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CHAPTER XIV - BUSINESS AND TRADE REGULATIONS

Section 1400 - Peddlers, solicitors, transient merchants and door-to-door advocates

1400.01. Purpose.

The purpose of this ordinance is to promote the public health, safety and welfare by protecting the privacy of residents of the city and by discouraging fraudulent sale of or solicitation for goods or services or fraudulent solicitation on behalf of organizations or causes and by protecting against persons of criminal intent who travel from place to place in the city under a guise of legitimacy.

1400.03. Definitions.

For the purposes of this ordinance, the following terms shall have the meanings given to them:

Subd. 1. "Door-to-Door Advocate" means a person who goes door-to-door for the primary purpose of disseminating religious, political, social or other ideological materials or advocating such beliefs. For purposes of this ordinance, door-to-door advocacy includes door-to-door canvassing and pamphleting for non-commercial purposes.

Subd. 2. "Peddler" means any person who goes from house to house, place to place or street to street conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers.

Subd. 3. "Person" means any individual, partnership, corporation, organization, society or association acting as a peddler, solicitor, transient merchant or door-to-door advocate.

Subd. 4. "Professional Fundraiser" means any person who, for compensation, performs any solicitation for a religious, political, social or charitable organization.

Subd. 5. "Solicitor" means any person who goes from house to house, place to place, or street to street soliciting or taking orders for the sale of goods, wares or merchandise of any nature for future delivery, or for services to be performed in the future, regardless of whether such individual has, carries or exposes for sale a sample of the subject of such order or whether advance payment on such orders is collected. Solicitation shall include any effort to obtain orders even though such may not initially purport to be the case.

Subd. 6. "Transient Merchant" means any person who engages in, does or transacts any temporary and transient business in the city, either in one locality or in traveling from place to place in the city selling goods, wares or merchandise, and who, for the purpose of carrying on such business, hires, leases, occupies or uses a building, structure, tent, vacant lot, vehicle or railroad car for the exhibition and sale of such goods, wares or merchandise.

1400.05. License Required.

Except as provided in section 1400.15, no person shall engage in or follow the business of a peddler, solicitor or transient merchant without first having obtained a license from the city.

1400.07. Application.

Application for a peddler, solicitor or transient merchant license shall be made to the city clerk on forms provided by the city. The application shall contain at least the following information and shall be signed by the applicant:

- (a) name and physical description of the applicant, along with valid photo identification;
- (b) any other names under which the applicant has or does conduct business;
- (c) complete permanent home and local address of the applicant and, for transient merchants, the local address from which proposed sales will be made;
- (d) permanent and local telephone numbers of the applicant and the cellular phone number at which the applicant may be reached while working;
- (e) a brief description of the nature of the business and the goods to be sold;
- (f) the name and address of the employer, principal or supplier of the applicant, together with credentials therefrom establishing their relationship;
- (g) a Minnesota Tax Identification Number or Federal Tax Identification Number or a sufficient explanation to why one is not required;
- (h) the dates and hours of the day during which the business will be carried on;
- (i) the source of supply of the goods or property proposed to be sold, or orders taken for the sale thereon, the location of such goods or products at the time of the application, and the proposed method of delivery;
- (j) if a transient merchant, written permission of the owner of the property from which sales will be conducted;

(k) a photograph of the applicant taken within the previous six months, which shall be approximately 2" by 2" and show the head and shoulders of the applicant in a clear and distinguishable manner;

(l) a statement as to whether the applicant has been convicted of any misdemeanor, gross misdemeanor or felony for violation of any statute, law, or ordinance, other than traffic violations, the date and nature of the offense and the punishment or penalty assessed therefore;

(m) the names of other municipalities, not to exceed five in number, where the applicant carried on similar business immediately preceding the date of application and the address from which such business was conducted in those municipalities;

(n) if a transient merchant, a copy of the license issued by Hennepin County;

(o) if a vehicle is to be used, a description of the vehicle, together with state of registration and license number or other means of identification;

(p) the required fee; and

(q) any other information reasonably required by the city in order to conduct an investigation of the applicant.

1400.09. Application Fee.

The application fee for a peddler, solicitor or transient merchant license shall be set by ordinance in the city fee schedule. The fee shall be non-refundable regardless of whether the license is issued or denied and shall not be prorated even if the license is issued for less than the remainder of the calendar year.

1400.11. Review of License.

Subd. 1. Upon receipt of a completed application for a peddler, solicitor or transient merchant license, including the required fee, the city clerk shall transmit a copy of the application to the director of public safety and such other public officials as the city clerk may deem appropriate, who shall conduct an investigation. The director of public safety or designee has authority to conduct a criminal history and driver's license check on the applicant through the State of Minnesota, Bureau of Criminal Apprehension.

Subd. 2. Within five days of receipt of a report from the director of public safety and other public officials recommending approval of the license application, the city clerk shall issue the license. The license shall have one copy of the applicant's photograph attached to it, which shall be exhibited by the applicant upon request by a police officer or any person in the city contacted by the applicant in connection

with the licensed activity. Licenses shall be valid for the period of time stated thereon but shall expire no later than December 31 of the year of issuance. The city clerk shall maintain a record of all licenses issued hereunder.

Subd. 3. Within five days of receipt of a report from the director of public safety or other public official recommending denial of the license application, the city clerk shall deny the application and notify the applicant in writing of the denial. Any person aggrieved by a decision of the city clerk to deny a license may appeal such denial to the city council by submitting a written request to the city clerk within 15 business days of receipt of notification of the denial. The city council shall hear the applicant's appeal at its next regular meeting occurring not sooner than 10 days after receipt of the appeal by the city.

1400.13. Grounds for Denial of License.

The following shall be grounds for denial of an application for a peddler, solicitor or transient merchant license:

- (a) omission or misrepresentation of any material fact or information on the application;
- (b) revocation or suspension within the previous five years of any peddler, solicitor or transient merchant license in any jurisdiction;
- (c) failure or refusal to consent to a background check;
- (d) conviction within the previous 10 years of any crime involving fraud, deceit or misrepresentation in any trade or business or of any crime which reflects adversely on the applicant's suitability to conduct business or of any crime involving any form of actual or threatened physical harm to another;
- (e) intent to sell or take orders for the sale of any goods, wares, merchandise or services which are illegal or injurious to the public health, safety or welfare; or
- (f) revocation or suspension by any jurisdiction of any other license or permit required to conduct business.

1400.15. Exemptions.

This ordinance shall not apply to the following:

- (a) sale of personal property at wholesale to dealers in such articles;
- (b) sale or delivery of newspapers or making contact for the purpose of establishing a delivery route for newspapers;
- (c) delivery by merchants of goods purchased in the regular course of business;

- (d) sale of the products of the farm or garden occupied or cultivated by the seller;
- (e) sale to dealers by commercial travelers or selling agents in the usual course of business;
- (f) sale or delivery of items of food or drink to householders on a regular route;
- (g) a sale required by statute or by order of any court, or a bona fide auction sale pursuant to law;
- (h) a garage, rummage or similar sale involving household or other items owned and used by the seller;
- (i) solicitation by an organization, society, association or corporation solely of its own members;
- (j) non-commercial door-to-door advocates not engaged in the sale of any goods or service; or
- (k) distribution of materials door to door free of charge.

Exemption from the requirements of this ordinance does not include exemption from any other applicable provision of the code of ordinances unless an exemption under such other provision also applies.

1400.17. Door-to-Door Advocates Exemption.

Subd. 1. No license shall be required under this ordinance for any person going door-to-door for the purpose of advocating any religious, political, social or other position or belief protected by the federal or state constitution. This exemption does not apply and such person is required to obtain a license if the exercise of the person's constitutional rights are merely incidental to a commercial activity.

Subd. 2. A professional fundraiser working on behalf of an otherwise exempt door-to-door advocate is not exempt from the licensing requirements of this ordinance.

1400.19. Prohibited Activities.

No peddler, solicitor, transient merchant or door-to-door advocate shall conduct business or activities in any of the following manners:

- (a) calling attention to any goods or services by means of blowing a horn or whistle, ringing a bell, crying out, using amplified sound or any other noise in an unreasonably audible manner;

- (b) obstructing vehicular or pedestrian traffic on any street or other right-of-way;
- (c) stating, implying or doing anything to suggest that the license issued by the city is or constitutes an endorsement by the city or any of its officers or employees of the goods, services or activities being offered;
- (d) conducting business or activities other than during permitted hours;
- (e) failing to produce a license and identification when requested by a police officer or any person in the city contacted by the license holder in connection with the business or activity;
- (f) using the license of another person or a false license;
- (g) making false or misleading statements or claims about the goods or services being offered;
- (h) remaining on the property of another after being requested to leave;
- (i) failing to heed any no solicitation or similar notice posted on the property;
- (j) selling or taking orders for the sale of any goods or services which are illegal or injurious to the public health, safety or welfare; or
- (k) conducting business or activities in any manner which a reasonable person would find threatening, intimidating or abusive.

1400.21. Licenses Not Transferable.

No license issued pursuant to this ordinance shall be transferable. Each individual shall be separately licensed when more than one individual is involved in a sales or advocacy activity.

1400.23. Use of Property.

No person licensed under this ordinance has an exclusive right to any specific location on public property, nor shall a stationary location thereon be permitted. No person licensed under this ordinance shall operate in a congested area or where he or she may impede or interfere with traffic. Nothing in this ordinance shall be deemed to permit persons licensed hereunder to use private property without the consent of the owner thereof.

1400.25. Exclusion of Peddlers, Solicitors and Door-to-Door Advocates.

Any person who wishes to exclude peddlers, solicitors and door-to-door advocates from premises he or she occupies may place upon or near the usual entrance to such premises a conspicuous printed placard or sign bearing a notice that

peddlers, solicitors and door-to-door advocates are prohibited. No peddler, solicitor or door-to-door advocate shall enter in or upon any premises or attempt to enter in or upon any premises where such a placard or sign is placed and maintained notwithstanding the fact that he or she may have obtained a license under the provisions of this ordinance. No person other than the occupant shall remove, damage or deface such placard or sign.

1400.27. Suspension or Revocation.

Any license may be suspended or revoked by the director of public safety upon reasonable evidence the person is or has become ineligible for a license under section 1400.13 or for any violation of section 1400.19. The director of public safety shall notify the person of the suspension or revocation in writing at the person's permanent address or place of business and by attempting to contact the person by telephone at the addresses and telephone numbers provided under section 1400.07. Any person aggrieved by the suspension or revocation of a license under this section may appeal the suspension or revocation to the city council in the manner specified in section 1400.11.

1400.29. Hours of Solicitations.

Peddlers, solicitors and door-to-door advocates may engage in sales or activities daily between the hours of 9:00 a.m. to 7:00 p.m., or until sundown, whichever occurs first.

1400.31. Violations.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor.

Section 1405 – Tobacco

1405.01. License.

Subdivision 1. License required.

No person will engage in the business of selling cigarettes at retail, directly or indirectly, by vending machine or any other device, nor keep for sale, or sell at retail, cigarettes, packages of cigarettes, or retail cartons of cigarettes within the city without first obtaining a license from the city.

Subd. 2. Application.

An application for the license required by this section must state the location of the building or place intended to be used by the applicant under such license, the kind of business conducted at such location, and such other information as will be required by the city.

Subd. 3. Issuance restrictions.

No license required by this section will be issued except to a person of good moral character. No license will be issued to an applicant for sale of cigarettes:

- (a) At any place other than applicant's established place of business;
- (b) At a movable place of business; or
- (c) At more than one place of business.

Subd. 4. Fee.

An annual fee prescribed by resolution must be paid to the city when the application is filed for a license required by this section. No rebate or refund will be made by reason of nonuse of the license, or by reason of a change in location of business rendering such license useless, provided that the city administrator will have authority to refund a license fee collected through an error, or in cases where the application is denied by the council.

Subd. 5. Term.

All licenses must expire one year after the date of issuance unless issued for a term of less than 12 months, in which case the fee will be prorated by quarters and license must expire accordingly.

Subd. 6. Renewal.

Applications for renewal of cigarette licenses must be made to the city on forms provided by the city.

Subd. 7. Change of location of licensed premises.

A licensee required by this section will not have the right to change the location of the licensed premises except upon approval of the council. Application for such approval must be made in writing in such form as prescribed by the city.

Subd. 8. Transfer.

No licensee required by this section will have the right to transfer their license to any other person.

Subd. 9. Revocation.

If at any time the council will determine that any person licensed under this section will have failed to comply with any requirement of the law or this section, such license may be revoked by the city upon written notice to licensee.

1405.03. Prohibited activities.

Subdivision 1. Sales to minors.

No person will sell or give away any cigarettes to any person below the age of 18 years.

Subd. 2. Sales of harmful materials.

No person will keep for sale, sell or dispose of any cigarette containing opium, morphine, jimson weed, belladonna, stychnia, cocaine, marijuana, or any other deleterious or poisonous drug except nicotine.

Section 1410 – Adult establishments

1410.01. Purpose and intent.

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

- 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; and
- c) Locate adult establishments away from residential areas, schools, churches, parks and playgrounds.

The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to adult-oriented materials protected by the First Amendment or to deny access by distributors and exhibitors of adult-oriented entertainment to their intended market.

1410.03. Findings of the city council.

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 establishments have in those communities. These studies have concluded that adult establishments have adverse impact on the surrounding neighborhoods.

The city council makes the following findings regarding the need to establish location requirements for adult establishments. These findings are based upon the experiences of other cities where such businesses have located, as studied by city staff:

- (a.) Adult uses have an impact on the neighborhoods surrounding them, which is distinct from the impact caused by other commercial uses;
- (b.) Residential neighborhoods located within close proximity to adult theaters, bookstores and other adult uses experience increased crime rates (sex-related crimes in particular), lower property values, increased transiency, decreased stability of ownership, neighborhood blight and potential health risks;
- (c.) The adverse impacts that adult uses have on surrounding areas diminish as the distance from the adult use increases;

(d.) Studies of other cities show that among the crimes which tend to increase either within or in the near vicinity of adult uses are rapes, prostitution, child molestation, indecent exposure and other lewd and lascivious behavior;

(e.) Many members of the public perceive areas within which adult uses are located as less safe than other areas that do not have such uses;

(f.) Studies of other cities have shown that the values of both commercial and residential properties either are diminished or fail to appreciate at the rate of other comparable properties when located in proximity to adult uses;

(g.) It is not the intent of the city council to prohibit adult establishments from having a reasonable opportunity to locate in the city;

(h.) Section 462.357 of Minnesota Statutes allows the city to adopt regulations to promote the public health, safety, morals and general welfare;

(i.) The public health, safety, morals and general welfare will be promoted by the city adopting regulations governing adult establishments.

1410.05. Definitions.

For the purposes of this section, the following terms shall have the meanings given below:

Adult Establishments mean:

(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 portion of its gross revenues from, items, merchandise, devices or other materials distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to specified sexual activities or specified anatomical areas as described herein; or

(b.) any business that engages in any adult use as defined in this subsection below.

Adult uses mean any adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas

which are capable of being seen by members of the public. Activities classified as obscene as defined by section 617.241 of Minnesota Statutes are not included.

Adult use body painting studio mean any establishment or business that provides the service of applying paint or other substance, whether transparent or non-transparent, to the body of a patron when such body is wholly or partially nude in terms of specified anatomical areas.

Adult use bookstore mean any establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, movies, or motion picture film if a substantial or significant portion of its inventory, stock in trade, or publicly displayed merchandise consists of, or if a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) is devoted to, or if substantial or significant portion of its gross revenues is derived from items, merchandise, devices or materials that are distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to specified sexual activities or specified anatomical areas.

Adult use cabaret means any business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas.

Adult use companionship establishment means any business or establishment that provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished and characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use conversation/rap parlor means any business or establishment that provides the services of engaging in or listening to conversation, talk or discussion, if such service is distinguished and characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use health/sport club means any health/sport club that is distinguished and characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use hotel or motel means any adult hotel or motel that presents material distinguished and characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult use massage parlor, health club means any massage parlor or health club that provides the services of massage, if such service is distinguished and characterized by an emphasis on specific sexual activities or specified anatomical areas.

Adult use mini-motion picture theatre means any business or establishment with a

capacity for less than 50 persons that as a prevailing practice presents material distinguished and characterized by an emphasis on matter depicting, describing or relating to a specified sexual activities or specified anatomical areas.

Adult use modeling studio means any establishment that provides live models who, with the intent of providing sexual stimulation or sexual gratification, engage in specified sexual activities or display specified anatomical areas while being observed, videotaped, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

Adult use motion picture arcade means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished and characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult use motion picture theatre means any establishment or business with a capacity of 50 or more persons that as a prevailing practice presents material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult use novelty business means any establishment or business that devotes a substantial or significant portion of its inventory, stock in trade, or publicly displayed merchandise or devotes a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives a substantial or significant portion of its gross revenues from items, merchandise, or devices that are distinguished or characterized by an emphasis of material depicting or describing specified sexual activities or specified anatomical areas, or items, merchandise or devices that simulate specified sexual activities or specified anatomical areas, or are designed for sexual stimulation.

Adult use sauna means any sauna that excludes minors by reason of age, and that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use steam room/bathhouse facility means any building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished and characterized by an emphasis on specified sexual activities or specified anatomical areas.

Specified sexual activities mean:

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

Specified anatomical areas mean:

- (a.) Less than completely and opaquely covered human genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areola; and
- (b.) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Substantial or significant portion means 25 percent or more.

1410.07. Adult use locations.

Adult uses are permitted uses in the C2 Highway Service Business District, subject to the following requirements:

- (a.) Structures housing adult uses must be located at least three-hundred (300') radial feet, as measured in a straight line from the closest point of the structure in

which the adult use is located to the property line of:

- (1.) Properties zoned R1, R2, R3, R4, R5, R2DB, or PUD;
- (2.) Schools;
- (3.) Churches or places of worship;
- (4.) Any city-owned facility;
- (5.) Any park and recreational property;
- (6.) Any daycare facility;

(b.) Structures housing adult uses must be located at least 1000 radial feet, as measured in a straight line from the closest point of the structure in which the adult use is located to any neighboring municipal boundary.

1410.09. Hours of operation.

No adult use shall be open to the public between the hours of 10:00 p.m. to 10:00 a.m. weekdays and Saturdays, nor at any time on Sundays or national holidays.

1410.11. Limitations on operation.

Subdivision 1. Off-site viewing.

Any business operating as an adult use 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.

Subd. 2. Entrances.

All entrances to the business, with the exception of emergency fire exits that are not useable by patrons to enter the business, shall be visible from a public right-of-way.

Subd. 3. Layout.

The layout of any display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, or any other material, or any live dancers or entertainers.

Subd. 4. Illumination.

Illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.

Subd. 5. Signs.

Signs for adult uses shall comply with the city's ordinances for signs addressed in chapter IV, section 405 of this code. Signs for adult uses shall not contain representational depiction of an adult nature or graphic descriptions of the adult theme of the operation.

Subd. 6. Access by minors.

No minor shall be permitted on the premises of any adult establishment. Adult goods or materials may not be offered, sold, transferred, conveyed, given or bartered to a minor, or displayed in a fashion that allows them to be viewed by a minor, whether or not the minor is on the licensed premises.

Subd. 7. Additional conditions for adult cabarets.

The following additional conditions apply to adult cabarets:

- (a.) No dancer, live entertainer or performer shall be under 18 years old.
- (b.) All dancing or live entertainment shall occur on a platform intended for that purpose and which is raised at least two feet from the level of the floor.
- (c.) No dancer or performer shall perform any dance or live entertainment closer than 6 feet to any 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 or performer shall solicit or receive any pay or gratuity from any patron.

1410.13. Enforcement.

Subdivision 1. Misdemeanor.

Violation of any portion of this section shall be a misdemeanor punishable in accordance with section 609.03 of Minnesota Statutes, as amended, plus the costs of prosecution. Each day that a violation occurs shall be considered a separate offense.

Subd. 2. Civil remedies.

The city may enforce any provision of this section by mandamus, injunction or any other appropriate civil remedy in any court of competent jurisdiction.

1410.15. Separability.

Every subsection, provision or part of this section is declared separable from every subsection, provision or part of this section. If any subsection, provision, or part of this section is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other subsection, provision, or part of this section.