and licensing requirements.
- (C). The City may adopt regulations to promote the public health, safety, morals and general welfare.
- (D). The public health, safety, morals and general welfare will be promoted by regulations governing adult establishments.
- (E). Adult establishments can contribute to increased criminal activity and police calls in the area in which they are located, taxing law enforcement services.
- (F). Adult establishments can be used as fronts for prostitution and other criminal activity. The experience of other cities indicates that the proper management and operation of such businesses can, however, minimize this risk.
- (G). Adult establishments can cause or contribute to public health problems by the presence of live adult entertainment in conjunction with food and/or drink on the same premises.
- (H). Many members of the public perceive areas within which adult establishments are located to be less safe than other areas that do not have such uses.

- (I). The adverse impact that adult establishments have on the surrounding area diminishes as the distance between populated areas and public gathering places and the adult establishments increases.
- (J). A reasonable licensing procedure is an appropriate mechanism to place the burden of reasonable regulation on the owners and the operators of the adult establishment. A licensing procedure will place an incentive on the operators to require that the adult establishment is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the City. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually-oriented business, fully in possession and control of the premises and activities occurring therein.
- (K). The fact that an applicant for an adult use license has been convicted of a sexually-related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this Ordinance.
- (L). The barring of individuals with sexually-related criminal convictions from the management of adult establishments for a period of years serves as a deterrent to and prevents conduct which may lead to the transmission of sexually-transmitted diseases.
- (M). The general health, safety, and welfare of the community is promoted by prohibiting nudity in adult establishments. This prohibition is based on concerns of potential adverse effects such as prostitution, the transmission of sexually-transmitted diseases, exposure to minors, obscenity and unsanitary conditions in public places.
- (N). Small cities and towns experience many of the same adverse impacts of adult establishments present in larger communities.

685.03: Purpose. It is the purpose of this Ordinance to regulate adult establishments to promote the health, safety, morals, and general welfare of the citizens of the Town and to establish reasonable and uniform regulations to:

- (A). Prevent criminal activity within the City;
- (B). To allow for efficient and effective law enforcement services in the City;
- (C). Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;
- (D). To locate adult establishments a suitable distance from residential areas, schools, parks and places of worship;
- (E). To provide a content-neutral, objective, licensing program that allows the City to monitor adult establishments for violations of building, health and criminal codes;

- (F). Prevent ownership of adult establishments by persons with prior, relevant criminal convictions.

685.04: Reasonable Opportunity. The provisions of this Ordinance do not prohibit adult establishments from having a reasonable opportunity to locate in the city. This Ordinance is not for the purpose of, nor is it intended to, impose a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is neither the intent nor effect of this Ordinance 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.

685.05: Definitions. For purposes of this Ordinance the terms defined in this section have the meanings given them.

- (A). "Adult Establishment."

- (1) any business that devotes a substantial or significant portion of its inventory, stock in trade, or publicly-displayed merchandise, or devotes a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives a substantial or significant portion of its gross revenues from items, merchandise, devices or other materials distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas; or
- (2) any business that engages in any Adult Use as defined in this section.

- (B). "Adult Use" means any of the activities and businesses described below:

- (1) "Adult Body Painting Studio." An establishment or business that provides the service of applying paint, ink, or other substance, whether transparent or non-transparent, to the body of a patron when the person is nude.
- (2) "Adult Bookstore." An establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, movies, or motion picture film if a substantial or significant portion of its inventory, stock in trade, or publicly-displayed merchandise consists of, or if a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) is devoted to, or if substantial or significant portion of its gross revenues is derived from items, merchandise, devices or materials that are distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
- (3) "Adult Cabaret." A business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on: (1) the

depiction of nudity, Specified Sexual Activities or Specified Anatomical Areas; or (2) the presentation, display, or depiction of matter that seeks to evoke, arouse, or excite sexual or erotic feelings or desire.

- (4) "Adult Companionship Establishment." A business or establishment that provides the service of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- (5) "Adult Conversation/Rap Parlor." A business or establishment that provides the services of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- (6) "Adult Health/Sport Club." A health/sport club that is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- (7) "Adult Hotel or Motel." A hotel or motel that presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
- (8) "Adult Massage Parlor/Health Club." A massage parlor or health club that provides massage services distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- (9) "Adult Modeling Studio." A business or establishment that provides live models who, with the intent of providing sexual stimulation or sexual gratification, engage in Specified Sexual Activities or display Specified Anatomical Areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted.
- (10) "Adult Motion Picture Arcade." Any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are used to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.
- (11) "Adult Motion Picture Theater." A motion picture theater that as a prevailing practice presents material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas for observation by patrons.
- (12) "Adult Novelty Business." An establishment or business that devotes a substantial or significant portion of its inventory, stock in trade, or publicly-displayed

merchandise or devotes a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives a substantial or significant portion of its gross revenues from items, merchandise, or devices that are distinguished or characterized by an emphasis of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas, or items, merchandise or devices that simulate Specified Sexual Activities or Specified Anatomical Areas, or are designed for sexual stimulation.

- (13) "Adult Sauna." A sauna that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, if the service provided by the sauna is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- (14) "Adult Steam Room/Bathhouse Facility." A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

(C). "Nude" or "Specified Anatomical Areas" means:

- (1) Human genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areola which are not completely and opaquely covered; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(D). "Specified Sexual Activities" means:

- (1) An act of sexual intercourse, normal or perverted, actual or simulated, including genital to genital, anal to 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; and
- (4) Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or 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.

(E). “Substantial or Significant Portion” means 25% or more.

(F). “Premises” means the licensed real property and all building and structures located on the real property.

685.06: Other Laws. No Adult Establishment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in the establishment that is prohibited by any ordinance of the City, the laws of the State of Minnesota, or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct that 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.

685.07: Existing Adult Establishments. Except as otherwise provided in this Ordinance, existing Adult Establishments must comply with all requirements of this Ordinance immediately upon its effective date.

685.08: Hours of Operation. No Adult Establishment shall be open to the public from the hours of 2:00 a.m. until 10:00 a.m. weekdays and Saturdays, any time after 2:00 a.m. on Sundays, or at any time on holidays as defined in Minn. Stat. § 645.44.

685.09: Business Operations. Adult Establishments are subject to the following business regulations.

- (A). **Off-site Viewing Prohibited.** An Adult Establishment must prevent off-site viewing of its activities or merchandise or any materials depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.
- (B). **Liquor Sales Prohibited.** Adult Establishments shall not sell or dispense intoxicating liquor or 3.2 percent malt liquor nor shall the Adult Establishment be located in a building or on a premises that contains a business that sells or dispenses intoxicating liquor or 3.2 percent malt liquor.
- (C). **Liquor Consumption Prohibited.** The sale and consumption of alcohol is prohibited on the premises of an Adult Establishment, including, but not limited to, any parking areas or lots that are owned or leased by the Adult Establishment or its owner, or used by patrons when they are at the Adult Establishment.
- (D). **Entrances Visible.** All entrances to an Adult Establishment, with the exception of emergency fire exits, that are not useable by patrons to enter the business, shall be visible from a public right-of-way.
- (E). **Layout.** The layout of any display areas shall be designed so that the management of the Adult Establishment and any law enforcement personnel inside the store can ob-

serve all patrons while they have access to any activities or merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, or any other material, or any live dancers or entertainers.

- (F). **Illumination.** Illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.
- (G). **Signs.** Signs for Adult Establishments shall not contain representational depiction of an adult nature or graphic descriptions of the adult theme of the operation. An Adult Establishment must prominently display at the entrance of the business no more than two feet from the door-opening device of the establishment, at eye level, a sign that states “This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter.” The sign must contain letters between three-eighths (3/4) inch and two (2) inches in height.
- (H). **Access by Minors.** No minor shall be permitted on the premises of an Adult Establishment. Adult goods or materials may not be offered, sold, transferred, conveyed, given or bartered to a minor, or displayed in a fashion that allows them to be viewed by a minor, whether or not the minor is on the licensed premises.
- (I). **Additional Conditions for Adult Cabarets.** The following additional conditions apply to adult cabarets:
 - (1) No dancer, live entertainer or performer shall be under 18 years old.
 - (2) All dancing or live entertainment shall occur on a platform intended for that purpose and which is raised at least two feet from the level of the floor.
 - (3) No dancer or performer shall fondle, caress, or touch any patron and no patron shall fondle, caress, or touch any dancer or performer.
- (J). **No Nudity.** No person may be nude on the premises of any Adult Establishment.

685.10: License Required. It is unlawful for any person or entity to own, lease, rent, manage or operate an Adult Establishment without a valid license issued by the City of Princeton pursuant to this Ordinance.

685.11: Existing Businesses. Within ten (10) working days of the effective date of this Ordinance, any existing Adult Establishment must apply for a license from the City. Failure to apply for a license is a violation of this Ordinance and is subject to penalty under section 685.33.

685.12: Application for License. An application for a license must be made on a form provided by the City. The completed application must contain the following information:

- (A). **All applicants.** For all applicants:
 - (1) Whether the applicant is a natural person, corporation, partnership, or other form of organization.
 - (2) The legal description of the premises to be licensed, along with a sketch or diagram showing the 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.

- (3) The name and street address of the business. If the business is to be conducted under a designated name, or style other than the name of the applicant, a certified copy of the certificate required by Minn. Stat. § 333.01 shall be submitted.
- (4) Whether the applicant has had a previous Adult Establishment license suspended or revoked.
- (5) 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 the applicants in paragraph B of this section.

(B). **Applicants who are natural persons.** If the applicant is a natural person:

- (1) The name, place, and date of birth, street, city and mailing address, and phone number of the applicant.
- (2) 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.
- (3) The street and city addresses at which the applicant has lived during the preceding two years.
- (4) The type, name, and location of every business or occupation in which the applicant has been engaged during the preceding two years and name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding two years.
- (5) Whether the applicant has ever been convicted of a gross misdemeanor or felony relating to sex offenses, obscenity offenses, or Adult Establishments.
- (6) 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 the applicants in paragraph B of this section.

(C). **Applicants that are partnerships.** If the applicant is a partnership:

- (1) The name(s) and address(es) of the partnership, the name(s) and address(es) of all partners and all of the information concerning each partner that is required of

applicants in paragraph (b) of this section.

- (2) Whether the partnership is general or limited.
 - (3) 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 Minn. Stat. § 333.01, a certified copy of the certificate shall be attached to the application.
 - (4) 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 the applicants in paragraph B of this section.
- (D). **Corporate or other applicants.** If the applicant is a corporation or other organization:
- (1) The name of the corporation or business form, and if incorporated, the date and state of incorporation.
 - (2) A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement and Bylaws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority as required by Minn. Stat. § 303.06, shall be attached. If the entity is a limited liability company, then true and accurate copies of the Articles of Organization and any Membership Agreements shall be attached to the application.
 - (3) 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 the applicants in paragraph B of this section.
 - (4) Accurate and complete business records showing the names, addresses, and dates of birth of all officers, directors and controlling stockholders for the business.
 - (5) The name of the registered corporate agent and the address of the registered office for service of process.

685.13: Information Kept Current. Changes in the information provided on the application or provided during the investigation must be brought to the attention of the City by the applicant or licensee. If such a change takes place during the investigation, or during the license period, it must be reported to the City Clerk in writing. A failure by an applicant or licensee to timely report such a change may result in a denial or revocation of a license.

685.14: License Pre-Conditions. The City will issue a license to an applicant within 45 days of the application unless one or more of the following conditions exist:

- (A). The applicant is under 18;

- (B). The applicant failed to supply all of the information requested on the license application;
- (C). The applicant gives false, fraudulent, or untruthful information on the license application;
- (D). The applicant has been convicted of a misdemeanor, gross misdemeanor or felony relating to sex offenses, obscenity offenses, or Adult Establishments;
- (E). The Adult Establishment is not in full compliance with the City Zoning Regulations and all provisions of state and federal law;
- (F). The applicant has not paid the required license fee;
- (G). The applicant has been denied a license by the City or any other Minnesota municipal corporation to operate an Adult Establishment, or such license has been suspended or revoked, within the preceding twelve (12) months;
- (H). The applicant is not the proprietor of the establishment for which the license is issued;
or
- (I). The Adult Establishment premises holds an intoxicating liquor, beer or wine license.

685.15: Requalification after Disqualification. An applicant may re-qualify for a license:

- (A). After one year has elapsed in the case of a previous license revocation;
- (B). After two years have elapsed since the date of conviction or the date of release from confinement in the case of a misdemeanor or gross misdemeanor offense;
- (C). After five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is later, in the case of a felony offense; or
- (D). After five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is later, if the conviction is of two or more misdemeanor or gross misdemeanor offenses or combination of misdemeanor or gross misdemeanor offenses occurring within any 24-month period.

685.16: Expiration and Renewal. An Adult Establishment license expires at the end of the calendar year.

- (A). **Renewal.** A licensee may renew a license by completing an application as provided in this ordinance. Applications for renewal licenses required by this ordinance shall be completed and filed with the City Clerk no later than November 15 of the year pre-

ceding the year for which application is made. Any renewal application not completed and filed by that date shall be treated as a waiver of license renewal. If the City denies the renewal, the applicant shall not be issued a license for one year from the date of denial.

685.17: Causes of License Suspension. The City may suspend a license for a period not to exceed 30 days if it determines that the licensee or an employee of a licensee has:

- (A). Violated or is not in compliance with any provision of this Ordinance;
- (B). Allowed or engaged in the sale or use of alcoholic beverages while on the Adult Establishment premises other than at an Adult Hotel or Motel;
- (C). Refused to allow an inspection of the Adult Establishment as authorized by this Ordinance; or
- (D). Knowingly permitted unlawful gambling by any person on the Adult Establishment premises.

685.18: 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, or by mailing the notice by U.S. Mail to the last known address of the owner or agent authorized to receive legal notices for the business, as listed on its license application.

685.19: Causes of Revocation. The City may revoke a license if it determines that:

- (A). A licensee gave false or misleading information in the material submitted to the City during the application process;
- (B). A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (C). A licensee or an employee has knowingly allowed prostitution on the premises;
- (D). A licensee or an employee knowingly operated the Adult Establishment during a period of time when the licensee's license was suspended;
- (E). A licensee has been convicted of an offense listed in Section 685.14, for which the time period required in Section 685.15 has not elapsed; or
- (F). A cause of suspension described in Section 685.17 occurs and the license has been suspended at least once before within the preceding 12 months.
- (G). Except in the case of an Adult Hotel or Motel, a licensee or an employee has know-

ingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.

685.20: Effect of Appeals. The fact that a revocation, suspension or nonrenewal is being appealed shall have no effect on the validity of the action on the license.

685.21: Granting a License After Revocation. When the City revokes a license, the revocation shall continue for one year and the licensee shall not be issued an Adult Establishment license for one 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 elapsed since the date the revocation became effective. If the license is revoked due to a criminal conviction under Section 685.14 (D), an applicant may not be granted another license until the appropriate number of years required under Section 685.15, has elapsed.

685.22: Appeals Provided. Denials, non-renewals, suspensions and revocations of an Adult Establishment license are governed by the following provisions.

685.23: Notice and Hearing. In the event that the City proposes to deny, refuse to renew, suspend or revoke a license, the City will notify the licensee in writing of the basis for the action. The City Council will hold a hearing for the purpose of determining whether to deny, renew, suspend, or revoke the license. The hearing must be within 30 days of the date of service of the notice. The City Council must determine whether to deny, renew, suspend or revoke a license and notify the applicant of its decision, within 30 days after the close of the hearing or within 60 days of the date of service of the notice, whichever is sooner.

685.24: Effect of City Action. A non-renewal, suspension or revocation is effective 15 days after service of notice of the decision to the licensee. Denial of a license is effective immediately upon service of notice of the decision to the applicant

685.25: Service of Notice. All notices to the applicant or licensee required to be served under this ordinance shall be served by U.S. mail at the last known address of the applicant or licensee as described in the application. Notices to the City Council shall be served on the City Clerk at the office of the City Clerk.

685.26: Appeals. An applicant or licensee aggrieved by any decision of the City Council may appeal to the District Court of Mille Lacs or Sherburne County or, in the event a federal question is cause for grievance, to the Federal District Court. Any appeal shall be served upon the City Clerk and filed with the appropriate Court Administrator within 33 days of service of notice of the decision of the City Council from which appeal is taken. Service of all notices is complete upon deposit of such notice, properly addressed, with adequate postage, in the United States mail.

685.27: Posting. The license, if granted, must state on its face the name of the person or entity to whom it is granted, the expiration date, and the address of the Adult Establishment. The license must be posted in a conspicuous place at or near the entrance to the Adult Establishment.

685.28: Fees. An applicant for any license under this ordinance shall deposit with the City Clerk, at the time an original application is submitted, an investigative fee to cover the costs involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this ordinance shall be paid to the city clerk and placed in the general fund. The amount of the investigation fee shall be set by ordinance and reviewed annually. The investigative fee shall be paid in full before the application for a license is considered. The investigation fee is non-refundable.

The annual license fee for Adult Establishments shall be set by ordinance, reviewed annually and shall be paid to the City Clerk for deposit into the general fund of the City.

685.29: Inspection. An applicant or licensee shall permit health officials, peace officers, representatives of the sheriff department, fire department, building inspector, and other official authorized by the City to inspect the premises of an Adult Establishment for the purpose of ensuring compliance with the law, at any time it is occupied or open for business. The licensee is at all times responsible for the conduct, activity and operation of the business.

685.30: Refusal to Permit Inspections. Refusal to permit a lawful inspection of the premises by authorized persons at any time it is occupied or open for business is a violation of this Ordinance. Refusal to permit inspections may result in non-renewal, suspension or revocation of the license.

685.31: Exceptions. The provisions of Section 685.29 do not apply to areas of an Adult Hotel or Motel that are currently being rented by a customer for use as a permanent or temporary habitation. Temporary habitation is defined as a period of time of at least 12 hours.

685.32: Transfer of License. A licensee shall not transfer this license to another, nor shall a licensee operate an Adult Establishment under the authority of a license at any place other than the address designated in the application.

685.33: Penalty. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to the penalties for a misdemeanor as prescribed by state law. Each day the violation continues shall be considered a separate misdemeanor offense punishable by a separate misdemeanor penalty. The City may also enforce any provision of this Ordinance by mandamus, injunction or any other appropriate civil remedy in any court of competent jurisdiction. Upon conviction under this section, the city shall be entitled to reimbursement by the violator of the costs of prosecution, including reasonable attorney fees.

685.34: Severability. Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance be held invalid by a court of competent jurisdiction it shall not invalidate any other section, provision, or part thereof.