



**CITY OF NEWPORT
COUNCIL WORKSHOP MEETING
NEWPORT LIBRARY AND COMMUNITY CENTER
OCTOBER 6, 2016
IMMEDIATELY FOLLOWING THE REGULAR CITY COUNCIL MEETING**

MAYOR: Tim Geraghty
COUNCIL: Tom Ingemann
Bill Sumner
Tracy Rahm
Dan Lund

City Administrator:
Supt. of Public Works:
Fire Chief:
Asst. to the City Admin:

Deb Hill
Bruce Hanson
Steven Wiley
Renee Eisenbeisz

AGENDA

1. ROLL CALL
2. DISCUSSION REGARDING PROPOSED CODE AMENDMENTS
3. ADJOURNMENT



MEMO

TO: Mayor and City Council
Deb Hill, City Administrator

FROM: Renee Eisenbeisz, Assistant to the City Administrator

DATE: September 29, 2016

SUBJECT: Items for Council Consideration

BACKGROUND

In 2015, the City Council approved a contract with Municode to go through a recodification process and place the City Code online through them. City staff, consultants, and Councilman Sumner recently reviewed the first draft of the City Code from Municode and have sent some changes to Municode on items such as outdated or duplicative language or rearranging sections. However, there are some items that need to be discussed by the City Council. Those items are outlined below.

DISCUSSION

Municode has reorganized the code into 19 chapters (see attached). The items for Council discussion are in Chapters 10, 14, 18, 24 and 26 and are listed below.

Chapter 10, Businesses

- **Games of Skill**
 - Pg. 92 - Councilman Sumner would like the Council to discuss the requirement stating that no game of skill license can be issued within 1,000 feet of any church or school. Councilman Sumner would like to discuss what would happen if a church or school opened up with 1,000 feet of a business that already obtains this license. Currently, Cloverleaf Bar and Grill is the only business that receives a game of skill license for six machines.
 - Pg. 92 - Section 415.04, Item B, states that no person under the age of 19 shall be permitted to play any game of skill. Staff is wondering if you would like to change this to 18 or remove it altogether. St. Paul Park does not have an age limit. Cottage Grove, Inver Grove Heights, South St. Paul, and Woodbury, do not regulate games of skill.
 - Pg. 92 - Section 415.04, Item C, states that no more than ten games of skill shall be allowed at one location. Councilman Sumner would like the Council to discuss removing this limit. St. Paul Park does not have a limit.
- **House Sewer Contractors and Gas Contractor's License, Pgs. 92-95** - City staff would like the Council to discuss removing these two sections and replacing it with one section regarding contractor's licenses in general. The City does not currently follow these procedures for House Sewer Contractors or Gas Contractors. Staff is recommending the attached language for this section, which was taken from Cottage Grove, Inver Grove Heights, and St. Paul Park.
- **Bingo**
 - Pg. 97 - Section 445.04 requires that a non-profit organization have at least 30 members and be in existence for at least three years. Councilman Sumner would like the Council to discuss this section. The

City's gambling ordinance requires 1/3 of the members to reside in the immediate trade area and be in existence for at least one year.

- Pg. 98 - Section 445.06, Subd. 3, requires an unanimous vote by the City Council to waive the bond required for bingo organizations. Councilman Sumner would like to change this to a majority of the City Council.
- **Massage Therapy Business and Massage Therapist Licenses**
 - Pg. 113 - Section 475.04, Subd. 1, requires background checks on the massage therapy business and all persons or entities that have a 5% financial interest in the massage therapy business. Councilman Sumner would like to discuss changing this to any financial interest.
 - Pg. 116 - Item D(2) on this page allows for a massage therapy business license to go to a foreign corporation. Councilman Sumner would like to discuss whether or not the Council wants to allow foreign corporations to obtain a massage therapy business license.
- **Tobacco**
 - Pg. 132 - Section 750.12, Subd. 2, allows for minors to request a hearing before the City Council if they are accused of violating this section. Councilman Sumner would like to discuss whether or not the Council wants minors to be able to request a hearing before them.

Chapter 14, Fire Prevention

- **Section 720.10, Item 2** - Councilman Sumner would like to add language prohibiting smouldering of fires. Staff is recommending the following language be added to the end of this section:

"Recreational fires shall be attended to at all times and extinguished completely before being left unattended."

Chapter 18, Nuisances

- Section 800.03(D) states that all unnecessary noises and annoying vibrations are considered a nuisance. City staff is wondering if the City Council would like to add a timeframe to this section such as from 9:00 p.m. to 7:00 a.m. Please note that our current solid waste ordinance prohibits garbage collection from 6:00 p.m. - 6:00 a.m. Monday - Saturday. Nearby cities have the following noise restrictions:
 - Cottage Grove:
 - Party - Prohibited from 10:00 p.m. - 7:00 a.m.
 - Repair of motor vehicles - Prohibited from 10:00 p.m. - 7:00 a.m.
 - Construction - Prohibited from 7:00 p.m. - 7:00 a.m. Monday - Friday and 7:00 p.m. - 9:00 a.m. on Saturdays
 - South St. Paul:
 - Power tools - Prohibited from 10:00 p.m. - 7:00 a.m.
 - Construction - Prohibited from 10:00 p.m. - 7:00 a.m. Monday - Friday and 9:00 p.m. - 9:00 a.m. Saturday - Sunday
 - Woodbury: Noises is prohibited from 10:00 p.m. - 6:00 a.m.

Chapter 24, Solid Waste

- Section 440.09, Subd. 4, states that only yard waste can be composted. Councilman Sumner is wondering if the Council would like to allow other materials to be composted such as food.

Chapter 26, Streets, Sidewalks, and Other Public Places

- **Section 310.04, Street sprinkling, street flushing, tree care** - City staff is recommending that this section be removed since it is not currently done and outdated.

RECOMMENDATION

It is recommended that the City Council provide direction on the above discussion points.

Reorganization

- **Chapter 1—General Provisions**
 - Existing Chapter 1, Code Introduction
- **Chapter 2—Administration**
 - Existing Chapter 2, Administration and Operations
- **Chapter 4—Alcoholic Beverages**
 - Existing Chapter 5, Alcoholic Beverages
- **Chapter 6—Animals**
 - Existing Chapter 6, Animals
 - Existing sec. 405 (Kennels) from Chapter 4, Licensing
 - Existing sec. 760 (Archery Deer Hunting) from Chapter 7, General Regulations and Offenses
- **Chapter 8—Buildings and Construction**
 - Existing Chapter 11, Housing and Building, except sec. 1120 (Fire Code) and sec. 1150.01 (Heritage Preservation)
 - Existing sec. 465 (Blasting, Guarding Excavations, etc.) from Chapter 4, Licensing
- **Chapter 10—Businesses**
 - Existing sections from Chapter 4, Licensing:
 - Sec. 400, General
 - Sec. 415, Games of Skill
 - Sec. 420, House Sewer Contractors
 - Sec. 425, Gas Contractors
 - Sec. 430, Christmas Tree Sales
 - Sec. 445, Bingo
 - Sec. 450, Gambling
 - Sec. 455, Peddlers, Solicitors and Transient Merchants
 - Sec. 475, Massage Therapy
 - Existing sec. 750 (Tobacco) from Chapter 7, General Regulations and Offenses
 - Existing sec. 770 (Pawn Shops) from Chapter 7, General Regulations and Offenses
- **Chapter 12—Environment**
 - Sec. 1035
 - Sec. 1040
 - Sec. 1030/1371.11
- **Chapter 14—Fire Prevention, Protection and Control**
 - Existing sec. 1120 (Fire Code) Chapter 11, Housing and Buildings
 - Existing sec. 720 (Open Burning) from Chapter 7, General Regulations and Offenses
- **Chapter 16—Heritage Preservation**
 - Existing sec. 1150.01 (Heritage Preservation) Chapter 11, Housing and Buildings
- **Chapter 18—Nuisances**
 - Existing Chapter 8, Nuisances
- **Chapter 20—Offenses**
 - The following existing sections from Chapter 7, General Regulations and Offenses:
 - Sec. 700, Curfew
 - Sec. 710, Weapons
 - Sec. 730, False Alarms
 - Sec. 740, Graffiti
 - Sec. 780, Social Host
- **Chapter 22—Parks and Recreation**
 - Existing sec. 300 (Park System) and sec. 320 (Park Board) from Chapter 3, City Property
- **Chapter 24—Solid Waste**
 - Existing sec. 440 (Solid Waste and Recyclables Collection) from Chapter 4, Licensing
- **Chapter 26—Streets, Sidewalks and Other Public Places**
 - Existing sec. 310 (Other Property), 315 (Right-of-Way Management) from Chapter 3, City Property
- **Chapter 28—Subdivisions**
 - Existing Chapter 12, Subdivisions
- **Chapter 30—Taxation**
 - Existing sec. 470 (Local Lodging Tax) from Chapter 4, Licensing
- **Chapter 32—Traffic and Vehicles**
 - Existing Chapter 9, Traffic and Motor Vehicles
- **Chapter 34—Utilities**
 - Existing Chapter 10, Public Utilities and Stormwater
- **Chapter 36—Zoning**
 - Existing Chapter 13

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180 (Code 1997, § 400.09)

181

182 **400.10. Transfer.**

183

184 No license or permit shall be transferrable, unless specifically provided by this Code.

185 (Code 1997, § 400.10)

186

187 **400.11. Renewals.**

188

189 Except as otherwise provided, the renewal of a license or permit shall be treated in the same manner as
190 the initial application, except that unless otherwise required by law, no new hearing or investigation shall
191 be held or conducted.

192 (Code 1997, § 400.11)

193

194 **ARTICLE II. ADDITIONAL REGULATIONS FOR SPECIFIC BUSINESSES**

195

196 **DIVISION 1. GENERALLY**

197

198 **DIVISION 2. GAMES OF SKILL**

199

200 **415.01. Definition.**

201

202 "Game of Skill" includes any device played by manipulating special equipment by hand or mechanically
203 to propel balls, figures or numbers across a board, screen or other field, into respective positions, the
204 object of which is to secure a special number or numbers or high total score, or to place the figures or
205 numbers in a special position, which game may be played by the public generally at a price paid either
206 directly or indirectly for such privilege, whether a prize is offered for the game or not, and whether known
207 as a pinball game or by any other name.

208 (Code 1997, § 415.01)

209

210 **415.02. Transfers.**

211

212 A game of skill license may not be transferred from one location to another.

213 (Code 1997, § 415.02)

214

215 **415.03. Eligibility.**

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216

217 No license for any game of skill shall be issued within 1,000 feet of any church or school.

218 (Code 1997, § 415.03)

219

220 **415.04. Restrictions.**

221

222 A. Gambling. No person shall use any game of skill as a gambling device. No agency shall permit
223 any game of skill to be used as a gambling device.

224

225 B. Age. No person under the age of 19 shall be permitted to play any game of skill.

226

227 C. Quantity. No more than ten games of skill shall be allowed at any location.

228 (Code 1997, § 415.04)

229

230 **415.05. Mandating Revocation.**

231

232 Upon conviction for any violation of any State law relating to gambling involving any game of skill, the
233 license shall be revoked.

234 (Code 1997, § 415.05)

235

236 **DIVISION 3. HOUSE SEWER CONTRACTORS**

237

238 **420.01. Definitions.**

239

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

242

243 1 House Sewer Contractor. "House Sewer Contractor" means any person engaged in the business of
244 building and repairing that portion of a house or building sewer extended from the property line to the
245 main sewer or other outlet. A licensed house sewer contractor under the supervision of a licensed master
246 plumber may also build and repair that portion of the house or building upon the property.

247

248 2 Board. "Board" means the Board of Examiners, appointed pursuant to this Section.

249 (Code 1997, § 420.01)

250

251 **420.02. Board of Examiners.**

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252

253 1 Composition. There shall be a Board of Examiners consisting of the clerk-administrator, the city
254 Engineer, and the Public Works Superintendent.

255

256 2 chairperson. The clerk-administrator shall serve as chairperson and shall call a meeting of the Board
257 whenever in his opinion there is a sufficient number candidates for examination.

258

259 3 Eligibility. A house sewer contractor's license may be issued to any person who meets the following
260 qualifications:

261

262 A. Has at least three years experience in responsible charge of minor sewer work involving a
263 knowledge of trenching, bracing, tunnel work, pipe laying in public streets, and all other matters
264 pertaining to and incidental to sewer work;

265

266 B. Has been examined by the Board as to his practical knowledge of the work incidental to the
267 construction of house sewers, and has been recommended by the Board to be licensed; provided that no
268 examination shall be required of any duly licensed master plumber who has carried on this trade as a
269 master plumber for three years;

270

271 C. Has complied with the requirements of this Section; and

272

273 D. Has provided a surety bond in the amount of \$10,000.00, conditioned that such work as the house
274 sewer contractor is permitted to perform shall be done in accordance with the standards provided by this
275 Code, and rules and regulations of the city Engineer; and further conditioned to protect and save harmless
276 the city from any and all liability, damage, and expenses which the city may sustain by reason of granting
277 this license, or the performance of any work permitted under the license. The surety shall be approved to
278 form by the city Attorney.

279 (Code 1997, § 420.02)

280

281 **420.03. Renewals.**

282

283 Any license may be renewed by the licensee on or before the expiration date upon payment of the annual
284 fee. An expired license may be renewed without examination by the Board if application for renewal is
285 made and the fee paid.

286 (Code 1997, § 420.03)

287

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288 **420.04. Transferability.**

289

290 House sewer contractor licenses shall not be transferable. No licensee shall allow his name to be used by
291 any other person for the purpose of doing house sewer work.

292 (Code 1997, § 420.04)

293

294 **420.05. Revocation.**

295

296 Any house sewer contractor's license, which is revoked pursuant to 400.05, shall be not reinstated for a
297 period of six months.

298 (Code 1997, § 420.05)

299

300 **420.06. Exception.**

301

302 No person shall be required to obtain a license or provide a bond in order to perform house sewer work on
303 his own property; provided that any person exempted from licensing by this Section shall comply with all
304 statutes, ordinances, regulations, and rules regulating the manner and quality of workmanship for house
305 sewer work.

306 (Code 1997, § 420.06)

307

308 **DIVISION 4. GAS CONTRACTOR'S LICENSE**

309

310 **425.01 Definitions.**

311

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

314

315 1 Gas Contractor. "Gas Contractor" means any person or company engaged in the business of installing,
316 servicing or repairing gas lines within the city.

317 (Code 1997, § 425.01)

318

319 **425.02. Eligibility requirements.**

320

321 A Gas Contractor's license may be may be issued to any person or company who meets the
322 following qualifications:

323

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- 324 A. Has provided a certificate of insurance or equivalent, to the city (in minimum amounts as set by
325 the city from time to time), along with application for license form.
326
327 B. Has complied with the requirements of this Chapter regarding licensing.
328
329 C. Has at least one year of experience in responsible charge of gas piping installation and related gas
330 servicing or repairs.
331
332 D. Agrees to comply with building code regulations and performance standards for gas work; and in
333 securing permits and inspections.
334 (Code 1997, § 425.02)
335

336 **425.03. Renewals.**
337

338 Any license may be renewed on or before the expiration date upon payment of the annual fee.
339 (Code 1997, § 425.03)
340

341 **425.04. Transferability.**
342

343 Gas contractor's licenses shall not be transferable. No licensee shall allow his name to be used by any
344 other person for the purpose of doing gas work.
345 (Code 1997, § 425.04)
346

347 **425.05 Reinstatement after revocation.**
348

349 Any gas contractor's license that is revoked by the city, shall not be reinstated for a period of six months.
350 (Code 1997, § 425.05)
351

352 **425.06. Exceptions.**
353

354 No person shall be required to obtain a license in order to perform gas work on his own property;
355 provided that any person exempted from licensing by this Section, shall comply with all statutes,
356 ordinances, regulation, and rules regulating the manner and quality of workmanship for gas installation,
357 servicing or repair work, including securing gas permits.
358 (Code 1997, § 405.06)
359

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Proposed Language Contractors

Section 1 - License Required

- A. No person shall engage in the following businesses or work, except in accordance with State statutes, this Code and other applicable ordinances of the City, without first obtaining a State or City license to do so.
1. General contracting in the business of building construction and remodeling.
 2. Masonry
 3. Roofing and siding (includes soffit, fascia and/or gutters)
 4. Heating, ventilation and refrigeration
 5. Gas piping, gas services and gas equipment installation
 6. Blacktopping
 7. Sewer and water supply system installation and construction
 8. Excavation, including excavation for footings, basements, sewer and water line installation
 9. Demolition or moving of buildings
 10. Sign erection, construction and repair, including billboards and electrical signs
 11. Fire suppression systems
 12. Swimming pool installers
 13. Framing
 14. Landscape contractors
 15. Antennae/tower construction or maintenance
 16. Right of way
- B. For each of the businesses or occupations listed in subsection A of this Section for which the State of Minnesota provides for the registration thereof, permits shall be granted only to holders of a State or City license; except, that the owner of any property may perform work when work is performed in accordance with the codes and ordinances of the city, and for such purpose, a permit may be granted to such owner without a license obtained.

Section 2 - Application and Insurance Requirements

- A. All contractor's license applications shall be filed with the city on forms furnished by the city. The fee for each license is established by resolution of the city council.
- B. Any person holding a license hereunder shall file with the city policies of public liability and property damage insurance which shall remain and be in force and effect during the entire term of said license and which shall contain a provision that they shall not be canceled without ten (10) days' written notice to the city. Public liability insurance shall not be less than one hundred thousand dollars (\$100,000.00) for injuries, including accidental death to any one person, and, subject to the same limit for each person, in an amount of not less than five hundred thousand dollars (\$500,000.00) on account of any one accident, and property damage insurance in the amount of not less than fifty thousand dollars (\$50,000.00) for each accident or mishap. Said policies of insurance shall further provide for indemnity and security to the city against any liability and/or responsibility for the acts, actions, or omissions of the licensee or of any of the agents or servants of such licensee subject, however, to the limitations as to amount herein stated. No work shall be done under any license hereunder until said insurance policies shall have been filed and approved by the city.

Section 3 - Term of license

- A. All licenses shall expire on December 31 immediately following the date of issuance unless sooner revoked or forfeited. If a license granted hereunder is not renewed previous to its expiration, then all rights granted by such license shall cease, and any work performed after the expiration of the license shall be in violation of this chapter.

Section 4 - Suspension and Revocation

- A. The city council may suspend or revoke any license granted under this section upon the recommendation of the findings of the building inspector. Procedure for suspending or revoking a license under this section shall be as follows:
1. The licensee shall be provided with notice of the reasons for any proposed suspension or revocation.
 2. The licensee shall be notified in advance of the date, time, place and purpose of the council meeting where the action on the license will be considered. The licensee shall have an opportunity to be heard at the meeting. After making appropriate findings, the council may continue the license in effect, impose conditions upon the license, suspend the license or revoke the license.

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396 **445.01. Purpose.**

397

398 The purpose of this Section shall be to closely regulate and control the conduct of bingo and to prohibit
399 commercialization of bingo.

400 (Code 1997, § 445.01)

401

402 **445.02. Adoption by Reference.**

403

404 The provisions of M.S.A. § 349.11 - 349.23 are adopted by reference and made a part of this Section as if
405 set out here in full.

406 (Code 1997, § 445.02)

407

408 **445.03. Licensing.**

409

410 Subd. 1 License Required. No bingo occasion shall be conducted except by an organization, which has
411 been issued a bingo, license by the State, or if exempt from State licensing, by a permit issued by the city.

412

413 Subd. 2 Term. A bingo permit shall be valid for one year from the date of issuance.

414

415 Subd. 3 Fee. The annual bingo permit fee shall be established from time to time by the city Fee Schedule.

416

417 Subd. 4 Exception. A permit shall not be required for the conduct of bingo in connection with a county
418 fair or civic celebration recognized by council resolution, or for the conduct of bingo by an organization,
419 which conducts fewer than five bingo occasions during a year.

420 (Code 1997, § 445.03)

421

422 **445.04. Eligibility.**

423

424 Bingo may be conducted only by a non-profit organization, which has been in existence for at least three
425 years and has at least 30 members.

426 (Code 1997, § 445.04)

427

428 **445.05. Applications.**

429

430 An application for a bingo permit shall be signed by a duly authorized officer of the organization and by
431 the organization's bingo manager, and shall state the name, address, age and place of birth of the officer

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432 and the bingo manager, whether either has ever been convicted of a crime other than a traffic offense, the
433 location, date and time of the organization's regular meetings, the purpose of the organization, how long
434 the organization has been in existence, the number of members, the places, dates and times when bingo
435 will be played, the maximum number of players allowed, the prizes to be offered, the names and
436 addresses of any persons who will be paid for services in connection with bingo, and such other
437 information as the council may require. No permit shall be issued until at least 30 days after the
438 application.

439 (Code 1997, § 445.05)

440

441 **445.06. Requirements.**

442

443 Subd. 1 Conduct. All bingo operations shall be conducted in accordance with Minn. Stat. 349.15, 349.17,
444 and 349.18.

445

446 Subd. 2 Records and Reports. All organizations conducting bingo shall keep such records and submit
447 such reports as shall be required by Minn. Stat. 349.20 and 349.21.

448

449 **Subd. 3 Bond.** The bingo manager shall give a fidelity bond of \$10,000 in favor of the organization,
450 conditioned on faithful performance of his duties, provided the council may by unanimous vote waive the
451 bond requirement.

452 (Code 1997, § 445.06)

453

454 **445.07. Suspension or Revocation.**

455

456 The council may suspend for a period not exceeding 60 days or revoke any bingo permit for any violation
457 of this Section or any applicable State law. Except as provided below, any supervision or revocation shall
458 be preceded by 60 days' written notice and a hearing. The notice shall state the time, place and purpose of
459 the hearing and the nature of the charges against the organization. The council may without prior notice
460 of hearing suspend a permit for a period not exceeding 10 days, pending a hearing.

461 (Code 1997, § 445.07)

462

463

DIVISION 7. GAMBLING

464

465 **450.01. Statement of Policy.** The city deems it desirable to regulate lawful gambling within its
466 jurisdiction as authorized by M.S.A. § 349.213. The city finds that, for the purposes of greater
467 supervision and access of information, a more restrictive requirement for the location of licensed

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950 Subd. 4 License period and renewal. A license issued under this chapter shall be an annual license,
951 expiring on December 31 of each year. A license may be annually renewed, provided the licensee
952 complies with the renewal application process as follows:

953

954 A. The licensee shall complete the renewal application on a form provided by the city;

955

956 B. The completed renewal application, along with the license fee, shall be filed with the city Clerk
957 no later than November 15 each year;

958

959 C. The massage therapy business licensee shall provide all information regarding ownership interest
960 if different than the prior applications. If ownership interests have changed, an additional investigation
961 fee is required.

962

963 Subd. 5 License and investigation fees.

964

965 The license and investigation fees shall be determined by the city council. All required license fees shall
966 be paid on a prorated quarterly basis. In the case of a massage therapy business that is wholly owned and
967 operated by the massage therapist licensed under this chapter and does not have any employee or
968 contracted person other than the massage therapist licensed owner providing massage therapy services for
969 or through the massage therapy business, the massage therapy business license fees shall not be required
970 and only the massage therapist license fees shall be required. If it is found at any time during the term of
971 the license period that the massage therapy business is not wholly owned and operated by the massage
972 therapist licensed under this chapter or it has an employees or contracted persons other than the massage
973 therapist licensed owner providing massage therapy services for or through the massage therapy business,
974 then the massage therapy business license fees shall be required to be paid on a prorated basis for the
975 remaining term of the massage therapy business license.

976 (Code 1997, § 475.03)

977

978 **475.04. License Application**

979

980 Subd. 1 Massage therapy business license application. An application for a license to operate a massage
981 therapy business shall be filed, along with all required fees, with the city Clerk. The investigation fee is
982 applied to the city's costs of the background investigation of the massage therapy business and all persons
983 or entities that have a 5% financial interest in the massage therapy business. An investigation by the
984 building inspector shall be conducted of all premises proposed to be licensed before consideration by the
985 city. The police department shall conduct the background investigation before consideration by the city.

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- 986 All applications shall thereafter be considered and approved or denied by the city Clerk. The application
987 shall provide:
- 988
- 989 A. All applicants:
- 990
- 991 1. Whether the applicant/owner is an individual, corporation, partnership, or other form of
992 organization;
- 993
- 994 2. Full name, address, date and place of birth, and telephone number of the applicant, all owners and
995 operators, including the designated on-site manager or agent of the applicant;
- 996
- 997 3. The address of the premises where the massage therapy business is to be located if proposed to
998 have a fixed location in which the services are provided and if the applicant does not own the premises, a
999 copy of the lease agreement to occupy the premises;
- 1000
- 1001 4. Statement of whether all taxes and special assessments due and owing on the premises on which
1002 the applicant proposes to operate the massage therapy business are current, and if taxes are delinquent, the
1003 years for which the taxes on the premises are delinquent (this information is required by the applicant
1004 only if the applicant or other entity in which the applicant has an interest has the legal duty to pay the
1005 property taxes or assessments due and owing);
- 1006
- 1007 5. The name of the business if the business is to be operated under a name or designation other than
1008 the name of the applicant. This shall be accompanied by a certified copy of the certificate required by
1009 M.S.A. §§ 333.01 and 333.02;
- 1010
- 1011 6. Proof of general liability insurance coverage in effect as required in this chapter;
- 1012
- 1013 7. The applicant shall produce at time of filing application the applicant's proof of identification
1014 which may be established only by one of the following:
- 1015
- 1016 a. A valid driver's license or identification card issued by Minnesota, another state, or a province of
1017 Canada, and including the photograph and date of birth of the licensed person;
- 1018
- 1019 b. A valid military identification card issued by the federal department of defense;
- 1020
- 1021 c. A valid passport issued by the United States: or

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- 1022
1023 d. In the case of a foreign national, by a valid passport.
1024
1025 For purposes of proof of identification, the applicant means the on-site manager or agent for a massage
1026 therapy business filing application and the natural person signing the application for a massage therapy
1027 business license;
1028
1029 8. The application shall identify the full name, address, date and place of birth, and telephone
1030 number of the natural person, designated by the applicant as the massage therapy business's on-site
1031 manager or agent, who shall be a resident as of the date of application of the State of Minnesota or the
1032 following Wisconsin counties: Pierce, St. Croix, Pepin, Dunn, Polk, along with the notarized written
1033 consent of such a person to:
1034
1035 a. Take full responsibility for the conduct of the licensed premises and operation; and
1036
1037 b. Serve as agent for service of notices and other process relating to the license;
1038
1039 9. With respect to the owner, operator, or any person who has a 5% financial interest in the
1040 proposed licensed massage therapy business and the appointed on-site manager or agent of the applicant,
1041 information as to any and all criminal convictions of any state, county, or local law or regulation;
1042
1043 10. Proof of Workers' Compensation insurance as required by Minnesota law; and
1044
1045 11. Such other information as the city shall require.
1046
1047 B. Individuals:
1048
1049 1. The full name, address, date and place of birth, and telephone number of the applicant;
1050
1051 2. Whether the applicant and on-site manager or agent have ever used or have been known by a
1052 name other than his name on the application, and if so, the name or names used and information
1053 concerning dates and places where used;
1054
1055 3. Whether the applicant is a United States citizen or is legally permitted to be in the United States
1056 and providing proof thereof;
1057

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- 1058 4. The street and City addresses at which the applicant and on-site manager or agent lived during the
1059 preceding ten years;
1060
- 1061 5. Names, addresses, and dates of the applicant's and on-site manager's or agent's employers for the
1062 preceding ten years;
1063
- 1064 6. Whether the applicant and on-site manager or agent have ever been engaged in the operation of
1065 massage services. If so, they shall furnish information as to the name, place, and length of time of the
1066 involvement in such an establishment; and
1067
- 1068 7. Such other information as the city shall require.
1069
- 1070 C. Partnerships:
1071
- 1072 1. The full names, addresss, date and place of birth, and financial interest of all general partners and
1073 all of the information concerning each general partner that is required of applicants in Subd. 1(B) of this
1074 section;
1075
- 1076 2. The full names, address, date and place of birth, and telephone number of the managing partners
1077 and the interest of each managing partner in the business;
1078
- 1079 3. A copy of the partnership agreement shall be submitted with the application. The license shall be
1080 issued in the name of the partnership; and
1081
- 1082 4. Such other information as the city council shall require.
1083
- 1084 D. Corporations and other organizations:
1085
- 1086 1. The name of the corporation or business firm, and if incorporated, the state of incorporation;
1087
- 1088 2. A copy of the certificate of incorporation, shall be attached to the application. If the applicant is a
1089 foreign corporation, a certificate of authority as required by M.S. § 303.06, shall be attached;
1090
- 1091 3. The name of the managers, proprietors or other agents in charge of the business and all of the
1092 information concerning each manager, proprietor, or agent that is required of applicants in Subd. 1(B) of
1093 this section;

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1621 Subd. 5 Use of False Identification. It shall be a violation of this ordinance for any minor to attempt to
1622 disguise his true age by the use of a false form of identification, whether the identification is that of
1623 another person or one on which the age of the person has been modified or tampered with to represent an
1624 age older than the actual age of the person.

1625 (Code 1997, § 750.11)

1626

1627 **750.12. Violations.**

1628

1629 Subd. 1 Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either
1630 personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged
1631 violator of his right to be heard on the accusation.

1632

1633 Subd. 2 Hearings. If a person accused of violating this ordinance so requests, a hearing shall be
1634 scheduled, the time and place of which shall be published and provided to the accused violator.

1635

1636 Subd. 3 Hearing Officer. The city council shall serve as the hearing officer.

1637

1638 Subd. 4 Decision. If the hearing officer determines that a violation of this ordinance did occur, that
1639 decision, along with the hearing officers' reasons for finding a violation and the penalty to be imposed
1640 under Section 1300 of this ordinance, shall be recorded in writing, a copy of which shall be provided to
1641 the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for
1642 not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused
1643 violator.

1644

1645 Subd. 5 Appeals. Appeals of any decision made by the hearing officer shall be filed in the district court
1646 for the city in which the alleged violation occurred.

1647

1648 Subd. 6 Misdemeanor Prosecution. Nothing in this Section shall prohibit the city from seeking
1649 prosecution as a misdemeanor for any alleged violation of this ordinance. If the city elects to seek
1650 misdemeanor prosecution, no administrative penalty shall be imposed.

1651

1652 Subd. 7 Continued Violation. Each violation, and every day in which a violation occurs or continues,
1653 shall constitute a separate offense.

1654 (Code 1997, § 750.12)

1655

1656 **750.13. Penalties.**

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645 Subd. 4 Conditions. Fire training shall be conducted according to Minnesota Rules, except as specifically
646 authorized by the permit issued by the commissioner.
647 (Code 1997, § 720.08)

648

649 **720.10. Recreational Fires.**

650

651 1. Fires set for recreational, ceremonial, food preparation, or social purposes shall be allowed and shall
652 not require an agency permit. The material to be burned shall be limited to a pile no larger than three
653 feet in diameter by three feet high. Only unpainted and untreated wood, coal, or charcoal shall be
654 burned.

655

656 2. No recreational fire shall be located closer than 25 feet from any building, structure, or combustible
657 material, and no closer than ten feet from any property line. Combustible materials are things such as
658 wood, paper, and plastics. A hose connected to a water supply, fire extinguisher or other means of
659 extinguishments sufficient to fully extinguish the fire shall be provided at all times while the fire is
660 burning. No recreational fire will be permitted without adult supervision.

661 (Code 1997, § 720.10)

662

663 **720.12 Permanent tree and brush open burning sites.**

664

665 Subd. 1 Permanent Sites. The commissioner shall issue permits authorizing continuous use of a site for
666 open burning.

667

668 Subd. 2 Tree and Brush Burning Only. Only trees, tree trimmings or brush shall be permitted to be
669 burned at a permanent open burning site.

670

671 Subd. 3 Alternatives to Burning. Only trees, tree trimmings, or brush that cannot be disposed of by an
672 alternative method such as shipping, composting, or other method, shall be permitted to be burned at a
673 permanent open burning site.

674

675 Subd. 4 Location. A permanent open burning site shall not be located within:

676

677 A. 1,000 feet of an occupied building unless written permission is obtained from the building owner
678 and occupant;

679

680 B. 1,000 feet of a public roadway;

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- 73 D. All unnecessary noises and annoying vibrations;
74
75 E. Obstructions and excavations affecting the ordinary use by the public streets, alleys, sidewalks, or
76 public grounds except under such conditions as shall be permitted by this Code or other applicable law;
77
78 F. Radio aerials or television antennae erected or maintained in a dangerous manner;
79
80 G. Any use of property abutting on a public street or sidewalk or any use of a public street or
81 sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street
82 or sidewalk;
83
84 H. All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated
85 so as to endanger public safety, or not constructed and maintained in a sound condition;
86
87 I. The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or
88 sidewalk or to flow across any sidewalk. The placing of snow on any public street or right-of-way;
89
90 J. Any barbed wire fence less than six feet above the ground and within three feet of a public
91 sidewalk or way;
92
93 K. All dangerous, unguarded machinery in any public place, or so situated or operated on private
94 property as to attract the public;
95
96 L. Waste water cast upon or permitted to flow upon streets or other public property;
97
98 M. Any vehicle or equipment that is required to be licensed in the State of Minnesota that is partially
99 dismantled, non-operating, wrecked, junked or discarded, or any part thereof, on property within the city
100 for a period of over 72 hours unless within an enclosed building. The storage on the premises of a single
101 vehicle with current registration, proof of insurance and license, which may reasonably be put into
102 operating condition within 24 hours, shall not be considered a nuisance. This Section shall not apply to
103 automotive related commercial businesses in areas of the city zoned for commercial or industrial use;
104
105 N. Any well, hole, or similar excavation which is left uncovered or in such other condition as to
106 constitute a hazard to any child or other person coming on the premises where it is located;
107

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285 Subd. 1 By contracting with a licensed private collector to haul the yard waste to a county-approved
286 compost site.

287
288 Subd. 2 By the person transporting the yard waste to a City, County or private compost site,
289

290 Subd. 3. By composting the yard waste on the persons property under the following conditions:
291

292 A. The compost pile shall be screened from public view.

293
294 B. The compost pile shall be fenced or enclosed on four sides to prevent the scattering of yard waste
295 and shall have a cover to minimize entrance of rain to the container.

296
297 C. The compost pile shall be managed in a way that prevents odor, harborage of animals, and
298 stockpiling of material which does not readily decompose within a calendar year.

299
300 Subd. 4. Only that yard waste which is produced on the premises can be composted on that premises.
301 (Code 1997, § 440.09)

302

303 **440.10. Penalties.**

304

305 The city council may impose an administrative fine revoke the license of any person found in violation of
306 any applicable statute, regulation, provision of this section, or the city Solid Waste Standards. Any
307 proposed revocation shall be preceded by a public hearing, conducted before the city council, and
308 preceded by at least 15 days notice of the hearing given to the licensee. The notice, in addition to setting
309 forth the time and place of the hearing, shall state the nature of the charges for which revocation shall be
310 considered. No person granted a license hereunder shall acquire any vested rights, and the city reserves
311 the right to establish other means of collection of materials for which a license may be issued under this
312 section.

313

314 Subd. 1 The following are minimum penalties which shall be imposed by the city council for violations of
315 any applicable statute, regulation, provision of this chapter, or the city solid waste standards

316

317 A. For the first violation, at least a \$75 administrative fine.

318

319 B. For the second violation within any four year period, at least a \$200 administrative fine.

320

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37 be found t ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and
38 stating that if the owner fails to do so, the Public Works Superintendent shall do so on behalf of the city,
39 that the expense thereof shall be paid by the owner, and that if unpaid it shall be made a special
40 assessment against the property concerned.

41

42 Subd. 3 Repair. If the sidewalk or alley shall not be repaired within 30 days after receipt of the notice, the
43 Public Works Superintendent shall report the facts to the council and the council shall by Resolution order
44 the Public Works Superintendent to repair the sidewalk or alley and make it safe or order the work done
45 by contract in accordance with the law. The Public Works Superintendent shall keep a record of the total
46 cost of the repair attributable to each lot or parcel of property and report the information to the clerk-
47 administrator.

48 (Code 1997, § 310.03)

49

50 **310.04. Street sprinkling, street flushing, tree care, etc.**

51

52 1 Notice. The council shall each year determine what streets and alleys shall be sprinkled or flushed,
53 oiled, or given other dust treatment during the year and the kind of work to be done on each. The council
54 shall also determine from time to time the streets on which trees shall be trimmed and cared for, the kind
55 of work to be done, and what unsound trees shall be removed. Before any work is done, the clerk-
56 administrator shall, under the council's direction, publish notice that the council shall meet to consider the
57 projects. The notice shall be published in the official newspaper at least once no less than two weeks
58 prior to the meeting of the council and shall state the date, time, and place of such meeting, the streets
59 affected and the particular projects proposed, and the estimated cost of each project, either in total or on
60 the basis of the proposed assessment per front foot or otherwise.

61

62 2 Hearing. At such hearing or at any adjournment thereof, the council shall hear property owners with
63 reference to the scope and desirability of the proposed projects. The council shall thereupon adopt a
64 resolution confirming the original projects with any modifications as it considers desirable and shall
65 provide for the doing of the work by day labor through the Public Works Superintendent or by contract.
66 The Public Works Superintendent shall keep a record of the cost and the portion of the cost properly
67 attributable to each lot and parcel of property abutting on the street or alley on which the work shall be
68 done and shall report the information to the clerk-administrator.

69 (Code 1997, § 310.04)

70

71 **310.05. Personal liability.**

72

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