



CITY OF ANOKA
2015 First Avenue
Anoka, MN 55303



Phone: (763) 576-2700 / Website: www.anokaminnesota.com

ADULT ESTABLISHMENTS

Information included in this application is classified as
PUBLIC INFORMATION and will be provided to the public upon request

PLEASE FULLY COMPLETE THE APPLICATION AND PRINT LEGIBLY

Required Documentation: Applications cannot be accepted without the following attachments and payment.

- Copy of current photo identification providing current address and date of birth.
- Workers Compensation Form (with Copy of Insurance)
- SP:C1 Tax Clearance Form
- Supplemental Details Sheet (w/ Proof of Ownership, or Copy of Lease)

(choose appropriate type of application below)

New Applicant, you must also include the following:

- Payment of Investigation Fee **\$30.00**
- Payment of **\$5,700.00** Annual Fee

Renewal Applicant, you must also include the following:

- Payment of **\$5,700.00** Annual Fee (Due by December 1st each year)
- If you have a license that has lapsed or you are submitting your application past its due date, you must pay an additional **\$25.00 or 10% of the total licensing fee (whichever is greater)**
- If your license has lapsed or has been submitted over 30 days past its expiration date or due date, you must apply as a new license and pay all applicable fees.

THE APPLICATION IS SUBMITTED AS A:

- Single-Owner Applicant Partnership Corporation/LLC

PERSONAL INFORMATION

If the application is submitted on behalf of a partnership or corporation, you must include the personal information for each partner, officer and/or director.

Applicant _____ (Full First, Middle, Last Name)

Home Street Address _____ City/State _____ Zip _____

Home Phone (including area code) _____ Cell Phone (including area code) _____

Date of Birth: _____ Drivers License # _____

State of Issuance: _____

BUSINESS INFORMATION

Business Name _____

Business Street Address _____ City/State _____ Zip _____

Business Mailing Address (if different from above) _____ City/State _____ Zip _____

Business Phone (including area code) _____ Alternate Phone (including area code) _____

Legal Description of the premises (you may include this on an attached sheet of paper).

PLEASE ANSWER ALL QUESTIONS TRUTHFULLY AND TO THE BEST OF YOUR KNOWLEDGE

If the application is submitted on behalf of a partnership or corporation, you must include the following information for each partner, officer and/or director. *(attached additional sheets as necessary)*

1. Have you ever been convicted of any misdemeanor or felony violation of local ordinances (except for misdemeanor traffic violations)? Yes No

If yes, provide details of convictions (date of offense, date of conviction, location, charge):

2. Have you ever applied for or held a license to conduct a like or similar activity in any City/State?

Yes No If yes, provide details: _____

3. Have you ever been denied a license to conduct a like or similar activity or had such license suspended, revoked, or canceled, in any City/State?

Yes No If yes, provide details: _____

4. List all names, nicknames and aliases by which you have been known:

5. List two (2) of your previous addresses, immediately prior to your present address:

Street Address City/State Zip

Street Address City/State Zip

(I) do hereby swear that the answers in this application are true and correct to the best of my knowledge. I do authorize the City of Anoka, its agents, and employees, to obtain any necessary information and to investigate, if necessary, into the truth of the statements set forth in this application and my qualifications for said license. I do understand that providing false information shall be grounds for denial of my license. I fully understand that it is my responsibility to be familiar the requirements of the City, which is detailed in the pertinent section of the Anoka City Code, which was provided to me with my original application, and of which I may request additional copies of by contacting the office of the City Clerk.

Signature of applicant:

Date: _____ **Signature:** _____

(for office use only)

Date Received:

Received By:

Complete Incomplete

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Anoka, MN 55303
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AUTHORIZATION AND CONSENT FOR RELEASE OF INFORMATION FOR CITY OF ANOKA BACKGROUND CHECK PLEASE ATTACH A COPY OF YOUR DRIVERS' LICENSE.

License you are applying for: _____

Full Name: _____
 First Middle Last

Home Address: _____
 House # Street City State & Zip

Home Phone Number: _____
 Include Area Code

If applicable, complete the following:

Business Name _____

Business Address: _____
 Building # Street City State & Zip

Business Phone Number: _____
 Include Area Code

Date of Birth: _____

Drivers License Number (copy of DL attached): _____

DL/State of Issuance: _____

I understand that the above-mentioned information about me may be protected under state and /or federal privacy laws or City policy and may not be disclosed without my prior written consent unless otherwise required by law.

I hereby release the City of Anoka from any and all liability for its receipt and use of information and records received pursuant to this consent. I further acknowledge that I have carefully read this release, fully understand its terms and legal significance, and execute it voluntarily.

Signature of Individual Authorizing Release

Date



CERTIFICATE OF COMPLIANCE
MINNESOTA WORKER'S COMPENSATION LAW

PRINT LEGIBLY IN INK OR TYPE

Minnesota Statute, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required worker's compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the Commissioner of the Department of Labor and Industry.

ALL APPLICANTS: I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

Signature: _____

Printed Name: _____

Title: _____ Date: _____

I am not required to have worker's compensation insurance coverage because:

- I have no employees
 I have employees but they are not covered by worker's compensation law.
(see Minnesota Statute 176.041 for a list of excluded employees)

Explain why your employees are not covered: _____

COMPLETE THIS PORTION ONLY IF YOU ARE INSURED: *A valid worker's compensation policy must be always kept in effect by employers as required by law*

Business Name (Individual name only if no company name is used):

DBA (if applicable): _____

Address (must include street address): _____

Insurance Company Name (not agent): _____

Workers Compensation Policy No.: _____

Effective Date: _____ Expiration Date: _____

IF SELF-INSURED - ATTACH A COPY OF THE PERMIT TO SELF-INSURE

NOTE: If your worker's compensation policy is cancelled within the license period, you must notify the agency who issued the license/permit by resubmitting this form.



SP:CI TAX CLEARANCE FORM

(This form may contain private data – do not release to public)

PRINT LEGIBLY IN INK OR TYPE

Pursuant to Minnesota Statute, Section 270C.72 Tax Clearance; Issuance of Licenses, the licensing authority is required to provide to the Minnesota Commissioner of Revenue your Minnesota Business Tax Identification Number and/or the Social Security Number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance, renewal, or transfer of your license in the event you owe the Minnesota Department of Revenue delinquent taxes, penalties, or interest.
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement, the Department of Revenue may supply this information to the Internal Revenue Service.
3. Failure to supply this information may jeopardize or delay the processing of your license, its' issuance or renewal.

Please supply the information and return this form along with your application to the agency issuing your license. DO NOT RETURN TO THE DEPARTMENT OF REVENUE.

Licensing Authority: CITY OF ANOKA, MINNESOTA

Signature: _____

Printed Name: _____

Date: _____

PERSONAL INFORMATION: *Complete this section only if you are applying as an individual and/or do not hold a Minnesota Tax Identification # or Federal Tax Identification #.*

Applicant Name: _____

Applicant Address: _____

Social Security Number: _____

BUSINESS INFORMATION: *Complete this section only if you are applying as a business.*

Business Name: _____

Db: _____

Minnesota Tax Identification #: _____

Federal Tax Identification #: _____

For businesses: If Minnesota Tax Identification # is not required, you must submit a written explanation.

ARTICLE X. ADULT ESTABLISHMENTS

Sec. 22-616. Findings.

The state attorney general, the American Planning Association, and cities such as St. Paul and Minneapolis, Minnesota; Indianapolis, Indiana; Cleveland and Bradley County, Tennessee; Phoenix, Arizona; Austin, Texas; Toledo, Ohio; Bellevue, Washington; St. Croix County, Wisconsin; Kansas City, Missouri; and Newport News, Virginia, have studied the impacts that adult establishments have in those communities. These studies concluded that adult establishments have adverse impact on the surrounding neighborhoods. Those impacts include increased crime rates, lower property values, increased transiency, neighborhood blight and potential health risks. Based on research and review of these studies, the city council makes the following findings:

- (1) Adult establishments have adverse secondary impacts of the types set forth above.
- (2) The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by locational requirements, licensing requirements and health requirements.
- (3) It is not the intent of the city council to prohibit adult establishments from having a reasonable opportunity to locate in the city.
- (4) M.S.A. § 462.357 allows the city to adopt regulations to promote the public health, safety, morals and general welfare.
- (5) The public health, safety, morals and general welfare will be promoted by the city adopting regulations governing adult establishments.
- (6) Adult establishments can contribute to an increase in criminal activity in the area in which such businesses are located, taxing city crime-prevention programs and law enforcement services.
- (7) 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 the risk, provided the owners and operators of such facilities are regulated by licensing or other procedures.
- (8) Adult establishments can increase the risk of exposure to communicable diseases, including, but not limited to, Acquired Immune Deficiency Syndrome (AIDS) for which currently there is no cure. Experiences of other cities indicated that such businesses can facilitate the spread of communicable diseases by virtue of the design and use of the premises, endangering not only the patrons of such establishments but also the general public.
- (9) Adult establishments can cause or contribute to public health problems by the presence of live adult entertainment in conjunction with food or drink on the same premises.
- (10) The risk of criminal activity or public health problems can be minimized through a licensing and regulatory scheme as prescribed herein.

(Prior Code, § 22-520; Ord. No. 2017-1670, exh. A(§ 22-520), 4-3-2017)

Sec. 22-617. Purpose.

It is the purpose of this article to regulate adult establishments to promote the health, safety, morals and general welfare of the citizens of the city and to establish reasonable and uniform regulations to:

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

(Prior Code, § 22-521; Ord. No. 2017-1670, exh. A(§ 22-521), 4-3-2017)

Sec. 22-618. Content-neutral regulation.

The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is neither the intent nor effect of this article 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.

(Prior Code, § 22-522; Ord. No. 2017-1670, exh. A(§ 22-522), 4-3-2017)

Sec. 22-619. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult establishment means a business engaged in any of the following activities or which utilizes any of the following business procedures or practices:

- (1) Any business that has:
 - a. At least ten percent of its inventory, stock and trade or publicly displayed merchandise; or
 - b. At least ten percent of the floor area of the business (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public) devoted to items, merchandise or other materials distinguished or characterized by an emphasis on material depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas; or
- (2) Any adult use as defined in this section.

Adult use. An adult use is any of the following activities and businesses:

- (1) *Adult body painting studio.* An establishment or business, other than a massage parlor licensed under this Code that provides the service of applying paint or other substance, whether transparent or nontransparent, to the body of a patron when such person is wholly or partially nude in terms of specified anatomical areas.

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- (2) *Adult bookstore.* An establishment or business used for barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, motion picture film, or other visual media if:
 - a. At least ten percent of the inventory, stock, and trade or publicly displayed merchandise; or
 - b. At least ten percent of the floor area of the business (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public)is devoted to items, merchandise or other material distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
 - (3) *Adult car wash.* A wash facility for any type of motor vehicle that allows employees, agents, independent contractors or persons to appear in a state of partial or total nudity in terms of specified anatomical areas.
 - (4) *Adult cabaret.* A business or establishment that provides dancing or other live entertainment to patrons, if the dancing and live entertainment is distinguished or characterized by an emphasis on the presentation, display, or depiction of specified sexual activities or specified anatomical areas.
 - (5) *Adult companionship establishment.* A business or establishment that provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
 - (6) *Adult conversation/rap parlor.* A business or establishment that provides the services of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
 - (7) *Adult entertainment facility.* A building or space in which an admission is charged for the entrance, or food or non-alcoholic beverages are sold or intended for consumption, and in which may be observed live presentations of entertainment distinguished by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
 - (8) *Adult health/sport club.* A health/sport club that is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
 - (9) *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.
 - (10) *Adult massage parlor, health club.* A massage parlor or health club that provides the services of massage, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
 - (11) *Adult mini-motion picture theater.* A business or establishment with a capacity for less than 50 persons used for presenting material, if such material is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
 - (12) *Adult modeling studio.* A business or establishment that provides customers figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
 - (13) *Adult motion picture arcade.* Any place to which the public is permitted or invited where coin- or slug-operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer

persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

- (14) *Adult motion picture theater.* A motion picture theater with a capacity of 50 or more persons that as a prevailing practice presents materials distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons.
- (15) *Adult novelty business.* A business or establishment that has:
- a. At least ten percent of its inventory, stock and trade or publicly displayed merchandise; or
 - b. At least ten percent of the floor area of the business (not including storerooms, stock areas, bathrooms, basement or any portion of the business not open to the public)
- devoted to items, merchandise or other material or devices which stimulate human genitals or devices which are designed for sexual stimulation.
- (16) *Adult sauna.* A business or establishment that provides a steam bath or heated bathing room used for the purpose of bathing, relaxation or reducing, or utilizing steam or hot air as a cleaning, relaxing or reducing agent if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use, accessory, means the offering of retail goods for sale or rent, which are classified as adult uses, on a limited scale and which are incidental to the primary activity and goods or services offered by the business establishment. Examples of these items include the sale of adult magazines, the sale or rental of adult motion pictures, or the sale of adult novelties. The following standards shall apply to accessory adult uses:

- (1) An accessory adult use shall not involve or include any adult use activity except the sale or rental of merchandise.
- (2) The merchandise shall comprise no more than:
 - a. Ten percent of the business establishment's inventory, stock, and trade or publicly displayed merchandise; or
 - b. Ten percent of the floor area of the business (not including storerooms, stock areas, bathrooms, basement, or any portion of the business not open to the public).
- (3) No merchandise or pictures of the products sold or rented on the premises may be displayed in the window areas or in any area where they can be viewed from a sidewalk or public space outside of the building. The window areas may not be covered or made opaque to disguise or hide the display of the product.
- (4) The display and display areas for accessory adult use shall comply with M.S.A. § 617.293, and amendments thereto, and shall comply with all local, state and federal laws regarding the display and dissemination of harmful materials to minors.
- (5) Accessory adult use shall be prohibited from both internal and external advertising of adult materials and products.
- (6) An accessory adult use does not require a license.

Day care facility means a facility holding a license from the county or the state under M.S.A. ch. 245A or Minn. R. ch. 9502 or 9503.

Employ, employee, and employment mean any person who performs any service on the premises of an adult establishment, on a full-time, part-time, or contract basis, whether the person is denominated an employee,

independent contractor, agent, or otherwise. The term "employee" does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Library means any public library that provides free access to all residents of the city or county without discrimination and is organized under M.S.A. ch. 134.

Minor means any person under the age of 18 years.

Nudity means uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For the purposes of this article, a female breast is considered uncovered if the nipple only or the nipple and the areola are covered.

Park land means a park, playground, beach or recreation area that is owned, leased, or used wholly or in part by the city, county or state, a school district, or the federal government for recreation purposes.

Person means a person, proprietorship, association, or other legal entity.

Place of worship means a building or space that is principally used as a place where people of the same faith or religion regularly assemble for worship.

School means a building or space that is principally used as a place where 25 or more persons receive a full course of educational instruction. Any post-secondary or post-high school educational building, including any college or any vocational-technical college, shall not be deemed a school for the purposes of this article.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breasts below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

- (1) Actual or stimulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia;
- (2) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence;
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
- (4) Fondling or touching of nude human genitals, pubic region, buttocks, or female breasts;
- (5) Situations involving a person, any of whom are nude, clad in undergarments or sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of such persons;
- (6) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation.

(Prior Code, § 22-523; Ord. No. 2017-1670, exh. A(§ 22-523), 4-3-2017)

Sec. 22-620. Compliance with regulations; interpretation.

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

(Prior Code, § 22-524; Ord. No. 2017-1670, exh. A(§ 22-524), 4-3-2017)

Sec. 22-621. License required; exemptions.

No adult establishment shall be operated or maintained in the city without first obtaining a license to operate issued by the city. A license may be issued for only one adult establishment at a fixed and certain place. Any person which desires to operate more than one adult establishment in the city shall have a separate license for each such business. All public and private schools located within the city are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

(Prior Code, § 22-525; Ord. No. 2017-1670, exh. A(§ 22-525), 4-3-2017)

Sec. 22-622. Application for license.

- (a) *Information required.* Any person desiring to secure a license shall make application to the city clerk. The application for a license shall be upon a form provided by the city and shall include the following information:
- (1) If the applicant is an individual, the name, residence, phone number and birthdate of the applicant. If the applicant is a partnership, the name, residence, phone number, and birthdate of each general and limited partner. If the applicant is a corporation, the names, residences, phone numbers and birthdates of all officers and directors of the corporation;
 - (2) The name, address, phone number and birthdate of the operator and manager of such operation, if different from the owners;
 - (3) The address and legal description of the premises where the adult establishment is to be located;
 - (4) A statement detailing any gross misdemeanor or felony convictions relating to sex offenses, obscenity or the operation of an adult establishment or adult business by the applicant, operator, manager and whether or not the applicant, operator or manager has ever applied for or held a license to operate a similar type of business in other communities. In the case of a corporation, a statement detailing any felony convictions of the officers and directors of the corporation, and whether or not those officers or directors have ever applied for or held a license to operate a similar type of business in other communities;
 - (5) The activities and type of business to be conducted;
 - (6) The hours of operation;
 - (7) The provisions made to restrict access by minors;
 - (8) A building plan of the premises detailing all internal operations and activities.

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- (b) *Submission.* Upon receipt of a completed application for a license, including the license fee, the city clerk shall submit the request for an adult establishment to the city council for approval or denial.
 - (c) *False information prohibited.* Each application shall contain a provision on the application in bold print indicating that any withholding of information or the providing of false or misleading information will be grounds for denial or revocation of a license. Any changes in the information provided on the application or provided during the investigation shall be brought to the attention of the city council by the applicant or the licensee. If the changes take place during the investigation, the data shall be provided to the police chief in writing and reported to the city council. Failure to report the changes by the applicants or the licensee may result in a denial or revocation of a license.

(Prior Code, § 22-526; Ord. No. 2017-1670, exh. A(§ 22-526), 4-3-2017)

Sec. 22-623. Investigation fee; license fee; license term; renewals.

- (a) *Investigation fee.* Each application for a license shall be accompanied with a fee as established by the city council for the costs of investigation of the application.
- (b) *License fee.* If the application is approved, a license shall be issued after payment of the license fee as established by the city council.
- (c) *Term of license; fees prorated.* All licenses shall be issued for a period of one year and shall expire on December 31 each year. The fees for licenses shall not be prorated.
- (d) *Renewals.* Application for renewal of the license must be made at least 60 days prior to the expiration date. Failure to do so may result in the license being suspended upon the expiration date, with the suspension continuing until the city council has determined to renew or refuse to renew the license.

(Prior Code, § 22-527; Ord. No. 2017-1670, exh. A(§ 22-527), 4-3-2017)

Sec. 22-624. Granting of license.

- (a) The police chief or such other designated person shall complete a background investigation within 30 days after the city clerk receives a complete application and investigative fees.
- (b) If the application is for a renewal, and is submitted at least 60 days prior to the expiration date, the applicant shall be allowed to continue business until the city council has determined to renew or refuse to renew a license.
- (c) If, after such investigation, it appears that the applicant and the place proposed for the business are eligible for a license under the criteria set forth in this article, then the license shall be approved by the city council.
- (d) Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another premises without the approval of the city council. If the licensee is a partnership or corporation, a change in the identity of any of the principals of the partnership or corporation shall be deemed a transfer of the license. All adult establishments existing at the time of the adoption of the ordinance from which this article is derived shall be required to obtain an annual license.

(Prior Code, § 22-528; Ord. No. 2017-1670, exh. A(§ 22-528), 4-3-2017)

Sec. 22-625. Persons ineligible for a license.

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

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- (1) Under 21 years of age;
 - (2) Who is overdue in payments to the city, county or state of taxes, fees, fines or penalties assessed against them or imposed upon them;
 - (3) Who has been convicted of a crime, if such conviction relates to sex offenses, obscenity offenses or adult establishments;
 - (4) Who is not the proprietor of the establishment for which the license is to be issued; or
 - (5) Who has not paid the license and investigative fees required by this article.

(Prior Code, § 22-529; Ord. No. 2017-1670, exh. A(§ 22-529), 4-3-2017)

Sec. 22-626. Places ineligible for a license.

No license shall be granted to:

- (1) Any adult establishment which is not in full compliance with this Code, the city's zoning regulations, the building code, the fire code, and all provisions of state and federal law.
- (2) Any establishment that holds an intoxicating liquor, beer or wine license.

(Prior Code, § 22-530; Ord. No. 2017-1670, exh. A(§ 22-530), 4-3-2017)

Sec. 22-627. Display of a license.

The license shall be displayed in a conspicuous public place in the adult establishment.

(Prior Code, § 22-531; Ord. No. 2017-1670, exh. A(§ 22-531), 4-3-2017)

Sec. 22-628. General requirements.

Adult establishments shall be permitted subject to the following requirements:

- (1) *Building standards.*
 - a. No commercial building, structure or premises, or part thereof, or facilities therein, shall be constructed, used, designed or operated for the purpose of persons to engage in specified sexual activities;
 - b. Booths, stalls, or partitioned portions of a room or individual rooms used for the viewing of adult media or other forms of entertainment, having doors, curtains or portal partitions are prohibited, unless such booths, stalls, partitioned portions of a room, or individual rooms so used shall have at least one side wall open to an adjacent public room or area. Such booth, stall or room shall be illuminated in a manner that the persons in the area used for viewing the adult media or other forms of entertainment are visible from adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the offered entertainment;
 - c. The above building standards shall not apply to buildings, structures and premises which are lawfully operating as hotels, motels, apartment complexes, condominiums or roominghouses;
 - d. No merchandise or pictures of the products sold or rented or the entertainment conducted on the premises may be displayed in the window areas or in any area where they can be viewed from a sidewalk or public space outside of the building. The window areas may not be covered or made opaque in any way;

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- e. The display and display areas shall comply with M.S.A. § 617.293 and shall comply with all local, state, and federal laws regarding the display and dissemination of harmful materials to minors.
- (2) *Location.* Adult establishments shall be permitted as indicated in chapter 78. In addition, the following regulations shall apply:
- a. An adult establishment shall not be located within 500 feet, measured in a straight line from the building or edge of leased building space, to the property line, of any residential zoning district (R-1, R-2, R-3, R-4, R-5, R-6, R-F) boundary or property, or in a planned unit development which is or is projected to be residential;
 - b. An adult establishment shall not be allowed within 1,000 feet, measured in a straight line from the building or edge of leased building space of another existing adult establishment;
 - c. An adult establishment shall not be located within 1,000 feet, measured in a straight line from the building to the property line, of any existing school, place of worship, hospital, library, day care facility or park land.
- (3) *Operation.*
- a. No adult establishment shall be conducted in any manner that permits the observation from any property not approved as an adult establishment of 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. All entrances to the business, with the exception of emergency fire exits which are not usable by patrons to enter the business, shall be visible from a public right-of-way;
 - c. The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing, including, but not limited to, books, magazines, photographs, videotapes, or other visual media;
 - d. Illumination of the premises shall be adequate to observe the location and activities of all persons on the exterior of the premises;
 - e. Every licensee shall be responsible for the conduct of the licensee's place of business and shall maintain conditions of order.
- (4) *Signs.* All adult establishments shall prominently display a sign at the entrance and located within two feet of the door opening device of the adult use establishment or section of the establishment devoted to adult books or materials which states: "This business sells or displays material containing adult themes. No one under 18 years of age allowed." The sign shall have letters at least three-eighths inch in height and no more than two inches in height. No sign may be placed in any window.
- (5) *Hours of operation.* No adult establishment shall be open to the public from the hours of 10:00 p.m. to 8:00 a.m.
- (6) *Sale of liquor.* An adult establishment shall not sell or dispense 3.2 percent malt liquor or intoxicating liquor.
- (7) *Additional conditions for adult cabarets.* The following additional conditions apply to adult cabarets:
- a. No owner, operator or manager of an adult cabaret shall permit or allow any dance or other live entertainer to perform nude;
 - b. No dancer, live entertainer, performer, or patron or any other person shall be nude in an adult cabaret;

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- c. No dancer, live entertainer or performer shall be under 18 years old;
 - d. 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;
 - e. No dancer or performer shall perform any dance or live entertainment closer than six feet to any patron;
 - f. No dancer or performer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer;
 - g. No patron shall pay or give any gratuity to any dancer or performer;
 - h. No dancer or performer shall solicit any pay or gratuity from any patron.

(Prior Code, § 22-532; Ord. No. 2017-1670, exh. A(§ 22-532), 4-3-2017)

Sec. 22-629. Responsibilities of operator.

(a) *Violations by employees.*

- (1) Every act or omission by an employee constituting a violation of the provisions of this article shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- (2) Any act or omission or any employee constituting a violation of the provisions of this article shall be deemed the act or omission of the operator for the purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(b) *Minors.* No employee of an adult establishment shall allow any minor to loiter around or to frequent an adult establishment or to allow any minor to view adult entertainment.

(c) *Sanitary conditions.* The operator shall maintain the premises in a clean and sanitary condition at all times.

(d) *Lighting.* The operator shall maintain at least ten footcandles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles; provided, however, at no time shall there be less than one footcandle of illumination in the aisles as measured from the floor.

(e) *Business transactions.* All business transactions shall occur within the licensed building.

(f) *Employee background.* No employees shall have been convicted of any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature or involving the use or distribution of a controlled substance as defined by state law, or the use or distribution of a dangerous weapon within the past five years. The fact that a conviction may be under appeal shall not affect the disqualification of the employee.

(g) *Compliance with provisions.* The operator shall ensure compliance of the establishment and its patrons with the provisions of this article.

(Prior Code, § 22-533; Ord. No. 2017-1670, exh. A(§ 22-533), 4-3-2017)

Sec. 22-630. Inspections.

Members of the city police department, the fire marshal or designee, the building official or designee, and the zoning administrator or designee shall have the authority to enter an adult use business at reasonable times to inspect the premises for the purposes of enforcing this article and all other applicable state laws.

(Prior Code, § 22-534; Ord. No. 2017-1670, exh. A(§ 22-534), 4-3-2017)

Sec. 22-631. Suspension or revocation of license.

- (a) Basis for revocation. The city council shall revoke an adult establishment license for any of the following reasons:
 - (1) Discovery that false or misleading information or data was given on any initial or renewal application or material facts were omitted from any such application;
 - (2) The operator or an employee of an operator violates any provisions of this article or any rule or regulation adopted by the city council pursuant to this article; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the city council finds that the operator had no actual or constructive knowledge of such violation and could not, by the exercise of due diligence, have had such actual or constructive knowledge;
 - (3) The operator becomes ineligible to obtain a license;
 - (4) Any cost or fee required to be paid by this article is not paid;
 - (5) Any 3.2 percent malt liquor or intoxicating liquor is served or consumed on the premises of the adult use business;
 - (6) Any violation of this article.
- (b) In the event that the city council proposes to revoke or suspend the license, the licensee shall be notified in writing of the basis for such proposed revocation or suspension. The city council shall hold a hearing for the purpose of determining whether to revoke or suspend the license. Such hearing shall be held within 30 days of the date of the notice.
- (c) The city council shall determine whether to suspend or revoke a license within 30 days after the close of the hearing or within 60 days of the date of the notice, whichever is sooner, and shall notify the licensee of its decision within that period. The licensee may continue to operate until the city council makes its final decision whether to suspend or revoke the license.

(Prior Code, § 22-535; Ord. No. 2017-1670, exh. A(§ 22-535), 4-3-2017)

Sec. 22-632. Right of appeal.

- (a) In the event that the city council determines to suspend or revoke a license, such suspension or revocation shall not be effective until 15 days after notification of the decision to the licensee. If, within that 15 days, the licensee files and serves an action in state or federal court challenging the city council's action, then the suspension or revocation shall be stayed until the conclusion of such action.
- (b) If the city council determines not to renew a license, the licensee may continue the business for 15 days after receiving notice of nonrenewal. If the licensee files and serves an action in state or federal court within that

15 days challenging the city council's action, the licensee may continue in business until the conclusion of the action.

- (c) Any operator whose license is revoked shall not be eligible to apply for a license for one year from the date of revocation. No location or premises for which a license has been revoked shall be used as an adult establishment for six months from the date of revocation of the license.
- (d) If the city council decides not to grant a license to an applicant, then the applicant may commence an action in state or federal court within 15 days of the denial challenging the city council's action. The applicant shall not commence doing business unless the action is concluded in its favor.

(Prior Code, § 22-536; Ord. No. 2017-1670, exh. A(§ 22-536), 4-3-2017)

Sec. 22-633. Violation; penalty.

Any person violating any provision of this article is guilty of a misdemeanor and, upon conviction, shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law. Each day a violation occurs shall be considered a separate offense. Additionally, the city may enforce any provision of this article by mandamus, injunction or any other appropriate civil remedy in the court of competent jurisdiction.

(Prior Code, § 22-537; Ord. No. 2017-1670, exh. A(§ 22-537), 4-3-2017)

Secs. 22-634—22-670. Reserved.