

CHAPTER 111: GENERAL BUSINESS REGULATIONS

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GENERAL REGULATIONS

§ 111.001 AMUSEMENTS

(A) *License required, generally.* No person or persons shall be allowed to open any public show or exhibition for the purpose of gain or compensation, unless first duly licensed by the Council.

(B) *Circuses and the like.* No person or persons shall make or exhibit any circus, caravan, menagerie, show, exhibition or performance for which money is received without first obtaining a license therefor.

§ 111.002 GAMBLING PROHIBITED

M.S. §§ 609.75 to 609.763, as they may be amended from time to time, are hereby adopted by reference as if set forth in full in this code.

§ 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 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 fence as required by the City's Zoning Code and kept in a state of excellent condition. No junk or motor vehicle shall be allowed to remain outside of such fence.

(C) *Revocation.* The Council shall have the right to revoke such license at any time for cause, but only after a hearing, notice of which shall be served upon the owner of such business at least ten days before the hearing.

§ 111.006 NUDITY ON CERTAIN LICENSED PREMISES PROHIBITED

(A) *Purpose.*

(1) The city does ordain that it is in the best interests of the public health, safety and general welfare of the people of the city that certain types of activities, as set forth in this section, are prohibited upon the premises of licensed liquor, wine and beer establishments so as to best protect and assist the owners and operators and employees of these premises, as well as patrons and the public in general.

(2) Further, the city does ordain that the standards in this section reflect the prevailing community standards in the city. This section is intended to prevent harm stemming from the physical immediacy in combination of alcohol, nudity, and sex.

(3) It is also the intent of the city to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct, such as prostitution, sexual assault and disorderly conduct.

(B) *Certain acts prohibited.* It shall be unlawful for any licensee to permit or allow any person or persons from being upon the licensed premises when such person does not have his or her buttocks, anus, breast and genitals covered with a nontransparent material.

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

DRUG PARAPHERNALIA

§111.010 PURPOSE

The purposes of Sections 111.0070 through 111.0074 are as follows:

(A) To protect and promote the public health, safety and general welfare by prohibiting the possession, manufacturing, delivery and advertisement of drug paraphernalia within the City.

(B) To deter the use of controlled substances by controlling certain paraphernalia associated with their use and manufacture.

(C) To reduce the availability of drug paraphernalia in order to prevent their availability from inducing, promoting, suggesting or increasing the public acceptability of controlled substances.

§111.011 DEFINITIONS

The term "drug paraphernalia" means all equipment, products and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of Minnesota Statutes, Chapter 152. It includes, but is not limited to:

(A) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant that is a controlled substance or from which a controlled substance can be derived.

(B) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.

(C) Isomeric devices used, intended for use or designed for use in increasing the potency of any species of plant that is a controlled substance.

(D) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

(E) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.

- (F) Diluents and adulterants such as quinine, hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use or designed for use in cutting controlled substances.
- (G) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning and refining, marijuana.
- (H) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.
- (I) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
- (J) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- (K) Hypodermic syringes, needles and other objects used, intended for use or designed for use in injecting controlled substances into the human body.
- (L) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 2. Water pipes.
 3. Carburetion tubes and devices.
 4. Smoking and carburetion masks.
 5. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 6. Miniature cocaine spoons, and cocaine vials.
 7. Chamber pipes.
 8. Carburetor pipes.
 9. Electric pipes.
 10. Air driven pipes.
 11. Chillums.
 12. Bongs.
 13. Ice pipes or chillers.

§111.012 PROHIBITED PARAPHERNALIA:

(A) **Prohibited Use:** It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of Minnesota statutes as may be amended from time to time.

(B) **Prohibited Delivery:** It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of Minnesota statutes as may be amended from time to time.

(C) **Prohibited Advertising:** It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

§111.013 EVIDENCE OF PARAPHERNALIA

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(A) Statements by an owner or by anyone in control of the object concerning its use.

(B) Prior convictions, if any, of any owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.

(C) The proximity of the object, in time and space, to a direct violation of Sections 111.0070 through 111.0073.

(D) The proximity of the object to controlled substances.

(E) The existence of any residue of controlled substances on the object.

(F) Direct or circumstantial evidence of the intent of an owner, or anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of Sections 111.0070 through 111.0073; the innocence of an owner, or of anyone in control of the object, as to a direct violation of Sections 111.0070 through 111.0073 shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.

(G) Instructions, oral or written, provided with the object concerning its use.

(H) Descriptive materials accompanying the object that explain or depict its use.

(I) National and local advertising concerning its use.

- (J) The manner in which the object is displayed for sale.
- (K) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
- (L) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
- (M) The existence and scope of legitimate uses for the object in the community.
- (N) Expert testimony concerning its use.

§111.014 PENALTIES: Any person who violates Sections 111.007 through 111.010 is guilty of a misdemeanor.

AUCTIONS AND AUCTIONEERS

§ 111.020 AUCTIONEERS.

An auctioneer who intends to conduct an auction in the city shall submit proof of licensure by the county under M.S. Chapter 330, as it may be amended from time to time, as well as proof of compliance with the bond requirements of M.S. Chapter 330, as it may be amended from time to time, at least 14 days before the date of the auction.

FIREWORKS

§ 111.040 FIREWORKS.

(A) *Definitions.*

(1) *Fireworks.* For the purpose of this section, “fireworks” will have the same definition as contained in Minnesota Statute § 624.20, subd. 1, or any superseding statute.

(2) “Consumer Fireworks” includes, but is not limited to, those items contained in Minnesota Statute § 624.20, subd. 1(c), including wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 500 grams or less for multiple tubes, snakes, and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

(3) “Consumer Fireworks Retailer” means a retail seller that is in the business of selling only Consumer Fireworks, or a retail seller with a tent or other temporary structure exclusively constructed to sell consumer fireworks.

(B) *Sale and Use of Fireworks Prohibited.* It will be unlawful for any person to offer for sale, expose for sale, sell at retail, or wholesale, possess, advertise, use, or explode any fireworks, except as otherwise hereinafter provided.

(C) *Permit Required.* No person shall display fireworks within City limits, without first having obtained a permit from the City as provided herein.

(1) *Application for Outdoor Fireworks Display within City limits.* An application for an outdoor fireworks display permit shall be made in writing to the City Administrator at least fifteen (15) days in advance of the date of display. The application shall be promptly referred to the Chief of the Fire Department.

(a) *Supervision.* The application must list the name of an operator who is certified by the state fire marshal and who will supervise the display.

(b) *Investigation.* The Fire Chief, or their duly designated appointee, will make an investigation to determine whether the operator of the display is competent and is certified by the state fire marshal, 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 Chief or their duly designated appointee will report the results of this investigation to the City Administrator, and, if they report 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, the 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.

(c) Prior to processing the application, a criminal records check may be conducted. Neither the applicant nor the responsible party for the permit will have been convicted of a felony or a fire or firework related misdemeanor within the last three (3) years.

(d) Prior to processing the application, the Fire Marshal, or their duly designated appointee, will determine that the proposed location is code compliant.

(e) The application will include a letter from the person legally responsible for the property on which the fireworks related activity would occur. Such letter will grant permission to the applicant for the use of said property.

(f) No display will be given unless a permit therefore has first been secured in the manner hereinafter set forth, provided, however, no such permit will be required when such display is given by the City of Cambridge within its own limits.

(2) *Application for Consumer Fireworks Sales.* No consumer fireworks retailer shall sell consumer fireworks within City limits without first submitting a "Consumer Fireworks Sales Permit Application" to the City Administrator.

(a) *License Fee.* No consumer fireworks retailer shall sell consumer fireworks without paying the fee established in the City Ordinance on Licenses, Fees, and Permits.

(b) Prior to processing the application, the Fire Marshal, or their duly designated appointee, must have determined that the proposed location is code compliant.

(c) Permits for permitted use, sale, and/or possession will be issued for the calendar year applied for and will expire on December 31st of that year.

(D) *Exceptions and Permitted Sales and Uses.* Nothing in this Section shall be construed to prohibit the following:

(1) Sales at wholesale to those persons holding valid permits for a fireworks display from a governmental subdivision of the State.

(2) Sales outside the State.

(3) Any resident wholesaler, dealer, or jobber, from selling at wholesale such fireworks as not herein prohibited.

(4) The sale of any kind of fireworks for shipment directly out of the State.

(5) The use or possession of fireworks by airplanes and railroads or other transportation agencies for signal purposes or illumination.

(6) The possession, sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or for use as a bird or animal repelling device.

(E) Regulations.

(1) No person will sell or store consumer fireworks within 50 feet of any fuel dispensing apparatus unless the total aggregate quantities of consumer fireworks are below the exempt amounts listed within Chapter 7 of NFPA 1124 *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles*®, 2003 Edition,

within an approved structure or building. Consume fireworks sales and display shall be limited to mercantile occupancies as defined in NFPA 10, *Life Safety Code*®. No person shall construct a retail display nor offer for sale explosives, explosive materials, or fireworks upon highways, sidewalks, public property, or in assembly or educational occupancies. The designated Fire Office will determine compliance.

(2) It will be unlawful for any seller of any fireworks to permit smoking at any site containing fireworks. “No Smoking” signs must be conspicuously posted, and approved fire extinguishers must be available for use.

(3) Exempt amounts: The requirement of Chapter 7 of NFPA 1124® shall not apply to consumer fireworks retail sales facilities or stores where the total quantity of consumer fireworks on hand does not exceed 56.8 kg [125 lb (net)] of pyrotechnic composition or, in a building protected throughout with an approved automatic sprinkler system installed in accordance with NFPA 12 *Standard for the installation of sprinkler systems*® 113.6 kg [250 lb (net)] of pyrotechnic composition. Where the actual weight of the pyrotechnic composition of consumer fireworks is not known, 25 percent of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition. Amounts in excess of the exempt amounts shall be required to comply with NFPA 1124®.

(4) The requirements of this ordinance are in addition to any requirements imposed by any building and zoning regulations, fire codes, or State law.

(5) Only persons 18 years of age or older may purchase fireworks, and the age of the purchaser must be verified by photographic identification.

(6) Exterior storage, sales displays, or transient sales of consumer fireworks are permitted subject to a site plan review and payment of appropriate permit fee. Site plans will be submitted for review and approval a minimum of thirty (30) days before commencement of sales. Approved minimum separation distances in compliance with table 7.7.2 of NFPA 1124® shall be provided from the exterior display to adjacent buildings, combustibles, or flammable liquids. No manufacturing, sales, or storage for commercial purposes will occur on residentially zoned property or within 100 feet thereof.

(7) A list of all consumer fireworks displayed for sale and stored on the property will be available at all times. The list will document the name, weight, and quantity of the fireworks and be accompanied by the material safety data sheets.

(8) Manufacturing, warehouse buildings, or sales displays in excess of the quantities listed in **(3)** for retail consumer fireworks will be classified as defined in the Building Code and where applicable, subject to the requirement of NFPA 24® and the current edition of the Minnesota State Fire Code.

(9) A handout describing fireworks use, safety, and warnings shall be provided by the retailer to each consumer purchasing fireworks.

(F) Use and Possession.

(1) It is unlawful to use, fire, or discharge any fireworks along the route of and during any parade, in any place of public assembly, on any public property, or in any commercial/industrial zoning district.

(2) It is unlawful at any time to throw, toss, or aim any fireworks at any person, animal, vehicle, or other thing or object or used in any manner that may threaten or cause possible harm to life or property.

(3) The discharge of fireworks will be prohibited inside a building and within fifteen (15) feet of any building.

(4) The Fire Official may ban fireworks if dry or windy conditions occur.

(5) Juveniles may not possess fireworks unless under the direct supervision of a responsible adult.

(6) Fireworks shall not be discharged in such a manner that may create a nuisance nor between the hours of 12:00 a.m. to 7:00 a.m. Fireworks use will also be subject to any additional ordinances such as noise and/or assembly.

(G) Officers May Seize Illegal Fireworks. The State Fire Marshal, or any sheriff, police officer, constable, or local fire marshal, will seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of Sections 1 et seq.

(H) Penalties.

(1) Materials that violate and/or pose a threat to public safety may be confiscated and destroyed. Costs associated with disposal will be assessed back to the property owner or permit holder.

(2) Violations of this regulation, City Ordinance, or State Statute may result in revocation of the permit.

(3) Any violation of this Ordinance is a misdemeanor.

(I) Repeal of Conflicting Ordinances. All other ordinances or parts of ordinances of the City of Cambridge that may be in conflict herewith are hereby repealed. If any section, subsection, sentence, clause, or phrase of this section is for any reason held to be invalid, such decision shall

not affect the validity of the remaining portions of this section. The City Council hereby declares that it would have adopted the section in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.