

ORDINANCE 669

**TITLE XI BUSINESS REGULATIONS,
CHAPTER 111 GENERAL BUSINESS REGULATIONS**

The City Council of the City of Cambridge hereby amends Title XI Business Regulations, Chapter 111 General Businesses Regulations as follows:

GENERAL REGULATIONS

§ 111.001 AMUSEMENTS.

~~(C) — *Medicine shows and the like.* No person or persons shall conduct any show of any kind, advertising or offering for sale any medicine or other article in connection with such show without first obtaining a license therefor.~~

§ 111.003 JUNK YARDS.

(A) *License required.* Any person, partnership or corporation desiring to establish or maintain a junk yard, general wrecking yard or motor vehicle wrecking yard or business in the city shall make written application to the Council for a license, setting forth the applicant's name and address and the legal description of the premises upon which it is proposed to conduct the business. The proposed use requesting a license must meet all requirements of the City's Zoning Code as may be amended from time to time.

The Council may grant or reject the application. If a permit is granted, a license to operate shall be issued by the ~~Clerk-Administrator~~ City Administrator upon payment of the required license fee as duly set by the Council from time to time. All permits shall expire on December 31 following issuance thereof. The permit can be renewed from year to year upon application to the Council on payment of the required license fee as duly set by the Council from time to time.

(B) *Fences.* Any person, partnership or corporation operating such junk yard or motor vehicle wrecking business shall keep the premises in a neat and orderly condition. All such premises shall be enclosed by a ~~board~~ fence as required by the City's Zoning Code not less than eight feet in height, ~~which shall be and kept in neatly painted condition a state of excellent condition.~~ No junk or motor vehicle shall be allowed to remain outside of such fence.

§ 111.006 NUDITY ON CERTAIN LICENSED PREMISES PROHIBITED.

(C) *Violation.* A violation of this section is a misdemeanor and is justification for revocation or suspension of any ~~liquor, wine or beer~~ license.

DRUG PARAPHERNALIA

111.011 DEFINITIONS

K. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.

FIREWORKS

§ 111.040 FIREWORKS.

(C) *Permit Required.* No person will sell or possess for sale fireworks without first having obtained an annual permit from the City.

(1) *Application for Fireworks Display.* An application for a fireworks display permit will be made in writing to the ~~City Clerk Administrator~~ City Administrator at least fifteen (15) days in advance of the date of display. The application will be promptly referred to the Fire Marshal.

(a) *Investigation.* The Fire Marshal, or their duly designated appointee, will make an investigation to determine whether the operator of the display is competent and whether the display is of such a character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The Fire Marshal or their duly designated appointee will report the results of this investigation to the ~~City Clerk Administrator~~ City Administrator, and, if they reports that in their opinion, the operator is competent and that the display as planned will conform to safety requirements, including the rules and regulations of the State Fire Marshal hereinafter provided for, the ~~City Clerk Administrator~~ City Administrator will issue a permit for the display when the applicant pays a permit fee set forth in the Licenses, Fees and Permits Ordinance as amended from time to time. After such permit will have been granted, sales, possession, use, and distribution of fireworks for such display will be lawful for that purpose only. No permit so granted will be transferable.

(2) *Application for Permitted Sales, Use, and/or Possession.* An application for a permitted use, sale, and/or possession permit will be made in writing to the ~~City Clerk Administrator~~ City Administrator at least fifteen (15) days in advance of the date of display. The application will be promptly referred to the Fire Marshal.

(a) *Investigation.* The Fire Marshal, or their duly designated appointee, will make an investigation to determine whether the applicant is competent. The Fire Marshal, or their duly designated appointee, will report the results of this investigation to the ~~City Clerk Administrator~~ City Administrator, and, if they report that in their opinion, the applicant is competent and that the permitted sale, use, and/or possession will conform to safety requirements, including the rules and regulations of the State Fire Marshal hereinafter provided for, the ~~City Clerk Administrator~~ City Administrator will issue a permit when the applicant pays a permit fee set forth in the Licenses, Fees and Permits as amended from time to time. After such permit will have been granted, sales, possession, use, and/or distribution of fireworks will be lawful. No permit so granted will be transferable.

DANCE HALLS

§ 111.060 DEFINITIONS.

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

~~**Intoxicating Liquor and Liquor.** Any potable malt beverage with an alcoholic content of more than ½% by volume and not more than 3.2% by weight and shall also mean any ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverages in excess of 3.2% of alcohol by weight.~~

~~**Public Dance.** Any dance wherein the public may participate by payment, directly or indirectly, for an admission fee or price for dancing, or by a fee for a membership in a club, and shall include any manner of holding a dance which may be participated in by the public through the payment of money, directly or indirectly.~~

~~**Public Dance Hall Or Dancing Place.** Any room, place or space open to public patronage in which dancing wherein the public may participate is carried on and to which admission may be had by the public by the payment, either directly or indirectly, of an admission fee or price for dancing.~~

~~**Sell, Sale, and Sold.** All barter and all manner or means of furnishing intoxicating liquor or liquor, including such furnishing in violation or evasion of law.~~

§ 111.061 LICENSE REQUIRED.

~~No person, persons, partnership, club, committee, association, society or corporation, except as hereinafter provided, shall hold, conduct or give any dance or dances in any public dance hall within the city without first obtaining a license therefor, as provided herein and complying with all the terms and conditions of this subchapter and any license issued pursuant hereto.~~

§ 111.062 APPLICATION.

~~Any person, persons, partnership, club, committee, association, society or corporation desiring to obtain a license to give or hold or conduct any dance or dances shall make a verified application upon blanks to be furnished by the Clerk Administrator, setting forth the name and address of the applicant, the time and place and the area of the dance floor and describing the building proposed to be occupied and any other information which may be required by the Council or municipal officials having a duty of investigation under this subchapter. The application shall also be accompanied by a certificate from the Building Inspector that the building where the dance or dances is or are to be held complies with all the requirements and regulations relating to ventilation, toilet facilities, lighting facilities and other regulations relating to the public health. The application shall also be accompanied by an affidavit of two freeholders, which affidavit and application shall show affirmatively that applicant is of good moral character and reputation in the community in which he or she lives and that applicant has not within five years prior to making the application been convicted of a felony, gross misdemeanor or violation of dance laws of the state. The Chief of Police or County Sheriff shall investigate statements made in such application and affidavits and make immediate report to the Council thereon.~~

§ 111.063 INELIGIBLE PERSONS AND PREMISES.

~~No such license shall be issued to any person of bad character or reputation or who has been convicted as aforesaid, nor to any person who is the keeper of any disorderly house of any kind, nor for premises or any place having any direct or indirect communication with any room in which intoxicating liquor is sold, given away or otherwise used, nor for any place having any so called "private apartments" or "private rooms" furnished or used for any other than legitimate purposes which adjoin the dancing~~

place or which may be reached by stairs, elevator or passageway leading from the dancing place.

§ 111.064 ISSUANCE.

(A) — ~~The Clerk Administrator shall present such application and reports to the Council. The Council shall either grant or reject the same. If the license is granted by the Council, the applicant shall pay to the Treasurer the proper amount of money required for the license, and thereupon the Clerk Administrator shall issue and deliver to the applicant a license authorizing the applicant to hold, conduct or give a dance in a public dance hall at the place and within the time designated in the license and subject to any conditions stated in the license and this subchapter.~~

(B) — ~~In granting the license, the Council shall set the fee therefor and require the payment of the expense of investigation of the application as may have been incurred in addition to the required license fee as duly set by the Council from time to time. The license as issued shall specify the names and addresses of the persons to whom issued, the amount paid therefor and the time and place where the public dance is to be held and such other conditions and requirements as shall be established by the Council.~~

§ 111.065 DISPLAY OF LICENSE.

~~The license shall be posted in a public place in the dance hall described therein during the time the public dance is being given.~~

§ 111.066 RESPONSIBILITY FOR CONDUCT OF PUBLIC DANCE.

~~The persons named in the license shall be responsible under the law for the manner in which the dance is being held and conducted.~~

§ 111.067 TERM.

~~The license may be issued for one or more public dances or for a period of time not exceeding one year.~~

§ 111.068 INTOXICATING LIQUOR PROHIBITED.

~~No person shall in any such dance hall, nor in any anteroom or corridor, cloakroom, hallway or dressing room thereof, or in any room connected therewith, drink any intoxicating liquor, nor shall any proprietor or person in charge of any dance hall knowingly suffer or permit any persons to drink any intoxicating liquors in such public dance hall or in any anteroom, corridor, cloakroom, hallway or dressing room or in any room connected therewith.~~

§ 111.069 ILLUMINATION.

~~Every licensed public dance hall shall be brightly illuminated while in public use and dancing therein while the lights are extinguished or dimmed or turned so low as to give imperfect illumination is prohibited and made a violation of this chapter.~~

~~§ 111.070 OFFICER MUST BE IN ATTENDANCE AT ALL PUBLIC DANCES.~~

~~Every licensee shall have in attendance at all such public dances an officer of the law designated by the Chief of Police during all of the time the public dance is being held.~~

~~§ 111.071 EXEMPTIONS.~~

~~Any club, lodge, society or fraternal organization not organized for profit, or municipality or school district, may hold, conduct and give a dance or dances without reference to the provisions of this subchapter requiring the making of an application for the issuance of a license and the payment of a license fee therefor.~~

~~§ 111.072 HOURS OF OPERATION.~~

~~No public dance shall be held or conducted between the hours of 1:00 a.m. and 6:00 a.m. any day, nor on Sunday between the hours of 1:00 a.m. and 12:00 p.m. thereof. In all other cases the Council, in issuing any permit for such a public dance, may fix the hours within which such dance may be held, not inconsistent with the foregoing.~~

~~§ 111.073 REVOCATION OF LICENSE.~~

~~The Council may at any time revoke such license when it shall determine upon public hearing that the dancing place is being conducted contrary to this subchapter or any other applicable law and shall revoke any such license held by any persons convicted of violating any of the provisions of this subchapter or of state laws regulating public dance places or public dances.~~

GAMBLING

~~§ 111.090 LOCAL GAMBLING TAX.~~

~~(A) — *Actions authorized.*~~

~~———— (1) — The city, which has one or more licensed organizations operating lawful gambling, imposes a local gambling tax on each such organization within the city's jurisdiction.~~

~~———— (2) — This tax will be imposed only if the amount to be received by the city is necessary to cover the costs incurred by the city to regulate lawful gambling.~~

~~———— (3) — At no time will a tax imposed pursuant to this subchapter exceed 3% of the gross receipts of a licensed organization from all lawful gambling, less prizes actually paid out by the organization.~~

~~———— (4) — The city may not use money collected pursuant to this subchapter for any purpose other than for regulating lawful gambling within the city's jurisdiction.~~

~~———— (5) — Taxes imposed pursuant to this subchapter are in lieu of all other local taxes and local investigation fees on lawful gambling.~~

~~_____ (6) _____ The city shall file an annual report, by March 15 of each year, in the event it imposes taxes pursuant to this subchapter. This report shall be in a form prescribed by the Charitable Gambling Control Board and shall include:~~

~~_____ (a) _____ The amount of revenue produced by the tax during the preceding calendar year;
and~~

~~_____ (b) _____ The use of the proceeds of the tax.~~

~~_____ (7) _____ All organizations conducting lawful gambling shall submit an annual report, by February 15 of each year, to the city. This annual report shall include:~~

~~_____ (a) _____ Gross receipts of that licensed organization from all lawful gambling;~~

~~_____ (b) _____ A detailed summary of all prizes actually paid out by each organization; and~~

~~_____ (c) _____ A detailed summary of the use of the proceeds from all lawful gambling by each organization.~~

~~(B) _____ Exemptions. The following organization's receipts from lawful gambling are not subject to the taxes imposed by this section:~~

~~_____ (1) _____ Bingo. Bingo may be conducted by an unlicensed organization without being subject to taxes imposed by this section if it is conducted:~~

~~_____ (a) _____ In connection with a county fair, the state fair or a civic celebration, if it is not conducted for more than 12 consecutive days in a calendar year;~~

~~_____ (b) _____ By an organization which conducts four or fewer bingo occasions in a calendar year;~~

~~_____ (c) _____ Within a nursing home or a senior citizen housing project or by a senior citizen organization, and the prizes for a single bingo game do not exceed \$10, total prizes awarded at a single bingo occasion do not exceed \$200, no more than two bingo occasions are held by the organization or at the facility each week, only members of the organization or residents of the nursing home or housing project are allowed to play in a bingo game, no compensation is paid for any persons who conduct the bingo manager is appointed to supervise the bingo and the manager registers with the Charitable Gambling Control Board.~~

~~_____ (2) _____ Raffles. Raffles may be conducted by an unlicensed organization without being subject to taxes imposed by this section if:~~

~~_____ (a) _____ The value of all raffle prizes awarded by the organization in a calendar year do not exceed \$750;~~

~~_____ (b) _____ The raffles are conducted by an organization which directly or under contract to~~

~~the state or a political subdivision delivers health or social services and which is exempt from taxation under Section 501(c) (3) to the Internal Revenue Code, if the prizes awarded in the raffles are real or personal property donated by an individual, firm or other organization.~~

~~————— (3) ——— *Lawful gambling.* Lawful gambling may be conducted by an unlicensed organization without being subject to taxes imposed by this section if:~~

~~————— (a) ——— The organization conducts lawful gambling on five or fewer days in a calendar year;~~

~~————— (b) ——— The organization does not award more than \$50,000 in prizes for lawful gambling in a calendar year;~~

~~————— (c) ——— The organization notifies the Charitable Gambling Control Board in writing not less than 30 days before each lawful gambling occasion of the date and location of the occasion, the types of lawful gambling to be conducted, the prizes to be awarded and receives an exemption identification number;~~

~~————— (d) ——— The organization notifies the city 30 days before the lawful gambling occasion;~~

~~————— (e) ——— The organization purchases all gambling equipment and supplies from a licensed distributor; and~~

~~————— (f) ——— The organization reports to the Charitable Gambling Control Board, on a single page form prescribed by the Board, within 30 days of each gambling occasion, the gross receipts, prizes, expenses, expenditures of net profits from the occasion and the identification of the licensed distributor from whom all gambling equipment was purchased.~~

~~(C) ——— *Violations.* Any violation of this section is a gross misdemeanor.~~

§ 111.091 SEVERABILITY.

If any section of this chapter is held invalid, such invalidity shall not affect other sections or provisions which can be given force and effect without invalidating the section or provision

This ordinance shall be in full force and effect from and after its passage and publication according to law. Adopted by the Cambridge City Council this 19th day of March, 2018.

Marlys A. Palmer, Mayor

ATTEST:

Lynda J. Woulfe, City Administrator

Date of Publication: March 28, 2018

Summary Ordinance for Publication

The City Council of the City of Cambridge adopted Ordinance 669 amending Title XI Business Regulations, Chapter 111 General Business Regulations regulates drug paraphernalia, auctions, fireworks, dance halls, and gambling. The complete ordinance is available for public inspection at the office of the City Administrator, 300 3rd Ave NE, Cambridge, Minnesota.

ATTEST:

Lynda J. Woulfe, City Administrator

Date of Publication: March 28, 2018