

**CHAPTER V.  
MUNICIPAL REGULATIONS & LICENSING**

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**501.00            SLOT MACHINES AND OTHER GAMBLING DEVICES**

- 501.01**            It shall be unlawful for any person, whether acting for himself or as agent for others, to keep any slot machine or other gambling devices within the City of Sacred Heart.
- 501.02**            Violation of this chapter shall be a misdemeanor, and upon conviction thereof, the violator shall be fined to the fullest extent of the law. The cost of prosecution may be added to the fine imposed, and in default of payment thereof, the violator shall be sentenced to imprisonment in the county jail for an additional five days.
- 501.03**            Nothing in this chapter shall be construed as prohibiting the use of such machines or devices which return, for each coin deposited, its equivalent in merchandise or services.

**502.00            HAWKERS, PEDDLERS, AND TRANSIENT MERCHANTS**

- 502.01**            It shall be unlawful for any person, whether acting for himself or as agent for others, to sell any goods, wares, or merchandise, either for present delivery, or by taking orders for future delivery, within the City of Sacred Heart without first having obtained a license from the City clerk. All license applications shall be secured from the office of the clerk, shall contain such information as the Council may require and shall be accompanied by a license application fee of \$25.00. The application shall be considered by the Council at its next regular meeting and if approved shall be issued forthwith, and if denied, the application fee shall be returned to the applicant. As to all licenses issued, the Council shall prescribe the terms and the conditions of its continuance, and when in the opinion of the Council, public order requires it, may revoke such license. All licenses issued shall automatically expire on December 31 of each year.
- 502.02**            The \$25.00 license application fee shall be good only for an individual applicant. Two or more persons subject to licenses employed by the same employer shall each apply for a license and shall each pay the \$25.00 fee.
- 502.03**            Violation of this chapter shall be a misdemeanor, and upon conviction thereof, the violator shall pay a fine to the fullest extent of the law. Costs of prosecution may be added to the fine imposed, and in default of payment thereof, the violator shall be further imprisoned in the county jail for five days.

**503.00            SALES OF CIGARETTES AND TOBACCO**

- 503.01**            No person, partnership or corporation shall directly or indirectly or by means of any device or machine, keep for retail sale, sell at retail, or otherwise dispose of any cigarettes or tobaccos at any place in the City unless a license shall first have been obtained from the Renville County Board of Commissioners.
- 503.02**            **Application and Issuance.** Application for such license shall be made to the Renville County Board of Commissioners.
- 503.03**            **License shall be displayed.** Every such license shall be kept conspicuously posted about the place for which the license is issued and shall be exhibited to any person

upon request.

**503.04 Restrictions.** No license shall be issued to a minor. No license shall be issued except to a person of good moral character. No license shall be issued for the sale of cigarettes or tobacco at a place other than the applicant's established place of business. No cigarettes or tobacco should be sold to any person under the age of 18 years. No person shall keep for sale, sell, or dispose of any cigarette or tobacco containing opium, morphine, Jimson weed, bella donna, strychnine, cocaine, marijuana, or any other deleterious or poisonous drug except nicotine.

**503.05 Revocation.** Every such license may be revoked by the Renville County Board of Commissioners.

**503.06 Penalty.** Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and upon conviction hereof shall be punished to the fullest extent of the law.

## **504.00 ANIMAL CONTROL**

**504.01 Running at Large is Prohibited.** No cat shall be permitted to run at large within the limits of this City.

**504.02 Cats on Leash.** All cats within the City shall be on a leash unless under supervision on the owner's property.

**504.03 Cat License Required.** No person shall keep any cat within the City without securing a license therefore from the City Clerk, who shall keep a record of all licenses issued and shall issue a metal tag for each license. The annual license fee shall be \$10.00. Annual licenses shall expire on the 31st day of December following their issuance. The lifetime license fee shall be \$30.00. Lifetime licenses shall expire when the cat has deceased. To obtain a license, the owner must show proof of a rabies shot. If the owner obtains a lifetime license, they must provide up-to-date rabies shot records when current records expire. The annual license must be obtained by March 1. If not obtained by March 1, there will be a penalty of \$5.00.

**504.04 Impounding.** The pound-master and every police officer shall impound any cat found unlicensed or running at large and shall give notice of the impounding to the owner of such cat if known. In the case the owner is unknown, such officer shall post notice at the pound and Community Center that if the cat is not claimed within three (3) regular business/working days of the posting of the notice, it will be disposed of. The pound-master shall house and feed in a humane manner any cat held at the pound. An impounding fee will be determined by the council. The address and telephone number of the pound-master may be obtained from the City Clerk. The owner shall remain subject to other penalties contained in this section.

**504.05 Persons in Possession.** Any person who feeds or houses a cat temporarily or permanently shall have all the duties and bear the responsibilities under provisions of this section.

**504.06 Owning and Keeping of Dogs.** Definitions.

1. **Owner.** Any person, firm partnership, or corporation owning, harboring, or keeping a dog or dogs.

2. **Kennel.** Any person, partnership, or corporation engaged in the business of breeding, buying, selling, or boarding dogs; provided that such person, partnership, or corporation customarily owns or boards more than three (3) dogs over six (6) months of age. Multiple Animal Permit required. (See Section 504.20).
3. **Pound.** Any premises designated by the City Council for the purpose of impounding and caring for dogs are held under the authority of this Section.
4. **Officer.** The City Dogcatcher, any police officer of the city or persons designated by the City Council to assist in the enforcement of this Section. Such persons shall have police powers insofar as it is necessary to enforce this Section, and no person shall interfere with, hinder, or molest them in the exercise of such powers.
5. **Restraint.** A dog shall be deemed to be under restraint if it is on the premises of its owner, or if accompanied by a responsible person, leashed and under that person's effective control.
6. **Vicious Dog.**
  - (a) Any dog with a propensity, tendency or disposition to attack, causes injury or otherwise endanger the safety of people or other domestic animals as evidenced by its habitual or repeated chasing, snapping, or barking.
  - (b) Any dog which attacks a human being or other domestic animal without provocation.
  - (c) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
7. **Animal Limit.** No more than three (3) animals, which are required to be licensed, may be kept, harbored, or possessed per residence within the City.
  - (a) **Grandfather Clause.** Any residence keeping, harboring, or possessing more than three (3) licensed animals at the time of the effective date (10/18/2007) of this ordinance may continue to do so, provided such animals are otherwise duly licensed, until such time as the animal ceases, for any reason, to be kept harbored or possessed at the residence; at which time, no animal may be brought in until the number of animals at the residence is under three (3).

**504.07 License Required.** No person shall own, keep, harbor, or have custody of any dog over three (3) months of age without first obtaining a license therefore from the City Clerk, who shall keep a record of all licenses issued and shall issue a metal tag for each license. The annual license fee shall be \$10.00. Annual licenses shall expire on the 31st day of December following their issuance. The lifetime license fee shall be \$30.00. Lifetime licenses shall expire when the dog has deceased. To obtain a license, the owner must show proof of a rabies shot. If the owner obtains a lifetime license, they must provide up-to-date rabies shot records when current records expire. The annual license must be obtained by March 1. If not obtained by March 1, there will be a penalty of \$5.00. The owner shall affix the metal license tag by a permanent metal fastening to the collar of the dog so licensed in such a manner that the tag may be easily seen by the officers of the City. The owner shall see that the tag is constantly worn by licensed dog.

**504.08 Owner Obligation for Proper Care.** No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the

weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, treat cruelly, torment or otherwise abuse any animal, or cause or permit any dogfight. No owner shall abandon such animal.

**504.09 Dogs Under Restraint.** All dogs within the City limits of Sacred Heart shall be kept under restraint.

**504.10 Obligation to Prevent Nuisances.** It shall be the obligation and responsibility of the owner or custodian of any animal in the City, whether permanently or temporarily therein, to prevent such animal from committing any act which constitutes a nuisance. It shall be considered a nuisance for any animal habitually or frequently: bark or cry; to frequent school grounds, parks; to chase vehicles; to worry, chase or molest any persons, if such person is not on the property of the owner or custodian of such animal; to worry, chase or molest any persons traveling peaceably on the public road; or to molest defile or destroy any property public or private. Failure on the part of the owner or custodian to prevent his animals from committing an act of nuisance shall be subject to the penalty hereinafter provided.

**504.11 Animal Waste.** The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property.

**504.12 Impoundment.** Unrestrained dogs may be taken by any officer and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for five (5) days unless reclaimed prior to that time by their owner as provided hereafter.

1. **Notice of Impoundment.** Upon taking up and impounding any dog, the Dogcatcher shall, within one day thereafter, post in three (3) or more conspicuous places in the City, a notice of impounding and mail a copy of these to the owner if the name and address of the owner is known.

2. **Redemption.** Any dog may be reclaimed from the dog pound by its owner within the time specified in the notice by the payment to the City Clerk of the license fee, if applicable, and a \$50.00 impounding fee (determined by the Council on an annual basis). Notwithstanding this Section, the owner shall remain subject to other penalties contained in this Section.

3. **Disposition of Unclaimed Dogs.** Any dog which is not claimed, as provided in Subdivision 2 of this Section, within five (5) days after impounding, shall be taken to the Human Society to be adopted or disposed of.

**504.13 Permissible Return of Unrestrained Dogs.** Notwithstanding the provisions of 504.12, if an animal is found unrestrained and its owner can be identified and located, such animal need not be impounded, but may, instead, be taken to the owner upon payment of fees as set by the City Council on an annual basis. In such a case, however, proceedings may be taken against the owner for violation of this Section.

**504.14 Female Dogs.** Every female dog in heat within the City of Sacred Heart shall be confined in a building or other secure enclosure, in such manner that such female animal cannot come in contact with another dog, except for planned breeding.

**504.15 Quarantine of Certain Dogs.** All dog bites shall be reported to the City Clerk and County Health Officer as being diseased or ferocious or vicious. Any dog that bites a person shall be quarantined for such time as may be directed by the County Health Officer. During quarantine the animal shall be securely confined and kept from contact

with any other animal. At the discretion of the Officer the quarantine may be on the premises of the owner; however, if the Officer requires other confinement, the owner shall surrender the animal for the quarantine period, directed by the Health Officer, to an animal shelter, or shall, at his own expense, place it in a veterinary hospital or the Office is authorized to take said dog to the pound.

**504.16 Muzzling.**

1. **Council Authority.** The City Council may, at any time, with just cause require any or all dogs within said City to be muzzled in a manner and for such length of time as the order may subscribe.
2. **Vicious Dog.**
  - (a) No person owning, harboring, or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four (4) feet in length. No person may permit a vicious dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts, and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club Show or upon prior approval of the Health Department.
  - (b) All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in Subdivision 2A of this section. The pen, kennel, or structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the City. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.
  - (c) No vicious dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit the building on its own volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.
  - (d) No vicious dog may be kept within any portion of any multiple dwelling.
  - (e) All owners, keepers, or those harboring vicious dogs shall, within fifteen (15) days of the effective date of this Section, display in a prominent place on their premises a sign readable by the public using the words "Beware of Dog". A similar sign is required to be posted on the kennel or pen of the dog.

**504.17 Insurance.** All owners, keepers or those harboring vicious dogs shall, within thirty (30) days of the effective date of this Section, provide proof to the City Clerk of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a ten (10)

day written notice is first given to the City Clerk. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer, animal control officer or public health officer. This Sub-section does not apply to dogs kept by law enforcement agencies.

**504.18 Destruction of Certain Dogs.** A dog may be destroyed by an officer if he has taken the dog into custody, given at least five (5) days prior written notice to the owner and one of the following facts exist:

1. **Attack.** A vicious dog attacks a human being or domestic animal or represents a continuing threat of serious harm to human beings or domestic animals or has destroyed property.
2. **Trespass.** A dog trespasses in a damaging manner on the property of persons other than the owner more than three (3) times; or is otherwise in repeated violation of this Section.
3. **Failure to Confine or Muzzle.** A dog has not been confined or muzzled as required by this Section.

**504.19 Summary of Destruction of Certain Dogs.** Whenever an officer or a person designated by the City Council has reasonable cause to believe that a particular dog presents a clear and immediate danger to residents of the City because it is infected with rabies (encephalomyelitis) or because of a clearly demonstrated vicious nature, the officer, after unsuccessfully attempting to catch such dog, may summarily destroy the dog.

**504.20 Multiple Animal Permit Procedure (Kennel).** No person, firm or corporation shall maintain a kennel in this City without first securing a permit thereof from the City Clerk. Application for a Multiple Animal Permit must be made to the City accompanied by the required license fees for each animal, or proof that license fees are current. There is no separate fee for the Multiple Animal Permit. The City Clerk shall notify all properties within 350 feet of the proposed kennel, who shall then each have fifteen (15) days from the date of such notification to file any comments in writing that they may desire. Notwithstanding the filing or not filing of such comments, the City shall retain sole discretion as to the issuance of a Multiple Animal Permit. The City will consider enclosure, nourishment, shelter, past complaints and any other measure deemed necessary for each situation in determining qualifications for a Multiple Animal Permit. Within thirty (30) days after the application has been submitted, the City shall issue its determination to either authorize a Multiple Animal Permit or deny the same. Any such permit issued shall be valid for one (1) calendar year beginning January 1<sup>st</sup> and ending December 31<sup>st</sup> and must be reviewed annually thereafter upon proper request being made to the City. If a permit holder fails to comply with any statements made in the application or with any reasonable conditions imposed on the permit, or violates any other provisions of the applicable ordinances, the Multiple Animal Permit is subject to summary revocation by the City of Sacred Heart.

**504.21 Nonresidents.** The Sections of this ordinance requiring a license shall not apply to nonresidents of the City, provided that dogs of such owners shall not be kept in the City longer than twenty (20) days without a license and shall be kept under constraint.

**504.22 Penalty.** The violation of any provision of this Chapter shall be punished to the fullest extent of the law. Each and every act of violation shall constitute a separate offense punishable by a fine described in Minnesota Statute 609.02 Subd.4a.

## 505.00

## GARBAGE AND OTHER REFUSE

The monthly billing shall be in the name of the occupant of the premises or the garbage service user. Notwithstanding, garbage service charges are hereby made a primary obligation of the owner of the premises served. Upon failure to pay the garbage service charges duly billed, the City Council may certify to the County Auditor of Renville County the sums due and owing for garbage service furnished to said premises, which premises shall be described in said certificate with directions for collection for the City with other taxes levied against said premises. Said garbage charges shall be payable in one annual installment with one year's interest at the rate of 6% per annum to be added to said garbage charges. Garbage charges shall be an obligation of the owner, lessee and occupant of the premises served and all of them. In the alternative, the city may, by its Council, bring an action in any court of competent jurisdiction against either the owner, the lessee or the occupant of the premises served or all of them for collection of delinquent garbage service charges together with reasonable attorney fees. *(Revised 12/08/25)*

- 505.01**     **Deposit of Garbage and Refuse Restricted.** No person shall hereafter deposit or cause to be deposited any garbage, kitchen or table refuse, or any decayed animal or vegetable substance or any noxious or offensive substance or any substance injurious to life or health, upon any streets, avenue, vacant lot or vacant part of any lot or upon any yard, back yard or other ground or place appurtenant to any dwelling house, boarding house, lodging house, hotel, restaurant, store, saloon, factory, laundry, work shop or other inhabited building, in the City of Sacred Heart except in cans and in the manner in this chapter provided.
- 505.02**     **Garbage Containers Required.** Every owner or occupant or person in control or possession of any dwelling house, hotel, restaurant, boarding house, lodging house, store, laundry, factory or other inhabited building or structure shall provide at his own expense and put and keep on the grounds, back yard or other part of the lot appurtenant to any such specified premises and in a convenient place, easy of access for collection as provided in 505.03 of this chapter, a container of holding capacity of at least thirty-five, but not more than ninety-five gallons, with a cover and with handles on the sides; and every such person shall deposit or cause to be deposited in such container all garbage and other refuse and substances specified in 505.01 of this chapter which shall accrue on his or her premises or on premises in his or her control or possession and shall deposit in said container the same drained of water or other fluid, and wrapped in paper in parcels, and shall keep such container covered.
- 505.03**     **Collection by City Council.** The City Council of the City of Sacred Heart shall collect, from time to time as cans may fill, all garbage and other refuse and substances deposited in the can pursuant to 505.02 of this chapter and shall remove the same to such place as shall be provided by the City Council for that purpose. The City Council may employ men, vehicles and equipment or other means as may be necessary for such collection and removal of such garbage and other refuse, but all such employment or procuring of means shall be done in the name and for on behalf of said City and the expense thereof shall be paid out of the general funds of the City upon bills verified the same as other bills or claims. The City Council may adopt such reasonable rules and regulations for the deposit, collection and removal of such garbage and other refuse aforesaid as it may deem necessary or useful.
- 505.04**     **Penalty.** Any person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished to the fullest

extent of the law.

**505.05 Open burning.** Except as provided in the sections below, all open burning is prohibited in the City of Sacred Heart.

**505.06 Definitions.**

1. **Open Fire/Open Burning.** A fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed firebox, structure, or vehicle, from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct, or chimney.
2. **Person.** Any natural person acting either personally or in any representative capacity, a corporation, a firm, a co-partnership, or an association of any nature or kind.
3. **Starter Fuels.** Dry, untreated, unpainted wood or charcoal fire starter. paraffin candles and alcohol are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution may be used to start an open fire.
4. **Wood.** Dry, clean fuel only such as twigs, branches, limbs, “presto logs” charcoal, cord wood or untreated dimensional lumber. “Wood” does not include wood that is green, farm vegetation such as corn stalks, vines or other such matter, leaves or needles, rotten, wet, oil soaked or treated with paint, glue, or preservatives.
5. **Recreational Fire.** A fire set for cooking, warming or ceremonial purposes which is not more than three (3) feet in diameter by three (3) feet high and has had the ground five (5) feet from the base of the fire cleared of all combustible material. Recreational fires must be contained in an approved firebox.
6. **Firebox.** An enclosed box constructed of metal, stone, brick, or other approved noncombustible material. The side walls and roof may be made of metal mesh or grating with holes, or spacing, of no more than ½ inch. Fireboxes must fully encase the fire and persons must not allow a flame to expand more than six (6) inches beyond the walls, or roof, of the firebox.

**505.07 Recreational Fires.** Recreational fires are permitted. These regulations shall not apply to wood burning fireplaces or to fires used for the preparation of food by barbecuing. Indoor and outdoor fires may be used for cooking, warmth, or recreational purposes, provided, however, that such fires shall not be used for purposes of refuse disposal and shall not violate any other ordinances of the City. The following requirements shall apply to all recreational fires:

1. Must be in an enclosed approved firebox.
2. Minimum distance from the fire to a property line – 6 feet.
3. Minimum distance from the fire to a structure – 15 feet.
4. No combustible materials within a 5-foot radius of the fire.
5. The fire must be started with an approved Starter fuel.
6. All attempts to keep flames within the walls and roof of the firebox should be used, however flames must not expand past the walls or roof more than six (6)

inches.

7. Only clean wood or charcoal may be burned. No burning of trash or brush is allowed.
8. Burning shall occur between 9:00am - 12:00 midnight during any day of the week.
9. The fire must be constantly attended by a responsible adult and supervised until the fire has been totally extinguished.
10. A means of extinguishing the fire shall be present (such as a garden hose, fire extinguisher, pail of water or sand and a shovel).
11. Recreational fires shall be for cooking, social, or recreational purposes. They are not allowed for the disposing of trash, refuse, debris, grass, tree trimmings, farm waste or similar materials. No person shall dispose of refuse by open burning, burning in an approved firebox, or cause, suffer, allow, or permit open burning of refuse.

**505.08 Burning Permits.** Burning permits will not be issued, for any reason, within the city limits of Sacred Heart.

**505.09 Permanent Firebox.** Residents wishing to construct a permanent firebox on their property must submit a drawn plan with dimensions, materials to be used a location of building site to the City Council for approval. A Building Permit will be required for construction of a permanent firebox.

**505.10 Burning Ban/Air Quality Alert.** No recreational fire or open burn will be permitted when the City or the Minnesota Department of Natural Resources has officially declared a burning ban due to potentially hazardous fire conditions or when Minnesota Pollution Control Agency has declared an air quality alert.

**505.11 Approved Burning.** The following is a list of exceptions to this Ordinance with the approval of the City Council or City Clerk.

1. Ground thawing for utility repair, underground utility construction and preparation of burial grounds.
2. Bona-fide instruction and training of firefighting personnel and for the testing of fire extinguishing equipment.
3. Fires set for the elimination of a fire hazard, which cannot be abated by another practicable means.
4. The burning by City staff of trees, brush, grass, and other vegetative matter in the maintenance of municipal property.
5. Any burning conducted under this Section must have the approval of the City Council or the City Clerk prior to burning. Burns, under this Section, for emergency utility repair may be made without prior approval, providing that City Clerk is contacted by the next business day with the fact a burn was made, what it consisted of and its location.

**505.12 Penalties.** Any fires not complying with this Section are in violation of State Statute and local ordinances and deemed a Misdemeanor offense. Fires will be extinguished by the Fire Department at the homeowner's/renter's expense and a fine may be imposed. Fires in which refuse, or trash is being burned will be punished to the fullest

extent of the law.

**505.13 Effective Date.** This ordinance shall become effective upon its publication.

## **506.00 ADULT-ORIENTED BUSINESSES**

### **506.01 Purpose and Intent.**

1. **Findings of the City Council.** Studies conducted by the Minnesota Attorney General, the American Planning Association and cities such as St. Paul, Minnesota; Indianapolis, Indiana; Alexandria, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington have studied the impacts that adult oriented businesses have in those communities. These studies have concluded that adult oriented businesses have an adverse impact on the surrounding neighborhoods. Those impacts include increased crime rates, lower property values, increased transients, blight, and potential health risks. The Council of the City of Sacred Heart makes the following findings regarding the need to license adult oriented businesses. The findings are based upon the experiences of other cities where such businesses have located, as studied by City staff.
  - (a) Adult-oriented businesses have adverse secondary impacts of the types set forth above.
  - (b) The adverse impacts caused by adult-oriented businesses tend to diminish if adult-oriented businesses are governed by local requirements, licensing requirements, and health requirements.
  - (c) It is not the intent of the City Council to prohibit adult-oriented businesses from having a reasonable opportunity to locate in the City.
  - (d) Minnesota Statutes, Section 462.357, allows the City to adopt regulations to promote public health, safety, morals, and general welfare.
  - (e) Public health, safety, morals, and general welfare will be promoted by the City adopting regulations governing adult-oriented businesses.
  - (f) Adult-oriented businesses can contribute to an increase in criminal activity in the area in which such businesses are located, taxing City crime-prevention programs and law enforcement services.
  - (g) Adult-oriented business can be used as fronts for prostitution and other criminal activity. The experience of other cities indicates that the proper management and operation of such businesses can, however, minimize this risk, provided the owner and operators of such facilities are regulated by licensing or other procedures.
  - (h) Adult-oriented businesses can increase the risk of exposure to communicable diseases including, but not limited to, Acquired Immune Deficiency Syndrome (AIDS) for which currently there is no cure. Experiences of other cities indicate that such businesses can facilitate the spread of communicable diseases by virtue of the design and use of the premises, thereby endangering, not only the patrons of such establishments, but also the general public.

- (i) Adult-oriented businesses can cause or contribute to public health problems by the presence of live adult entertainment in conjunction with food and/or drink on the same premises.
  - (j) The risk of criminal activity and/or public health problems can be minimized through a licensing and regulatory scheme as prescribed herein.
2. **Purpose.** It is the purpose of this Ordinance to regulate Adult-Oriented Businesses to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to:
- (a) Prevent additional criminal activity within the City.
  - (b) Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood.
  - (c) To locate adult-oriented businesses away from residential areas, schools, churches, parks, and playgrounds.
  - (d) Prevent concentration of adult-oriented businesses within certain areas of the City.
3. **Provisions.** The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented entertainment to their intended market.

**506.02**

**Definitions.** For the purpose of this Section the terms defined in this Section have these meanings given to them:

1. **Adult-Oriented Business.**

- (a) 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 position of its gross revenues from items, merchandise, devices or tother materials distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing or relating to Specified Sexual Activities or Specified Anatomical Areas; or
- (b) Any activity or business described below.

2. **Adult Book and/or Media Store.** An establishment which excludes minors, and which has a substantial portion of its stock in trade or stock on display (books, magazines, films, videotape, or other media) which are characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

3. **Adult Cabaret.** An establishment which provides dancing or other live entertainment, if such establishment excludes minors by virtue of age from all or part of the establishment and if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

4. **Adult Establishment.** Any business which offers it patrons services, entertainment, or the sale of merchandise characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to Specified Sexual

Activities or Specified Anatomical Areas. Specifically included in the term, but without limitation, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses and other establishments of the kind.

5. **Adult Hotel or Motel.** Any hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
6. **Adult Mini-Motion Picture Theater.** Includes the following:
  - (a) A theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity for less than fifty (50) persons used for presenting motions pictures, including, but not limited to, film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
  - (b) Any business which presents motion pictures, from which minors are excluded from all or part of the establishment, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or reliant on Specified Sexual Activities or Specified Anatomical Areas, for viewing on the premises, including, but not limited to private booths, viewing by means of coin operated or other mechanical devices, and the viewing of excerpts of motion pictures offered for sale or rent.
7. **Adult Modeling Studio.** An establishment, which excludes minors from all or part of the establishment, whose major business is the provision, to customers, or figure models who are so provided with the intent of providing sexual stimulation for 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.
8. **Adult Motion Picture Arcade.** Any place which excludes minors from all or part of the establishment wherein coin or token operated or electronically, electrically, or mechanically controlled or operated still or motor 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 depiction or describing Specified Sexual Activities or Specified Anatomical Areas.
9. **Adult Motion Picture Theater.** A theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity of fifty (50) or more persons used regularly and routinely for presenting live entertainment or motion pictures, including, but not limited to, film and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas for observation by patrons.
10. **Adult Novelty Business.** Includes any of the following:
  - (a) Less than completely and opaquely covered human genitals, pubic region,

pubic hair, buttock, anus, or female breast below a point immediately above the top of the areola; and

- (b) Human male genital in a discernible turgid state, completely and opaquely covered.

**11. Specified Sexual Activities.** Includes any of the following:

- (a) An act of sexual intercourse, normal or perverted, actual, or simulated, including genital-genital, or oral-genital intercourse or interaction, whether between human beings or between a human being(s) and an animal(s).
- (b) 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.
- (c) Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ clothed or unclothed.
- (d) Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or breast of a female, whether alone or between members of the same or opposite sex or between human(s) and animals(s) in an act of apparent sexual stimulation or gratification.

**506.03 Application of this Ordinance.**

**1. Application in General.**

- (a) Except as in the Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with the Ordinance.
  - (b) No Adult-Oriented Business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct, in or about the establishment, which is prohibited by any Ordinance of the City of Sacred Heart, the laws of the State of Minnesota, or the laws of the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct which are 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.
- 2. Existing Adult-Oriented Businesses.** Within twelve (12) months of the effective date of this Ordinance, any existing adult-oriented business shall be in compliance with all requirements of this Ordinance, as authorized pursuant to Minnesota Statute 462.357, Subdivision 1c.

**506.04 Location.**

- 1. Permitted Location.** Adult-Oriented Businesses are permitted only in the AG (Agricultural District) and M-1 (Manufacturing District), subject to the following requirements:

- (a) An Adult-Oriented Business shall not be allowed within five hundred (500) feet, measured in a straight line from the building or edge of leased building space to another existing adult use.
- (b) An Adult-Oriented Business shall not be located within five hundred (500) feet, measured in a straight line from the building or edge of leased building space to the property line of any residentially zoned property.
- (c) An Adult-Oriented Business shall not be located within five hundred (500) feet, measured in a straight line of any existing school, place of worship, library, daycare facility, park, or playground.
- (d) An Adult-Oriented Business shall not be located within five hundred (500) feet, measured in a straight line of any City-owned Park and/or recreational property.

**506.05 Hours of operation.** No adult-oriented business site shall be open to the public from the hours of 10:00 p.m. to 10:00 a.m.

**506.06 Operation.**

1. **Off-site Viewing.** An establishment operating as an Adult Oriented Business shall prevent off-site viewing of its merchandise, which, if viewed by a minor, would be in violation of Minnesota Statutes Chapter 617 or other applicable Federal or State Statutes or local Ordinances.
2. **Entrances.** All entrances to the business, with the exception of emergency fire exits, which are not useable by patrons to enter the business, shall be visible from a public right-of-way.
3. **Layout.** The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the establishment can observe all patrons while they have access to any merchandise offered for sale or viewing, including, but not limited to, books, magazines, photographs, video tapes, or any other material, or any live dancers or entertainers.
4. **Illumination.** Illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.
5. **Signs.** Signs for Adult Oriented Businesses shall comply with the City' Ordinance for signs, and in addition, signs for Adult Oriented Businesses shall not contain representational depiction of an adult nature or graphic descriptions of the adult theme of the operation.
6. **Access by minors.** No minor shall be permitted on the licensed premises. Adult goods or materials may not be offered, sold, transferred, conveyed, given, or bartered to a minor, or displayed in a fashion that allows such goods or materials to be viewed by a minor, whether the minor is on the licensed premises or outside.
7. **Additional conditions for adult cabarets.** The following additional conditions apply to adult cabarets:
  - (a) No dancer, live entertainer, or performer shall be under eighteen (18) years of age.

- (b) All dancing or live entertainment shall occur on a platform for that purpose, and which is raised at least two (2) feet from the level of the floor.
- (c) No dancer or performer shall perform any dance of live entertainment closer than three (3) feet, measured in a direct line, to a patron.
- (d) No dancer or performer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer.
- (e) No patron shall pay or give any gratuity to any dancer or performer.
- (f) No dancer shall solicit, receive, or accept any pay or gratuity from any patron.

**506.07 License required.** On and after February 9, 2004, no person or entity shall own, lease, rent, manage, or operate an adult-oriented business, including any adult-oriented business operating at the time this Ordinance becomes effective, unless such person is currently licensed under this Ordinance. Any person or entity is in violation of the Ordinance if the person or entity operates an adult-oriented business without a valid license, issued by the City Council (“Issuing Authority”).

**506.08 License application.** The application for a license under this Ordinance shall be made on a form supplied by the Issuing Authority and shall require the following information:

1. **All Applicants.** For all applicants:

- (a) Where the applicant is a natural person, corporation, partnership, or other form of organization.
- (b) The legal description of the premises to be licensed, along with a floor plan of the Premises. The floor plan of the premises shall detail all internal operations and activities, including a statement of the total floor space occupied by the business. The floor plan need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- (c) 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 Minnesota Statutes, Section 333.01 shall be submitted to the Issuing Authority.

2. **Applicants Who Are Natural Persons.** If the applicant is a natural person:

- (a) The name, place, and date of birth, street and city address, and phone number of the applicant.
- (b) Where the applicant has ever used or has been known by a name other than the applicant’s name, and if so, the name or names used and information concerning dates and places where used.
- (c) The street and city address at which the applicant has lived during the preceding two (2) years.
- (d) The type, name, and location of every business or occupation in which the applicant has been engaged during the preceding two (2) years and name(s)

and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding two (2) years.

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

3. **Applicants That Are Partnerships.** If the applicant is a partnership:

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

4. **Corporate or Other Applicants.** If the applicant is a corporation or other organization:

- (a) The name of the corporation or business form, and if incorporated, the state of incorporation.
- (b) A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement and By-laws shall be attached to the application. If the applicant is a foreign corporation, a Certification of Authority as required by Minnesota Statutes, Section 303.06, shall be attached to the application. If the entity is a limited liability company, then true and accurate copies of the Articles or Organization and any Membership Agreements shall be attached to the application.
- (c) The name of the manager(s), proprietor(s), or other agent(s) in charge of the business and all the information concerning each manager, proprietor, or agent that is required of applicants in subpart 2 of this Section. Accurate and complete business records showing the names, addresses, and dates of birth of all individuals having an interest in the business, including partners, officers, owners, managers, and creditors furnishing credit for the establishment, acquisition, maintenance, and furnishings of said business and, in the case of a corporation or limited liability company, the names, addresses, and dates of birth of all officers, members, general managers, members of the board of directors or board of governors.

5. **Disqualification.** The City will issue a license to an applicant within thirty (30) days of the application unless one or more of the following conditions exist:

- (a) The applicant is under age 21.
- (b) The applicant failed to supply all of the information requested on the license application.
- (c) The applicant gives any false, fraudulent, or otherwise untruthful information on the license application.

- (d) The applicant has been convicted of a misdemeanor, gross misdemeanor, or felony, if such conviction relates to sex offenses, obscenity offenses, or adult-oriented businesses.
  - (e) The adult-oriented business is not in full compliance with this Ordinance and all provisions of State and Federal law.
  - (f) The applicant has not paid the required license and investigative fees.
  - (g) The applicant has been denied a license by the City or other Minnesota municipal corporation to operate an adult-oriented business, or such license has been suspended or revoked within the preceding twelve (12) months.
  - (h) The applicant is not the proprietor of the business in the establishment for which the license was issued.
  - (i) The adult-oriented business premises hold an intoxicating liquor, beer, or wine license.
6. **Re-Qualification.** An applicant may qualify for an adult-oriented business license if:
- (a) After one (1) year has elapsed since the case of a prior license revocation.
  - (b) After two (2) years have elapsed since the date of conviction or the date of release from confinement in the case of a misdemeanor conviction.
  - (c) After five (5) 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.
7. **Posting.** The license, if granted, shall 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 Oriented Business. The license shall be posted in a conspicuous place at or near the entrance to the Adult Oriented Business so that it may be easily read at any time.

**506.09 License Application Execution.** If the application is that of a natural person, the application shall be signed and sworn to by that person; if of a corporation, by an officer thereof; if of a partnership, by one of the general partners; if of an unincorporated association, by the manager or managing officer thereof.

**506.10 License Procedures.**

1. **Applications.** Applications of licenses under this Ordinance shall be submitted to the Issuing Authority. Within thirty (30) calendar days of receipt of a completed application and payment of all license application fees, agents and/or employees of the Issuing Authority shall verify any and all of the information requested of the applicant in the application, including the ordering of criminal background checks, and conduct any necessary investigation to assure compliance with this Ordinance.
2. **Applications for Renewal.** If the application is for renewal, the applicant will be allowed to continue business until the Issuing Authority has determined whether the applicant meets the criteria of the Ordinance for a renewal license.
3. **Issuance.** If, after the investigation, it appears that the applicant and the place proposed for the business are eligible for a license, the license must be issued by the Issuing Authority within thirty (30) days after the investigation is completed.

If the Issuing Authority fails to act within thirty (30) days after the investigation is completed, the application will be deemed approved.

4. **Recourse.** If the Issuing Authority does not grant a license to an applicant, then the applicant may commence an action in State or Federal court within fifteen (15) days for the purpose of determining whether the City acted properly. The applicant may not commence business unless the court action concludes in its favor.

#### **506.11 License Fees.**

##### **1. Application Fee.**

- (a) The annual license application fee shall be set by the City Council.
  - (b) The application license fee shall be paid in full before the application for a license is considered. All fees shall be paid to the Issuing Authority, for deposit into the general fund of the City, and shall be delivered to the City Clerk. Upon rejection of any application for a license or upon withdrawal of application before approval of the Issuing Authority, the license fee shall be refunded to the applicant.
  - (c) When the license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee of the initial license period shall be ninety (90) days after approval of the license by the Issuing Authority or upon the date an occupancy permit is issued for the building.
  - (d) Licenses will expire on December 31<sup>st</sup> of each year. Each license will be issued for a period of one year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year, based on a per diem, pro-rated fee based upon a 365-calendar day year.
  - (e) No part of any fee paid will be refunded, except that a pro rata portion of the fee shall be refunded upon application made to the City Council, in writing, within thirty (30) days from the happening of one of the following events:
    - (1) Destruction or damage of the licensed premises by fire or other catastrophe; or
    - (2) The licensee's death.
  - (f) Any change in information provided on the application or provided during the investigation must be brought to the attention of the City Council, in writing, and presented to the City Clerk/Treasurer by the applicant or licensee within five (5) calendar days of the damage.
2. **Investigation Fee.** An applicant for any license under this division shall deposit with the Issuing Authority, at the time an original application is submitted, \$500,000 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. The investigation fee shall be non-refundable.

#### **506.12 License Restrictions.**

1. **Effect of License.** A license issued under this Ordinance is only effective for the

compact and contiguous space specified in the approved license application.

2. **Maintenance of Order.** A licensee under this Ordinance shall be responsible for the conduct of the business being operated and shall not allow any illegal activity to take place on or near the licensed premises including, but not limited to, prostitution, public indecency indecent exposure, disorderly conduct, or the sale or use of illegal drugs. Every act or omission by an employee or independent contractor of the licensee constituting a violation of the Ordinance shall be deemed the act or omission of the licensee if such act or omission occurs either with the authorization, knowledge, or approval of the licensee or as a result of the licensee's negligent failure to supervise the employee's or independent contractor's conduct.

#### **506.13 Restrictions Regarding License Transfer.**

1. **No Transfer Allowed.** The license granted under this Ordinance is for the person and the premises named on the approved license application. No transfer of a license shall be permitted from place to place or from person to person without complying with the requirements of an original application.
2. **Sale of Business.** When an Adult-Oriented Business licensed under this Ordinance is sold or transferred, the existing licensee shall immediately notify the Issuing Authority of the sale or transfer. If the new owner or operator is to continue operating the Adult Oriented Business, the new owner or operator must immediately apply for a license under this Ordinance. The business will remain closed until a new license is in place.

#### **506.14 Inspection**

1. **Access.** An applicant or licensee shall permit health officials, representatives of the police department, fire department, and building inspection division to inspect the premises of an Adult-Oriented Business, for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
2. **Refusal to Permit Inspections.** A person who operates an Adult-Oriented Business or his/her agent or employee commits an offense if he or she refuses to permit a lawful inspection of the premises by health officials, representatives of the police department, fire department, and building inspection division at any time it is occupied or open for business. Refusal to permit inspections may result in the suspension or revocation of the license as provided in this Ordinance.
3. **Exceptions.** The provisions of this Section do not apply to areas of an adult motel, which are currently being rented by a customer for use as permanent or temporary habitation. Temporary habitation is defined as a period of time of at least twelve (12) hours.
4. **Records.** The licensee must keep itemized written records of all transactions involving the sale of all items or merchandise for at least one (1) calendar year after the transaction. At a minimum, those records must describe the date of the transaction, a description of the transaction, the purchase price or rental price, and a detailed description of the item or merchandise purchased or rented. Those written records must be made available to the City immediately upon request.

#### **506.15 Expiration and Renewal.**

1. **Expiration.** Each license shall expire at the end of the calendar year and may be renewed only by making applications as provided herein. Application for renewal

must be made at least sixty (60) days before the expiration date.

2. **Denial of Renewal.** When the City denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of denial. Subsequent to denial, if the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the denial became final.

**506.16 Suspension.**

1. **Causes of Suspension.** The City may suspend a license for a period not to exceed thirty (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) Engaged in the use of alcoholic beverages while on the Adult-Oriented Business premises other than at an adult hotel or motel.
  - (c) Refused to allow an inspection of the Adult-Oriented Business premises as authorized by this Ordinance.
  - (d) Knowingly permitted gambling by any person on the Adult-Oriented Business premises.
  - (e) Demonstrated inability to operate or manage an Adult-Oriented Business in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.
2. **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 ten (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, of by leaving the same at the licensed business premises with the person in charge thereof, or by mailing said 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.

**506.17 Revocation.**

1. **Suspended Licenses.** The City may revoke a license if a cause of suspension in Section 506.16 occurs, and the license has been suspended within the preceding twelve (12) months.
2. **Causes of Revocation.** The City shall revoke a license if it determines that:
  - (a) A licensee gave false or misleading information in the material submitted to City during the application process.
  - (b) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances or alcohol 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-Oriented Business during a period of time when the licensee's license was suspended.

- (e) A licensee has been convicted of an offense prohibited within this Ordinance as listed in 506.08:5 for which the period of time required by 506.08:6 has not elapsed.
  - (f) On two or more occasions within a twelve (12) month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in 506.08:5 for which a conviction has been obtained, and the person or persons were employees of the Adult-Oriented Business at the time the offenses were committed.
  - (g) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, or masturbation to occur in or on the licensed premises.
3. **Appeals.** The fact that a conviction is being appealed shall have no effect on the revocation of the license.
  4. **Exceptions.** Section 506.172g does not apply to Adult Motels as grounds for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.
  5. **Granting a License After Revocation.** When the City revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued an Adult-Oriented Business license for one (1) year from the date the revocation became effective. Subsequent to revocation, if the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective. If the license was revoked under 506.17:2e, an applicant may not be granted another license until the appropriate number of years required have elapsed.
  6. **Notice.** A revocation by the City shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least ten (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 premises with the person in charge thereof or by mailing the notice to the last known address of the owner or agent authorized to receive legal notices for the business, as listed on its license application.

**506.18 Procedures for Appeal.**

1. **Provisions.** Suspensions, revocation, and non-renewals of Adult-Oriented Business licenses are governed by the following provisions:
  - (a) In the event that the City Council proposed not to renew, to revoke, or to suspend the license, the licensee must be notified in writing of the basis for such proposed revocation or suspension. The City Council will hold a hearing for the purpose of determining whether to revoke or suspend or not to renew the license. The hearing must be within thirty (30) days of the date of the notice. The City Council must determine whether to suspend or revoke a license within thirty (30) days after the close of the hearing or within sixty (60) days of the date of the notice, whichever is sooner. The City Council must notify the licensee, in writing, of its decision within that period.

(b) If the City Council determines to suspend or revoke a license, the suspension or revocation is not effective until fifteen (15) days after written notice of the decision is given to the licensee. If, within those fifteen (15) days, the licensee files and serves an action in State or Federal court challenging the Council's decision, then the suspension or revocation is stayed, pending the conclusion of such court action.

(c) If the City Council determines not to renew a license, the licensee may continue to operate its business for fifteen (15) days after receipt of the notice of non-renewal. If the licensee files and serves an action in State or Federal court within that fifteen (15) day period, the licensee may continue business pending the conclusion of such court action.

**506.19 Severability.** Every section, provision, or part of this Ordinance or any permit issued to 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 or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

**506.20 Effective Date.** This Ordinance shall become effective upon publication.

## **507.00 EMERGENCY PROTECTION FIRE SERVICE FEES**

**507.01 Purpose and Intent.** This Ordinance is adopted for the purpose of authorizing the City of Sacred Heart to charge for fire service as authorized by Minn. Stat. 366.011, 366.012, and 415.01.

**507.02 Definitions.**

1. **Fire Service.** Deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.
2. **Fire Service Charge.** The charge imposed by the City for receiving fire service.
3. **Motor Vehicle.** Any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi-trailers. It does not include snowmobiles, manufactured homes, all-terrain vehicles, or park trailers.
4. **Fire Protection Contract.** A contract between the City and a township or other city for the City to provide fire service.
5. **Mutual Aid Agreement.** An agreement between the City and a township or other city for the City's fire department to provide assistance to the fire department of a township of other city.

**507.03 Parties Affected.**

1. Owners of property who receive fire service within the City.

2. Anyone who receives fire service as a result of a motor vehicle accident or fire within the City.
3. Owners of property in townships or cities to which the City provides fire service pursuant to a fire protection contract.

**507.04 Rates.** Rates are determined by the Sacred Heart Fire Department and applied to the Fine and Fee Schedule.

**507.05 Billing and Collection.**

1. Parties requesting and receiving fire services may be billed directly by the City. Additionally, if the party receiving fire services did not request services but a fire or other situation exists which, at the discretion of the fire department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billed amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.
2. Parties billed for fire service will have 60 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency.
3. If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.
4. If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before November 15<sup>th</sup> of each year, certify the unpaid fire service charge to the County Auditor in which the recipient of the services owns real property for collection with property taxes. The County Auditor is responsible for remitting to the City all charges collected on behalf of the City. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15<sup>th</sup>.
5. False alarms will be billed as a fire call.

**507.06 Mutual Aid Agreement.** When the Sacred Heart Fire Department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined pursuant to the Mutual Aid Agreement.

**507.07 Application of Collections to Budget.** All collected fire charges will be City funds and used to offset the expenses of the City fire Department in providing fire services.

**507.08 Effective Date.** This Ordinance shall become effective upon its publication.