

SEC. 6040.00. APPLICATIONS AND LICENSES UNDER THIS  
CHAPTER PROCEDURE AND ADMINISTRATION.

Subd. 6040.01. Application. All applications shall be made at the office of the City Clerk upon forms if prescribed by the proper Department of the State of Minnesota together with such additional information as the council may desire. If not so prescribed, then upon forms finished by the City. Information required may vary with the type of business organization making application. All questions asked or information required by the application forms shall be answered fully and completely by the applicant.

Subd. 6040.02. False Statements. It is unlawful for any applicant to intentionally make a false statement or omission upon any applicant form. Any false statement in such application, or any willful omission to state any information called for on such application form shall, upon discovery of such falsehood, work an automatic refusal of license, or if already issued, shall render any license issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this Chapter, or any part thereof

Subd. 6040.03. Application and Investigation Fees, At the time of the initial application, an applicant for an on-sale or off-sale liquor license shall pay to the City the sum of \$50.00 if a natural person, \$75.00 if a partnership, or \$ 100.00 if a corporation, and an applicant for an on-sale or off-sale beer license shall pay to the City the sum of \$125.00, which fee shall be considered an application and investigation fee, not refundable to applicant, to cover the cost of the City in processing the application and the investigation thereof No such fee shall be required of an applicant for a temporary beer license.

Subd. 6040.04. Action.

A. Granting. The council may approve any application for the period of the remainder of the then current license year or for the entire license year. All applications including proposed license periods must be consistent with this Chapter. Prior to consideration of any application for a license, the applicant shall pay the license fee, and if applicable, pay the investigation fee. Upon rejection of any application for a license, or upon withdrawal of an application before approval of the issuance by the Council, the license fee shall be refunded to the applicant. Failure to pay any portion of a fee when due shall be cause for revocation.

B. Issuing. If a application is approved, the City Clerk shall forthwith issue a license pursuant thereto in the form prescribed by the City or the proper agency of the State of Minnesota, as the case may be. All licenses shall be on a calendar year basis, Jan. 1 to Dec. 31. For licenses issued and which are to become effective other than on the first day of the licensed year, the fee to be paid with the application shall be a pro rata share of the annual license fee. Licenses shall be valid only at one location and on the premises therein described.

C. License Refunded in Certain Cases. In the event that, during the license year, the licensed premises shall be destroyed or so damaged by fire, or otherwise, that the licensee shall cease to carry on the licensed business, or in case the business of the licensee shall cease by reason of his illness or death, or if it shall become unlawful for the licensee to carry on the licensed business under his license, except when such license is revoked, the City shall, upon the happening of any such event, refund to the licensee, or to his estate, such part of the license fee paid by him as corresponds to the time such license has yet to run. In the event of death of the licensee, his personal representatives is hereby authorized to continue operation of said business for not more than ninety days after the death of such licensee.

D. Transfer. A license shall be transferable between persons upon consent of the Council and payment of the investigation fee. No license shall be transferable to a different location without prior consent of the Council and upon payment of the fee for a duplicate license. It is unlawful to make any transfer in violation of this Subparagraph.

E. Refusal and Termination. The Council may, in its sole discretion and for any reasonable cause, refuse to grant any application. No license shall be granted to a person of questionable moral character or business reputation. Licenses shall terminate only by expiration or revocation.

F. Revocation of Suspension. The Council may, in its sole discretion and for any reasonable cause, revoke, or suspend for a period not to exceed sixty days, any license granted under the provisions of this Chapter. The Council shall revoke the license upon conviction of any licensee or agent or employee of a licensee for violating any law relating to the sale or possession of beer or liquor upon premises of the licensee, or if such revocation is mandatory by Statute. If it shall be made to appear at the hearing thereon that such violation was not willful, the Council may order suspension; provided, that revocation shall be ordered upon the third such violation or offense. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing before the Council, a committee of the Council or a hearing examiner, as may be determined by the Council in action calling the hearing. Such hearing shall be called by the Council upon written notice to the licensee served in person or by certified mail not less than fifteen nor more than thirty days prior to the hearing date, stating the time, place and purpose thereof. As additional restrictions or regulations on licensees under this Chapter, and in addition to grounds for revocation or suspension stated in the City Code or Statute, the following shall also be grounds for such action: (1) that the licensee suffered or permitted illegal acts upon licensed premises unrelated to the sale of beer or liquor-, (2) that the licensee had knowledge of such illegal acts upon licensed premises but failed to report the same to police; or (3) that the licensee failed or refused to cooperate fully with police in investigating such alleged illegal acts upon licensed premises.

G. Corporate Applicants and Licensees. A corporate applicant, at the time of application, shall furnish the City with a list of all persons that have an interest in such corporation and the extent of such interest. The list shall name all shareholders and show the number of shares held by each, either individually or beneficially for others. It is the duty of each corporate licensee to notify the City Clerk of any change in legal ownership or beneficial interest in such corporation or in such shares. Any change in the ownership or beneficial interest in the shares entitled to be voted at a meeting of the shareholders of a corporate licensee, which results in the change of voting control of the corporation by the persons owning the shares therein, shall be deemed equivalent to a transfer of the license issued to the corporation, and any such license shall be revoked thirty days after any such change in ownership or beneficial interest of shares unless the Council has been notified of the changes in writing and has approved it by appropriate action. The Council, or any officer of the City designated by it, may at any reasonable time examine the stock transfer records and minute books of any corporate licensee in order to verify and identify the shareholders, and the Council or its designated officer may examine the business records of any other licensee to the extent necessary to disclose the interest which persons other than the licensee have in the licensed business. The council may revoke any license issued upon its determination that a change of ownership of shares in a corporate licensee or any change of ownership of any interest in the business of any other licensee has actually resulted in the change of control of the licensed business so as materially to affect the integrity and character of its management and its operation, but no such action shall be taken until after a hearing by the Council on thirty days notice to the licensee.

Subd. 6040.05. Duplicate Licenses. Duplicates of all original licenses under this Chapter may be issued by the City Clerk, without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of \$2.00 for issuance of the duplicate. AH duplicate licenses shall be clearly marked DUPLICATE.

Subd. 6040.06. Posting. All licensees shall conspicuously post their licenses in their places of business.

Subd. 6040.07. Resident Manager or Agent. Before a license is issued under this Chapter to an individual who is a non-resident of the City, to more than one individual whether or not they are residents of the City, or to a corporation, partnership, or association, the applicant or applicants shall, at the written request of the Council, appoint in writing a natural person who is a resident of the City as its manager or agent, Such resident manager or agent shall, by the terms of his written consent, (1) take full responsibility for the conduct of the licensed premises and, (2) serve as agent for service of notices and other process relating to the license. Such manager or agent must be a person who, by reason of age, character, reputation, and attributes, could qualify individually as a licensee. If such manager or agent ceases to be a resident of the City or ceases to act in such capacity for the licensee without appointment of a successor, the license issued pursuant to such appointment shall be subject to revocation or suspension.

Subd. 6040.08. Persons Disqualified. In addition to any other provision of law, no person shall qualify for a license under this Chapter who has been convicted within the past five years of violating any law relating to the manufacture, sale or distribution of beer or liquor, or whose license therefore has been revoked within such period of time. Nor shall any person qualify as a licensee who has not attained the age of twenty-one years or who is not a citizen of the United States.

Source: City Code  
Effective Date: 12-19-85

(Sections 6050.00-6080.00, inclusive, reserved for future expansion.)

SEC. 6090.00. RENEWAL OF LICENSES. Applications for renewal of all licenses under this Chapter shall be made at least sixty days prior to the date of expiration of the license, and shall contain such information as is required by the City. This time requirement may be waived by the Council for good and sufficient cause.

SEC: 6100.00. DELINQUENT TAXES AND CHARGES. No license under this Chapter shall be granted for operation on any premises upon which taxes, assessments, or installments thereof, or other financial claims of the City, are owed by the applicant and are delinquent and unpaid.

SEC. 6110.00 CONDITIONAL LICENSES. Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefore, place such special conditions and restrictions, in addition to those stated in this Chapter, upon any license as it, in its discretion, may deem reasonable and justified.

SEC. 6120.00. PREMISES LICENSED. Unless expressly stated therein, a license issued under the provisions of this Chapter shall be valid only in the compact and contiguous building or structure situated on the premises described in the license, and all transactions relating to a sale under such license must take place within such building or structure.

SEC. 6130.00. CONDUCT ON LICENSED PREMISES. Except as herein provided, every licensee under this Chapter shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order therein.

SEC. 6140.00. SALE BY EMPLOYEE. Any sale of beer or liquor in or from any premises licensed under this Chapter by any employee authorized to make such sale in or from such place is the act of the employer as well as of the person actually making the sale; and every such employer is liable to all of the penalties provided by law for such sale, equally with the person actually making the sale.

SEC. 6150.00. LICENSE CONDITION AND UNLAWFUL ACT.

Subd. 6150.01. All premises licensed under this Chapter shall at all times be open to inspection by any police officer to determine whether or not this Chapter and all other laws are being observed. All persons, as a condition to being issued such license, consent to such inspection by such officers and without a warrant for searches or seizures.

Subd. 6150.02. It is unlawful for any licensee, or agent or employee of a licensee, to hinder or prevent a police officer from making such inspection.

## SEC. 6160.00. UNLAWFUL ACTS.

Subd. 6160.01. Consumption. It is unlawful for any person to consume, or any licensee to permit consumption of, beer or liquor on licensed premises more than thirty minutes after the hour when a sale thereof can legally be made.

Subd. 6160.02. Closing. It is unlawful for any person other than a licensee's bona fide employee actually engaged in the performance of his duties, to be on premises licensed under this Chapter more than thirty minutes after the legal time for making licensed sales on Monday through Thursday, unless the licensed establishment is open to the public for serving food. Friday and Saturday evenings and New Year's Eve the time will be extended to half hour after legal sales have ended.

SEC. 6170.00. BEER LICENSE REQUIRED. It is unlawful for any person to sell, or keep or offer for sale, any beer without a license therefore from the City. This Section shall not apply to sales by manufacturers to wholesalers or to sales by wholesalers to persons holding onsale or off-sale beer licenses from the City.

## SEC. 6180. 00. BEER LICENSE FEES.

Subd. 6180.01. The annual on-sale beer license fee is \$30.00.

Subd. 6180.02. The annual off-sale beer license fee is \$15.00.

Subd. 6180.03. The daily temporary on-sale beer license fee is \$10.00.

## SEC. 6190.00. TEMPORARY BEER LICENSE.

Subd. 6190.01. Applicant. A club or charitable, religious, or non-profit organization shall qualify for a temporary on-sale beer license, for serving beer on and off school grounds, and in and out of school building.

Subd. 6190.02. Conditions.

A. An application for a temporary license shall state the exact dates and place of proposed temporary sale.

B. No applicant shall qualify for a temporary license for more than a total of seven (7) days in any calendar year.

C. The Council may, but at no time shall it be under any obligation whatsoever to, grant a temporary beer license on premises owned or controlled by the City. Any such license may be conditioned, qualified or restricted as the Council sees fit. If the premises to be licensed are owned or under the control of the City, prior to issuance of the license, a certificate of liability insurance coverage in at least the sum of \$100,000.00 for injury to any one person and \$300,000.00 for injury to more than one person, naming the City as an insured during the license period.

Source: City Code  
Effective Date: 12-20-84

(Sections 6200.00-6250.00, inclusive, reserved for future expansion.)

## SEC. 6260.00. BEER LICENSE RESTRICTIONS AND REGULATIONS.

Subd. 62260.01. No gambling or gambling device shall be permitted on any licensed premises, except such as are licensed under the City Code.

Subd. 6260.02. No licensee shall, during the effective period of such license, be the owner or holder of a Federal retail liquor dealer's tax stamp for the sale of intoxicating liquor, unless such owner or holder also holds a liquor license from the City, and ownership or holding thereof shall be grounds for immediate revocation, without a hearing.

Subd. 6260.03. No license shall be granted to a wholesaler or manufacturer of beer or to anyone holding a financial interest in such manufacture or wholesaling.

Subd. 6260.04. No person who has not attained the age of eighteen (18) years shall be employed to sell or serve beer in any on-sale establishment.

Subd. 6260.05. On-sale licenses shall be granted only to restaurants and bona fide clubs.

Subd. 6260.06. Every license shall be granted subject to the provisions of this Chapter and all other applicable provisions of the City Code and other laws relating to the operation of licensee's business.

SEC. 6270.00. HOURS OF BEER SALES. No sale of beer shall be made between the hours of 12:00 o'clock A.M. and 8:00 o'clock A.M. on any weekday, Monday through Thursday, inclusive. No sale of beer shall be made between the hours of 1:00 o'clock A.M. and 8:00 o'clock A.M. Friday and Saturday evenings and New Year's Eve.

SEC. 6280.00. UNLAWFUL ACTS (BEER). For the purpose of this section, any person under twenty-one (21) years of age shall be considered a minor. It is unlawful for any:

Subd. 6280.01. Person other than the parent or legal guardian to procure beer for any minor.

Subd. 6280.02. Person to induce a minor to purchase or procure beer.

Subd. 6280.03. Minor to misrepresent his age for the purpose of obtaining beer.

Subd. 6280.04. Minor to consume any beer unless in the company of his parent or guardian.



Subd. 6280.05. Minor to have in his possession any beer with intent to consume the same at a place other than the household of his parent or guardian. Possession of such beer at a place other than the household of his parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his parent or guardian.

Subd. 6280.06. Licensee or his employee to sell or serve beer to any minor or to permit any minor to consume beer on the licensed premises or to permit any minor to loiter or to remain in the room where on-sale beer is being sold or served unless accompanied by his parent or legal guardian.

Subd. 6280.07. Minor to purchase beer either directly from a licensee, or procure another, not his parent or guardian, to procure beer for him.

Subd. 6280.08. Person to knowingly induce another to make an illegal sale or purchase of beer.

Subd. 6280.09. Licensee to sell or serve beer to any person who is obviously intoxicated.

Subd. 6280. 10. Licensee to fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises. Proof of age for the purpose of consuming, purchasing, or procuring beer may be established only by a valid driver's license or current Minnesota identification card issued pursuant to Minnesota Statutes, Section 171.07.

Subd. 6280.11. Licensee to sell beer on any day, or during any hour, when such sales are not permitted by law.

Subd. 6280.12. Licensee to allow consumption of beer on licensed premises on any day when sales of beer are not permitted by law.

Subd. 6280.13. Person to purchase beer on any day, or during any hour, when sales of beer are not permitted by law.

Source: City Code  
Effective Date: 12-19-84

(Sections 6290.00-6330.00, inclusive, reserved for future expansion.)

SEC. 6290.00 AN ORDINANCE RELATING TO LIQUOR CONTROL, TO THE CONSUMPTION AND DISPLAY OF LIQUOR, AND TO PROCEDURES AND FEES FOR GRANTING OF PERMITS FOR THE CONSUMPTION THE DISPLAY OF LIQUOR TO CLUBS AND PUBLIC PLACES.

SECTION 1. DEFINITIONS.

Subd. 1. For the purpose of this ordinance, the terms defined in this section shall have the meanings given them.

Subd. 2. "Beer" means any malt beverage with and alcoholic content of more than one-half of one percent by volume and not more than 3.2 percent by weight.

Subd. 3. "Furnish means to sell, give or on any other manner provide.

Subd. 4. "Liquor" means and includes distilled, fermented, spiritous, vinous and malt beverages containing in excess of 3.2 percent of alcohol by weight.

Subd. 5. "Permit' means a permit granted by the Commissioner of Public Safety pursuant to Minnesota Statutes, Section 340.119.

Subd. 6. "Private Club" means a club as defined by Minnesota Statutes, Section 340.07, Subd. 15, or any unincorporated society as described in Minnesota Statutes, Section 340.119.

Subd. 7. "Public Place" means any place open to the public or to which the public is invited, but does not include a private residence.

Subd. 8. "Restaurant" means any establishment having appropriate facilities for the preparation and serving of meals at tables to not less than 30 persons at one time, which employs an adequate staff to provide the usual and suitable service to it's customers, and which has as the principle part of it's business the selling and serving of food for consumption on the premises.

SECTION 2. LIMITATIONS ON LIQUOR CONSUMPTION AND DISPLAY AND ON FURNISHING SET-UPS.

Subd. 1. No person shall consume or display or allow the consumption or display of liquor or furnish set-ups or allow the furnishing of set-ups at any place within this city except (a) a private residence, (b) the municipal dispensary, or (c) an establishment having a permit and maintaining the conditions set forth in Section 4.

Subd. 2 The furnishing of set-ups and the consumption and display of liquor at any private residence, or an establishment having a permit shall be subject to the provisions of this ordinance and other applicable law.

Subd. 3. No person shall consume or display, or allow the consumption of display of liquor, beer, or furnish set-ups or allow the furnishing of set-ups at an establishment having a permit between the hours of 12:00 am. and 8:00 a.m. weekdays and 1:00 a.m. and 8:00 a.m. on Friday and Saturday nights as well as New Years Eve.

### SECTION 3. RESTRICTIONS ON APPROVING PERMITS.

Subd. 1. No officer or employee of the city shall sign any letter or other document expressing local approval of an application for a state consumption and display permit, or in any other manner expressing or conveying the impression that such approval has been given, until he has been authorized by a resolution passed by a majority of the members of the council authorizing him to do so.

Subd. 2. No authorizing resolution required by subdivision I if this section shall be adopted by the council until after a public hearing has been held by the council and has determined that the conditions requisite to the passage of such resolution have been or will be met. Such conditions are those set out in Section.4.

Subd. 3. At least 10 days published notice of such public hearing shall be given. At such hearing any interested person may be heard on the question of whether the requisite conditions for the authorizing resolution have been or will be met.

### SECTION 4. REQUIRED CONDITIONS FOR FURNISHING SET-UPS AND FOR THE DISPLAY OR CONSUMPTION OF LIQUOR.

Subd. 1. The conditions required under Sec.2., subd. 1. and Sec. 3, subd. 2., are those set forth in this section.

Subd. 2. The premises must have a state consumption and display permit.

Subd. 3. The premises are zoned commercial.

Subd. 4. Such premises are licensed by the city for the sale of beer.

Subd. 5. The establishment is a restaurant or has a restaurant as part of it's facilities.

Subd. 6. If a private club, the club has no members who are minors.

Subd. 7. The city's fee required by Section 6 has been tendered to the city.

Subd- 8. The person having the permit, or seeking the permit, has not been convicted of a felony.

Subd. 9. The person having or seeking the permit is not a manufacturer or wholesaler of beer or liquor and has no interest in any place where beer or liquor is manufactured, or where liquor is sold.

Subd. 10. The person having or seeking the permit has not been convicted of willfully violating the ordinances of the city relating to the sale, consumption or display of liquor.

Subd. 11. The premises have sinks and other suitable equipment, and hot and cold running water for the maintenance of sanitary conditions for persons eating or drinking in the premises.

Subd. 12. The premises have adequate separate toilets, which are conveniently located so that they can be reached from restaurants area without going outside or through building areas not occupied by the applicant, which are equipped with hot and cold running water, individual towels and soap, and which are readily cleanable, and are adequately heated, lighted, and ventilated.

Subd. 13. The premises are so located that no unusual safety hazards are presented to persons going to and from or being in the premises by reason of lighting or the design or location of stairways, windows, steps, doors, sidewalks, streets or parking facilities.

Subd. 14. The premises have adequate emergency fire exit facilities and no unusual fire hazard exists on the premises.

Subd. 15. There are adequate parking facilities for the premises.

#### SECTION 5. LIMITATIONS WHERE PERMITS HAVE BEEN GRANTED.

Subd. 1. No person who has brought liquor to a public place having a permit shall keep or leave such liquor at such place during his absence.

Subd. 2. No person having a permit, and no person who is employed at an establishment having a permit, shall have or keep any liquor belonging to him on the permit premises.

Subd. 3. No person at an establishment having a permit shall furnish liquor to any person other than his bona fide guest.

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Subd. 4. No person at a private club having a permit shall furnish a set-up to any person who is not the bona fide guest of a member who is then present.

Subd. 5. No person shall furnish liquor or set-ups to a minor at an establishment having a permit.

Subd. 6. No person under 19 years of age shall remain or be allowed to remain at a public place (or private club) having a permit (unless accompanied by his parent or guardian).

Subd. 7. No member of a private club having a permit shall keep liquor at the club unless the bottle, container, or other receptacle containing the liquor has attached to it a label signed by the member. Any liquor on the premises of the club not being actually used or consumed by the owner thereof shall be kept in a locker designated to the use of such member.

Subd. 8. No person under 19 years of age shall be assigned a locker for the storage of liquor at any private club, nor shall any minor consume or display or be permitted to consume or display liquor on any premises owned or controlled by any such club.

Subd. 9. Any establishment having a permit shall be kept open for inspection at all times by the law enforcement officers of the city. No person shall refuse to permit the law enforcement officers of the city to enter and inspect the premises for which a permit has been granted.

SECTION 6. FEE. THE CITY'S FEE FOR THE OPERATION OF A PRIVATE CLUB OR PUBLIC PLACE HAVING A CONSUMPTION AND DISPLAY A PERMIT IS \$100.00 PERANNUM.

SECTION 7. REPORT OF VIOLATIONS. THE CITY'S MANAGER (POLICE CHIEF, OTHER APPROPRIATE OFFICER) SHALL NOTIFY THE COMMISSIONER OF PUBLIC SAFETY OF ANY VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

SECTION 8. PENALTY. ANY PERSON CONVICTED OF VIOLATING THIS ORDINANCE SHALL BE PUNISHED BY A FINE NOT EXCEEDING \$500.00 OR BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH PLUS, IN ANY CASE, THE COSTS OF PROSECUTION.

Passed by the council this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

Mayor

Attest:

City Clerk

SEC. 6340.00. LIQUOR LICENSE REQUIRED. It is unlawful for any person to sell, or keep or offer for sale, any liquor without a license therefore from the City. This Section shall not apply (1) to possession or handling for sale or otherwise of sacramental wine or any representative of any religious order or for use in connection with a legitimate religious ceremony, (2) to such potable liquors as are prescribed by licensed physicians and dentists for therapeutic purposes, (3) to industrial alcohol and its compounds not prepared or used for beverage purposes, or (4) to sales by manufacturers to wholesalers duly licensed as such by the State of Minnesota and to sales by wholesalers to persons holding on-sale or off-sale licenses from the City.

SEC. 6350.00. LIQUOR LICENSE FEES.

Subd. 6350.01. The annual on-sale liquor license fee is based on cost of Dram Shop fee.

Subd. 6350-02. The annual fraternal club on-sale liquor license fee is \$100.00. This license provides for one on-sight, on-sale, outdoor beer garden each year.  
5-15-91

Subd. 6350.03. The annual Sunday liquor license fee is \$200.00. Temporary liquor and beer licenses for Sunday liquor will be granted for four (4) Sundays to the Legion at no charge. 3-28-89

## SEC. 6360.00. LIQUOR LICENSE RESTRICTIONS AND REGULATIONS.

Subd. 6360.01. The applicant for an on-sale license shall file with the City, such security, so approved, in a sum of at least \$3,000.00. In lieu of such corporate or cash bond the applicant may file with the City Clerk a liability insurance policy in the amount of \$10,000.00 coverage for one person and \$20,000.00 coverage for more than one person which shall specifically provide for the payment by the insurance company on behalf of the insured of all sums which the insured shall become obligated to pay by reason of liability imposed upon him by law for injuries or damage to persons, other than employees, including the liability imposed upon the insured by reason of Minnesota Statutes, Section 340.95. Such liability insurance policy shall further provide that no cancellation of the same for any cause, can be made either by the insured or the insurance company without first giving ten (10) days' notice to the City in writing of intention to cancel the same, addressed to the City Clerk. Sales by a licensee without such liability insurance coverage shall be grounds for immediate revocation of the license.

Subd. 6360.02. No license shall be granted to a wholesaler or manufacturer of liquor, or to anyone holding a financial interest in such manufacture or wholesaling.

Subd. 6360.03. No license shall be effective until a permit shall be issued to a licensee under the laws of the United States, if such permit be required under such laws or the State of Minnesota.

Subd. 6360.04. Every license shall be granted subject to the provisions of this Chapter and all other applicable provisions of the City Code and other laws relating to the operation of the licensed business.

Subd. 6360.05. No gambling or gambling device shall be permitted on any licensed premises, except such as are licensed under the City Code.

Subd. 6360.06. No person under the age of eighteen (18) years shall be employed upon premises or in any rooms constituting the same, except that persons under the age of eighteen years may be employed as musicians or to perform the duties of a busboy or dishwashing services in places defined as a restaurant, hotel or motel.

Subd. 6360.07. No licensee shall sell, offer for sale, or keep for sale, liquor in any original package which has been refilled or partly refilled.

Subd. 6360.08. No licensee shall display liquor to the public during hours when the sale of liquor is prohibited.

Subd. 6360.09. On-sale licenses shall be granted only to exclusive liquor stores, hotels, motels, restaurants and bona fide clubs.

SEC. 6370.00. HOURS AND DAYS OF LIQUOR SALES. No sale of liquor shall be made after 1:00 o'clock A.M. on Sunday, nor until 8:00 o'clock on Monday. No on-sale shall be made between the hours of 12:00 o'clock A.M. and 8:00 o'clock A.M. Monday through Thursday, or, 1:00 o'clock A.M. on Friday, Saturday, and Sunday nights as well as New Year's Eve. No off-sale shall be made before 8:00 o'clock A.M. or after 10:00 o'clock P.M. of any day. No off-sale shall be made on New Year's Day, January 1; Thanksgiving Day; or Christmas Day, December 25, except that on off-sale shall be made on December 24 after 8:00 o'clock P.M.

SEC. 6380.00. SUNDAY SALES. A Sunday on-sale liquor license may be issued to hotels, motels, restaurants, or clubs, as herein defined, which have on-sale licenses and which also have facilities for serving not less than thirty guests at one time, and may serve liquor between the hours of 12:00 o'clock noon and 12:00 o'clock midnight on Sundays in conjunction with the serving of food.

SEC. 6390.00. UNLAWFUL ACTS (LIQUOR). For the purpose of this Section, any person under the age of twenty-one (21) years shall be considered a minor. It is unlawful for any:

Subd. 6390.01. Minor to misrepresent his age for the purpose of obtaining liquor

Subd. 6390.02. Minor to consume liquor.

Subd. 6390.03. Minor to have liquor in his possession.

Subd. 6390.04. Minor to enter licensed premises for the purpose of purchasing or procuring of liquor.

Subd. 6390.05. Person to knowingly induce another to make an illegal sale or purchase of liquor.

Subd. 6390.06. Licensee to sell liquor on any day, or during any hour, when sales of liquor are not permitted by law.

Subd. 6390.07. Person to purchase liquor on any day, or during any hour, when sales of liquor are not permitted by law.

Subd. 6390.08. It is unlawful for a person under the age of 21 years to enter an establishment licensed for the sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing or having served or delivered any alcoholic beverage. Person age 17 to 20 years, may enter the establishment to perform work, consume meals and attend social functions. Person age 16 years and younger, must be accompanied by a parent or guardian. Person age 16 years and younger are not allowed in an establishment licensed for the sale of alcoholic beverages or any municipal liquor store between the hours of 9:30 p.m. and 9:00a.m., unless



performing work the establishment, consuming meals, or attending a social function in a part of the establishment where liquor is not served.

Subd. 6390.09. Licensee to sell or serve liquor to any person who is obviously intoxicated.

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Subd. 6390.10. Licensee to sell or serve liquor to any minor.

Subd. 6390.11. Licensee to fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises. Proof of age for the purpose of consuming, purchasing, or possessing liquor may be established only be a valid driver's license or current Minnesota Identification card issued pursuant to Minnesota Statutes, Section 171.07.

Subd. 6390.12. Person to furnish, purchase or procure liquor for a minor.

Subd. 6309.13. Minor to purchase liquor, or procure another to purchase liquor for him

Source: City Code  
Effective Date: 12-20-84

(Sections 6400.00-644.0.00, inclusive, reserved for future expansion.)

## SEC. 6450.00. NUDITY OR OBSCENITY PROHIBITED.

Subd. 6450.01. Definitions. As used in this Section, the following words and terms shall have the meanings stated:

A. "Nudity" - Uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernible turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.

B. "Obscene Performance" - A play, motion picture, dance, show or other presentation, whether pictured, animated or live, performed before an audience and which in whole or in part depicts or reveals nudity, sexual conduct, sexual excitement or sado-masochistic abuse, or which includes obscenities or explicit verbal descriptions or narrative accounts of sexual conduct.

C. "Obscenities" - Those slang words currently generally rejected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct or excretory functions or products, either that have no other meaning or that in context are clearly used for their bodily, sexual or excretory meaning.

D. "Sado-Masochistic Abuse" - Flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

E. "Sexual Conduct" - Human masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

F. "Sexual Excitement" - The condition of human male or female genitals or the breasts of the female when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

Subd. 6450.02. Unlawful Act. It is unlawful for any person issued a license provided for in this Chapter to permit upon licensed premises any nudity, obscene performance, or continued use of obscenities by any agent, employee, patron or other person.

Source: City Code

Effective Date: 12-20-84

(Sections 6460.0-6980.00, inclusive, reserved for future expansion.)

SEC. 6990.00. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

Violation of any Ordinance in this Chapter constitutes a misdemeanor or petty misdemeanor. No penalty shall exceed a fine of \$700 or imprisonment in the County Jail for a period of ninety (90) days or both, but in either case the cost of prosecution may be added. This Ordinance was duly adopted at a regular meeting of the Common Council of the City of Cleveland, Minnesota, on December 19, 1984.

CHAPTER 7  
TRAFFIC AND MOTOR VEHICLES

SECTION 7000.00. DEFINITIONS, SCOPE AND APPLICATION. See Chapter 3 for Definitions, Scope and Application relating to this Chapter.

SEC. 7010.00. HIGHWAY TRAFFIC REGULATION ACT ADOPTED BY REFERENCE. Except as otherwise provided in this Chapter, or in Chapters 3 and 8 of this Code, Minnesota Statutes, Chapter 169, (commonly referred to as the Highway Traffic Regulation Act), as amended through Laws 1980, is hereby incorporated herein and adopted by reference, including the penalty provisions thereof

SEC. 7020.00. TRUCK ROUTE. It is unlawful for any person to drive any vehicle exceeding 8,000 pounds of gross vehicle weight, including tractors, agricultural implements, trucks, truck-trailers, tractor-trailers, and truck tractors, upon any street, alley, road, or highway within the city limits which has not been designated and sign-posted as a truck route, except for emergency and utility trucks, at the discretion of the City Council.

SEC. 7030.00. U-TURNS. It is unlawful for any person to operate a motor vehicle by turning so as to proceed in the opposite direction upon any street except at a street intersection, and then only if the street intersection is not sign-posted prohibiting a U-turn or otherwise controlled by a traffic signal; provided, that any person making a permitted U-turn shall yield the right-of-way to all other vehicles.

SEC. 7040.00. TRUCK PARKING.

Subd. 7040.01. The Parking of trucks, truck-trailers, tractor-trailers, truck tractors, or any other vehicle or trailer licensed in excess of 9 ton per axle is prohibited on all streets, roads, alleys, highways within the city limits between the hours of 8 P.M. and 6 A.M.

Subd. 7040.02. It is unlawful between the hours of 6A.M. and 8 P.M. to park trucks, truck-trailers, tractor-trailers, truck tractors, or any other vehicle or trailer licensed in excess of 9 ton per axle:

- (1) On streets, alleys, roads or highways within the city limits not designated and sign-posted as truck routes; and,
- (2) For longer than 6 hours on any street, alley, road, or highway within the city limits which is designated and sign posted as a truck route.

Subd. 7040.03. Truckers can drive their tractors to their home.

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Source: City Code

Effective Date: 12-20-84, 7-7-8

(Sections 7050.00-7080.00, inclusive, reserved for future expansion.)

SEC. 7090.00 CERTAIN LEFT TURNS PROHIBITED.

Subd. 7090.01. It is unlawful for any person to turn across an oncoming lane of traffic to park in an angle parking space without making a lawful U-turn.

Subd. 7090.02. It is unlawful for any person to back a vehicle from an angle parking space so as to head in a direction generally opposite from that of the angle parking space in which the traffic was parked.

SEC. 7100.00. DRIVING THROUGH PRIVATE PROPERTY TO AVOID TRAFFIC SIGNAL. It is unlawful for any person to avoid obedience to any traffic control device, (light, stop-sign, etc.) by driving upon or through any private property.

SEC. 7110.00. AN ORDINANCE DEFINING EXHIBITION DRIVING AND PROVIDING PENALTIES FOR SAID VIOLATION.

Subd. 7110.01. Exhibition Driving. It is unlawful for any person to start or accelerate any motor vehicle with an unnecessary exhibition of speed on any public or private way within the city limits. Prima facie evidence of such unnecessary exhibition of speed shall be unreasonable squealing or screeching sounds made by the tires or throwing of sand or gravel by the tires of said vehicle or unreasonable skidding, sliding, or swaying of the motor vehicle.

Subd. 7110.02. Penalties. Any violation of this ordinance will be considered a petty misdemeanor and shall be punished by a fine, not to exceed \$100.00 or by imprisonment not to exceed 90 days; but if a minimum fine or imprisonment is prescribed by the Minnesota State Highway Traffic Act for an offense, such penalty shall apply to a person convicted of the same offense under this ordinance.

Source: City Code  
Effective Date: 12-20-84

(Sections 7120.00-7160.00, inclusive, reserved for future expansion.)

AN ORDINANCE TO REPEAL ORDINANCE 7170.00, TO MAKE CERTAIN  
AMENDMENTS TO THE REGULATION OF SNOWMOBILES AND ALL TERRAIN  
VEHICLES (ATV) WITHIN THE CITY OF CLEVELAND, MINNESOTA

**SECTION 7170.01. REPEAL**

Ordinance 7170.00 is hereby repealed and amended to read as follows:

**SECTION 7170.02. DEFINITIONS**

The definitions of "snowmobiles" and "all-terrain vehicle" for purposes of this ordinance shall be the same as those set forth in Minnesota Statute Sections 84.81 and 84.92 respectively.

**SECTION 7170.03. STATE LAW ADOPTED**

The laws of the State of Minnesota as set forth in Minnesota Statutes Section 84.81 through Section 84-928 and Chapter 169 are adopted in fid

**SECTION 7170.04. REGULATIONS**

Subd. A. Except as otherwise specifically permitted by the City of Cleveland; no person shall operate a snowmobile or ATV within the City limits in the following manner:

1. Upon a public sidewalk or walkway provided or used for pedestrian travel
2. Upon the roadway, shoulder or inside bank or slope of any street or highway within the City, unless the operator is entering or leaving the city by the most direct route to and from the operators residence. No person shall operate a snowmobile or ATV upon any street or highway within the city limits for the purposes of general recreational use, except a noted above. Operation in the ditch or on the outside bank within the right-of-way of any street or highway except interstate highways or freeways is permitted in conformance with state law and City ordinances, unless the roadway directly abuts a public sidewalk or walkway or property used for private purposes.
3. On private property of another without lawful written authority or consent of the owner or occupant in his possession

4. On any public owned land, without lawful written authority or consent of the owner. The public land to which this prohibition applies includes but is not limited to school grounds, park property, play grounds, and recreation areas.
5. At any place while under the influence of intoxicating liquor or controlled substances.
6. At a rate of speed greater than 10 mph.
7. At any place in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage.
8. in a manner so as to create a loud unnecessary or unusual noise, which disturbs, annoys or interferes with the peace and quiet of other persons.
9. Between the hours of 7:00 A.M. and 12 Noon on Sundays, within two block of any church.
10. Between the hours of Midnight to 7:00 A.M. of any day.
11. At a location or in a direction other than on the right hand side of a street or highway and in the same direction as the highway traffic on the nearest lane of the adjacent roadway after sunset and before sunrise.

Subd. B. The provisions of this Section shall not apply in the case of an emergency, when and at locations where snow upon the roadway renders travel by other motor vehicles impractical.

#### **SECTION 7170.05. PENALTY**

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor offense.



SECTION 7180.00

AMENDMENT TO ORDINANCES OF THE CITY OF CLEVELAND, MINNESOTA

BEING AN ORDINANCE AMENDING CHAPTER VII OF THE CODE OF THE CITY OF CLEVELAND  
RELATING TO VEHICLES AND TRAFFIC

The City Council of the City of Cleveland does ordain:

Section 1. Chapter VII of the Code of the City of Cleveland is amended in the following manner:

- 1) Title: TRAFFIC AND MOTOR VEHICLES
- 2) Section: 7180.00 GOLF CARTS shall be added as follows:

**SECTION 7180.01 INTENT**

It is the intent of the Ordinance to supplement Minnesota Statutes 169 with respect to the operations of Golf Carts within the City of Cleveland.

**SECTION 7180.02 DEFINITIONS**

In addition to the definitions contained in Minnesota State Statute and Cleveland City Ordinance which shall apply to this section as well, the following definitions shall apply:

- A) Golf Cart. An electric or gas engine powered cart from under 4 to 20 horsepower, with a top speed of no more than 25mph.

**SECTION 7180.03 REQUIREMENTS FOR THE LAWFUL OPERATION OF GOLF CARTS**

- A) Application for and receipt of a permit to operate a golf cart within the Cleveland City limits in the manner provided in this ordinance.

1.Application for Permit. Applications shall be made in writing upon forms furnished by the City of Cleveland and shall include be not be limited to the following information:

- a. Full Name, Address and Date of Birth of the owner.
- b. Description and Serial Number of the Motorized Golf Cart.
- c. Copy of Vehicle Registration, if any.
- d. Valid Driver's License Information.
- e. Statement outlining any physical or mental handicap and a

signed statement of a physician describing physical or mental handicap and certifying that the applicant can safely operate a golf cart on a public road within the City of Cleveland, if such statement is required as a condition of the Owners Driver's License status.

The Applicant must submit proof of insurance complying with the provisions of Minnesota Statute 65B.48, Subd. 5, which requires basic economic loss benefits and residual liability coverage.

The application must be accompanied by the payment of a permit fee, the amount of which will be set by Resolution of the City Council from time to time.

Permits under this Section shall be approved or denied by the Chief of Police and must be approved or denied within thirty (30) days after receipt of the written application, unless additional information is needed. To obtain such additional information, the Chief of Police must send written notice to the Applicant requesting such additional information within ten (10) business days after the receipt of such application, in which event, the thirty (30) day time limit shall commence upon receipt of such additional information.

In the event that such application is denied, the Applicant may request a hearing before the City Council by serving written notice of a request for hearing within ten (10) days after receipt of the Police Chief's written notice of denial of such application. The City Council shall hold a hearing allowing the Applicant to submit any additional information or evidence supporting the Applicants application under this section. The City Council shall thereafter make a decision to approve or deny such application based upon the evidence in the file and additional information provided by the Applicant at the hearing. If the City Council approves the application as outlined within this paragraph, the Mayor will issue the permit to the Applicant.

Each permit issued under this Section shall be for a period of time not to exceed two years and may be renewable. Permits will be issued by calendar year. At any time during the permit period and upon reasonable request by the Cleveland Police Department, the person issued a permit under this Section may be required to submit further information or evidence that the Permittee is in compliance with the permit requirements.

B) Golf Carts may only be operated from a half-hour before sunrise to a half-hour after sunset unless equipped with original equipment head lights, taillights, and rear facing brake lights.

C) The operation of Golf Carts shall not exceed 10mph within the City of Cleveland.

D) Golf Carts shall display the slow-moving vehicle emblem provided for in Minnesota Statute 169.522.

E) Any operator of a motorized golf cart must have a valid driver's license.

F) All owners of motorized golf carts must obtain and maintain liability insurance complying with the provision of Minnesota Statute 65B.48 subd.5 (Liability Insurance).

G) Motorized Golf Carts shall be equipped with a rearview mirror so located as to reflect to the driver a view of the roadway for a distance of at least 200 feet to the rear of the vehicle.

H) Motorized Golf Carts shall have the permit number designated by the City displayed on the left side of the vehicle in a conspicuous place in 3 inch letters and numbers.

I) Only one rider shall be allowed unless the Golf Cart is designed specifically for additional people.

#### **SECTION 7180.04 DESIGNATED ROADWAYS**

A) Golf Carts shall be operated if at all possible in alley ways, EXCEPT that a Golf Cart may make a direct 90 degree crossing of streets and highways and may travel the shortest distance possible on a street if there is no other way to arrive at one's destination. In all circumstances, it shall be unlawful to operate a Golf Cart on State Trunk Highway 99, except while executing a 90 degree crossing.

B) The operation of Golf Carts is specifically prohibited in city parks, public sidewalks and any other public places other than those specifically allowed by this Ordinance.

#### **SECTION 7180.05 APPLICATION OF TRAFFIC LAWS**

Every person operating a motorized golf cart pursuant to the Ordinance shall be subject to the Minnesota State Traffic Laws except when those provisions cannot reasonable be applied to motorized Golf Carts.

#### **SECTION 7180.06 PENALTIES**

Any person violating any provision of this Ordinance shall be Guilty of a Misdemeanor.

#### **SECTION 7180.07 EFFECTIVE DATE**

This ordinance shall be effective on January 1, 2018.

This ordinance was passed by the Cleveland City Council on December 4th 2017

SEC. 7990.00. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

Violation of any Ordinance in this chapter constitutes a misdemeanor or petty misdemeanor. No penalty shall exceed a fine of \$700 or imprisonment in the County Jail for a period of ninety (90) days or both, but in either case the cost of prosecution may be added. This Ordinance was duly adopted at a regular meeting of the Common Council of the City of Cleveland, Minnesota, on December 19, 1984.

(Pages 211-220 reserved)

## CHAPTER 8

### PARKING REGULATIONS

SECTION 8000.00. DEFINITIONS, SCOPE AND APPLICATION. See chapter 3 for Definitions, Scope and Application.

SEC. 8010.00. PRESUMPTION. As to any vehicle parking in violation of Chapters 3, 7, and 8 when the driver thereof is not present, it shall be presumed that the owner parked the same, or that the driver was acting as the agent of the owner.

SEC. 8020.00. GENERAL PARKING PROHIBITIONS. It is unlawful for any person to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the specific directions of a police officer or traffic control device in any of the following places: (1) on a sidewalk; (2) in front of a public or private driveway; (3) within an intersection; (4) within ten feet of a fire hydrant; (5) on a crosswalk; (6) within twenty feet of a crosswalk at any intersection; (7) in a sign-posted fire lane; (8) within thirty feet upon the approach to any stop sign or traffic control signal located at the side of a roadway; (9) within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly sign-posted; (10) along-side or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic; (11) on the roadway side of any vehicle stopped or parked at the edge or curb of a street; (12) upon any bridge or other elevated structure upon a street; (13) at any place where official signs prohibit or restrict stopping, parking or both; (14) in any alley, except for loading or unloading and when only so long as reasonable necessary for such loading and unloading to or from adjacent premises.

Source: City Code  
Effective Date: 12-20-84

(Sections 8030.00-8070.00, inclusive, reserved for future expansion.)

SEC. 8080.00. UNAUTHORIZED REMOVAL. It is unlawful for any person to move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.

SEC. 8090.00. DIRECTION TO PROCEED. It is unlawful for any person to stop or park a vehicle on a street when directed or ordered to proceed by any police officer invested by law with authority to direct, control or regulate traffic.

SEC. 8100.00. PARALLEL PARKING. Except where angle parking is specifically allowed and indicated by curb marking or sign-posting, or both, each vehicle stopped or parked upon a two-way road where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with, and within twelve (12) inches of, the right-hand curb, and, where painted markings appear on the curb or the street, such vehicles shall be within such markings, front and rear, provided that upon a one-way roadway 0 vehicles shall be so parked, except that the left-hand wheels of the vehicle may be parallel with and within twelve (12) inches from the left-hand curb, but the front of the vehicle in any event and with respect to the remainder of the vehicle, shall be in the direction of the flow of traffic upon such one way street; and it is unlawful to park in violation of this Section.

Source: City Code  
Effective Date: 12-20-84

(Sections 8110.00-8160.00, inclusive, reserved for future expansion.)

SEC. 8170.00. ANGLE PARKING. Where angle parking has been established by Council resolution, and is allowed, as shown by curb marking or sign-posting, or both, each vehicle stopped or parked shall be at an angle or approximately 45 to 60 degrees with the front wheel touching the curb and within any parking lines painted on the curb or street, provided that the front wheel not touching the curb shall be the portion of the vehicle furthest in the direction of one-way traffic; and it is unlawful to park in violation of this Section.

Source: City Code  
Effective Date: 12-20-84

(Sections 8180.00-8220.00, inclusive, reserved for future expansion)





SEC. 8230.00. STREETS WITHOUT CURB. Upon streets not having a curb each vehicle shall be stopped or parked parallel and to the right of the paving, improved or main traveled part of the street; and it is unlawful to park in violation of this Section.

SEC. 8240.00. PARKING HOURS. Parking on streets shall be limited as follows:

Subd. 8240.01. It is unlawful for any person to stop, park or leave standing any vehicle upon any street for a continuous period in excess of forty-eight (48) hours.

Subd. 8240.02. The Police Officer may, when authorized by resolution of the Council, designate certain streets, blocks or portions of streets of blocks as five-minute, ten minute, fifteen-minute, thirty-minute, one-hour, two-hour, four-hour, six-hour, eight-hour limited parking zones and shall mark by appropriate signs any zones so established. Such zones shall be established whenever necessary for the convenience of the public or to minimize traffic hazards and preserve a free flow of traffic. It is unlawful for any person to stop, park or leave standing any vehicle for a period of time in excess of the sign-posted limitation.

SEC. 8250.00. EMERGENCY.

Subd. 8250.01. Definition. For the purposes of this Section, the term "Emergency" means a condition created on City streets because of the presence of snow, freezing rain, sleet or ice thereon, or other natural phenomenon which create or are likely to create hazardous road conditions or impede or are likely to impede the free movement of fire, health, police, emergency or other vehicular traffic, when the same has been duly declared.

Subd. 8250.02. Declaration of Emergency. Whenever there is an accumulation of one inch or more of snowfall, an emergency shall be deemed to exist.

Subd. 8250.03. Unlawful Act. During an emergency it is unlawful to park or leave standing any vehicle on any public parking lot between 1:00 A.M. and until it has been fully cleared, or on any street between the hours of 1:00 A.M. and 6:00 A.M.

Subd. 8250.04. Exceptions. This Section shall not apply to (1) persons in charge of wreckers or authorized emergency vehicles while actually servicing mechanical, fire, police or medical emergencies, or (2) any street when it has been fully and completely (curb-to-curb) cleared, sanded, salted, or cleaned.

SEC. 8251.00. PARKING RULES IN CITY PARKING LOTS AND RAMPS. In City owned Parking lots and ramps the Council may limit the sized and types of motor vehicles to be parked thereon, hours of parking, and prescribed method of parking, providing that such limitations and restrictions are marked or sign-posted thereon. It is unlawful to park or leave standing any vehicle backed into a parking place, to drive in a direction opposite the flow of traffic marked by "one-way" signs or arrows, or to park any vehicle in any City-owned parking lot or ramp contrary to the restrictions or limitations marked or sign-posted therein.

SEC. 8252.00. IMPOUNDING AND REMOVING VEHICLES. When any police officer finds a vehicle standing upon a street or City-owned parking lot in Violation of any parking regulation, such officer is hereby authorized to require the driver or other person in charge of such vehicle to remove the same to a position in compliance with this Chapter. When any police officer finds a vehicle unattended upon any street or City-owned parking lot in violation of any parking regulation, such officer is hereby authorized to impound such unlawfully parked vehicle and to provide for the removal thereof and to remove the same to a convenient garage or other facility or place of safety; provided, that if any charge shall be placed against such vehicle for cost of removal or storage, or both, by anyone called upon to assist therewith the same shall be paid prior to removal from such place of storage or safekeeping.

SEC. 8253.00. LOADING ZONES. The Council may, by resolution, establish loading zones to be used for the specific purpose of loading or unloading merchandise from a commercial vehicle or vehicle temporarily being utilized in the transport of merchandise. Such loading zones shall be installed by order of the City Administrator where in the judgment of the Council a commercial loading zone is justified, and duly sign-posted.

Source: City Code  
Effective Date: 12-20-84

(Sections 8260.00-8980.00, inclusive, reserved for future expansion.)

SEC. 8990.00. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

Violation of any Ordinance in this chapter constitutes a misdemeanor or petty misdemeanor. No penalty shall exceed a fine of \$700 or imprisonment in the County Jail for a period of ninety (90) days or both, but in either case the cost of prosecution may be added. This Ordinance was duly adopted at a regular meeting of the Common Council of the City of Cleveland, Minnesota, on December 19, 1984

## CHAPTER 9

### NUISANCES AND OFFENSES

SECTION 9000.00. PUBLIC PROTECTION. This chapter is intended to protect the public against various offenses and nuisances.

#### SEC. 9010.00. DANGEROUS WEAPONS AND ARTICLES.

Subd. 9010.01. Acts Prohibited. It is unlawful for any person to:

A. Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another, or,

B. Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another, or,

C. Manufacture or sell for any unlawful purpose any weapon known as a sling-shot or sand club; or,

D. Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically; or,

E. Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another, or

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm, or,

G. Permit, as a parent or guardian, any child under fourteen years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or,

H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or the Police Department.

Subd. 9010.02. Exception. Nothing in Subdivision I of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

Subd. 9010.03. Discharge of Firearms and Explosives. It is unlawful for any person to fire or discharge any cannon, gun, pistol or other firearm, firecracker, sky rocket or other fireworks, air gun, air rifle, or other similar device referred to as a B-B gun.

Subd. 9010.04. Exception. Nothing in Subdivision 3 of this Section shall apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council, or to a peace officer in the discharge of his duty, or to a person in the lawful defense of his person or family. This Section shall not apply to the discharge of firearms in a range authorized in writing by the Council.

Source: City Code  
Effective Date: 12-20-84

(Sections 9020.00-9060.00, inclusive, reserved for future expansion.)

**AN ORDINANCE AMENDING CHAPTER 9 OF THE CLEVELAND CITY  
ORDINANCE CONCERNING THE SALE OF FIREWORKS**

TBE CITY OF CLEVELAND, MINNESOTA ORDAINS:

**SECTION 1.** Chapter 9 - Nuisances and Offenses, Section 90 10 - Dangerous Weapons and Articles, Subd. 9010.05, Possession and Sale of Fireworks, of the Cleveland City Code Ordinance is amended by deleting the text of subd. 9010.05 in its entirety and adding new text as follows:

**SUBD. 9010.05 POSSESSION AND SALE OF FIREWORKS**

9010.05 (a) **Sale of Fireworks.** It is unlawful to sell, offer for sale, expose for sale, sell at retail or wholesale, or make any public display of fireworks in the City of Cleveland in violation of Minnesota Statutes § § 624.20 through 624.25, inclusive which are adopted herein by reference. "Legal fireworks" as defined in this Section may, however, be sold and/or displayed upon obtaining a license issued by the City.

9010.05 (b) **Definition.** For the purposes of this Section "lepl. fireworks" is defined to Mean:

Wire or wood sparklers of not more than 100 grams of mixture item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 200 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.

9010.05 (c) **Application.** The application for a license shall contain the following information: name, address, and telephone number of applicant; the address of the location where fireworks will be sold; the type of legal fireworks to be sold; the estimated quantity of legal fireworks that will be stored on the licensed premises.

9010-05 (d) **Processing Application.** The application must be filed with the City Clerk together with the license fee. Following an inspection of the premises proposed to be licensed, the City Manager or his/her designee shall issue the license if the conditions for license approval are satisfied and the location is properly zoned. If the City Manager or his/her designee denies the license application, the applicant may, within ten (10) days, appeal the decision to the City Council.

9010.05 (e) **Conditions of License.** The license shall be issued subject to the following conditions:

- (1) The license is non-transferable, either to a different person or location.

- (2) The licensed premises must be a permanent building equipped with an automatic sprinkler system.
- (3) The license must be publicly displayed on the licensed premises.
- (4) The premises are subject to inspection by City employees including police officers during normal business hours.
- (5) The sale of legal fireworks must be allowed by the zoning ordinance and must comply with all zoning ordinance requirements including signs.
- (6) The premises must be in compliance with the State Building Code and State Fire Code.

9010.05 (f) License Period and License Fee. Licenses shall be issued for a calendar year. A licensing fee for the sale of fireworks shall be set annually by the City Council. License fees shall not be prorated.

9010.05 (g). Revocation of License. Following written notice and an opportunity for a hearing, the City Manager or his/her designee may revoke a license for violation of this Section or state law concerning the sale, use or possession of fireworks. If a license is revoked, neither the applicant nor the licensed premises may obtain a license for twelve (12) months. If the City Manager or his/her designee revokes a license, the license holder may within ten (10) days appeal the decision to the City Council.

**SECTION 2.** This ordinance shall be effective immediately upon its passage.



SEC. 9070.00. DISORDERLY CONDUCT. It is unlawful for any person, in a public or private place, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger or disturb others or provoke any assault or breach of the peace, to do or permit upon premises owned or controlled by him, the following: (1) engage in brawling or fighting; or, (2) disturb in assemble or meeting, not unlawful in its character, or, (3) engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonable to arouse alarm, anger or resentment in others; or (4) willfully and lewdly expose his person or the private parts thereof, or procures another to so expose himself, and any open or gross lewdness or lascivious behavior, or any act of public indecency; or (5) races the motor of any motor vehicle; or (6) causes the making or production of an unnecessary noise by shouting or by any other means of mechanism including the blowing of any automobile or other vehicle horn; or (7) use a sound amplifier upon streets and public property without prior written permission from the City; or (8) use a flash or spotlight in a manner so as to annoy or endanger others; or (9) drinks or displays any intoxicating liquor or non-intoxicating malt liquor in or about any premises where such drinking or display is prohibited by law; or (10) causes defacement, destruction or otherwise damage to any premises or any property located thereon; or (11) strews, scatters, litters, throws, disposes of or deposits any refuse, garbage or rubbish unto any premises except into receptacles provided for such purpose; or (12) enters any motor vehicle of another without the consent of the owner or operator; or (13) fails or refuses to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof, or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is the owner or tenant of the premises involved nor to any law enforcement or other government official who may be present thereon at that time as part of his official duty, nor shall it include the wife, children, employee or tenant of such owner or occupier.

Source: City Code  
Effective Date: 12-20-84

(Sections 9080.00-9120.00, inclusive, reserved for future expansion.)

SEC. 9130.00. CONSUMPTION AND POSSESSION OF BEER, WINE OR LIQUOR ON PRIVATE PARKING LOTS. It is unlawful for any person to consume or possess in an unsealed container, beer, wine or liquor, as those terms are defined in Chapter 6 of the City Code, on any privately-owned parking lot which is clearly sign-posted prohibiting such possession and consumption. Provided, that this Section shall not apply to the possession of an unsealed container in a motor vehicle on privately-owned parking lots when the container is kept in the trunk of such vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purpose of this Section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

Source: City Code  
Effective Date: 12-20-84

(Sections 9140.00-9180.00, inclusive, reserved for future expansion.)

## SEC. 9190.00. PUBLIC NUISANCES.

Subd. 9190.01. Definitions. It is unlawful for any person to maintain a public nuisance by his act or failure to perform a legal duty, and for purposes of this ordinance, a public nuisance shall be defined as any of the following: (1) maintaining or permitting a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or (2) interfering with, obstructing or rendering dangerous for passage, any street, public right-of-way, or waters used by the public; or (3) any other act or omission declared by law to be a public nuisance.

Subd. 9190.02. Property as Public Nuisance. It is unlawful for any person to permit real property under his control to be used to maintain a public nuisance or to let the same to another knowing it is to be so used.

Subd. 9190.03. Junk Cars, Household Furnishings and Appliances stored on public or private property. It is unlawful to park or store any unlicensed, unregistered or inoperable vehicle, household furnishings, or appliances on public or private property in a Residence District, unless housed in a lawfully erected building in the Residence District, and any violation is hereby declared to be a nuisance.

Subd. 9190.04. Causes of Blight or Blighting Factors. It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods, so as to be harmful to the public welfare, health and safety. On and after the effective date of this code revision, no person, firm or corporation of any kind shall maintain or permit to be maintained, any of these causes of blight or blighting factors upon any property, public or private, in the City of Cleveland, owned, leased, rented, or occupied by such person, firm or corporation.

A. In any area, the storage upon any property of junk automobiles. For the purpose of this section of the City Code, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle or former motor vehicle, stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota, and is either (1) unusable or inoperable because of lack of, or defects in component parts; or (2) unusable or inoperable because of damage from collision, deterioration, alteration or other factors, or (3) beyond repair and, therefore, not intended for future use as a motor vehicle; or (4) being retained on the property for future possible use of salvageable parts.

B. In any area the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days. The term "Junk" shall include parts of machinery or motor vehicles, unused stoves, or other appliances stored in the open; remnants of wood, decayed, weathered or broken construction materials no longer suitable for sale, approved building materials; metal or other cast off material of any kind, whether or not the same could be put to any reasonable use.

C. In any area the existence of any structure or part of any structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended.

D. In any area the existence of any vacant dwelling, garage, or other out building unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto be vandals.

Any violation of this Subd. is declared to be a nuisance and upon fourteen ( 14) days written notice to the owner, as shown by the records in the office of the City Clerk, of private premises on which such material or buildings are found, the City may remove the same and certify the cost of such removal as any other special assessment. Failure to comply with said written notice within the time allowed shall constitute a violation of this Subd. of the City Code and shall be considered a misdemeanor.

E. Refuse and recycling receptacle in residential zones.

1. It shall be the duty of every single family or duplex residential real estate owner to provide a container for garbage and recycling sufficient in size to accommodate and securely keep all garbage and refuse and recyclable materials EXCEPT THAT refuse and recycling containers shall not exceed 96 gallons unless permitted by the city under paragraph (2) below.
- 2 Single family or duplex residential real estate owners may apply for and receive a 30 day permit for lager contractor supplied roll- off refuse containers deemed necessary by the City of home improvement projects, generating larger amounts of refuse. This permit expires after 30 days and the roll-off container must be timely removed unless a new permit is obtained.
- 3 Owners of apartments with 3 units or more shall be permitted to use refuse containers larger than 96 gallons as may be deemed necessary by the refuse removal contractor.
- 3 Owners of apartments with 3 units or more shall be permitted to use refuse containers larger than 96 gallons as may be deemed necessary by the refuse removal contractor.

ORDINANCE NO. 9200.00

**AN ORDINANCE OF THE CITY OF CLEVELAND, MINNESOTA, AMENDING  
THE CITY CODE BY ADDING LANGUAGE ABOUT LICENSING ADULT USES  
AND SEXUALLY- ORIENTED BUSINESSES**

**TIRE CLEVELAND CITY COUNCIL APPROVES THE FOLLOWING CHANGES  
TO THE CLEVELAND CODE OF ORDINANCES:**

SECTION 1. This section adds the following to the Cleveland City Code:

**CHAPTER 9**

**LICENSING OF ADULT USES AND SEXUALLY-ORIENTED BUSINESSES**

Sec. 9200.00. Licensing of Adult Uses and Sexually-Oriented Businesses.

A. Findings and Purposes.

1. The purpose of this ordinance is to control, through licensing and other regulations, certain land uses that have a direct and detrimental effect on the character of the City's residential and commercial neighborhoods.
2. The Cleveland City Council makes the following findings about the effect adult uses and sexually-oriented businesses have on the character of the City's neighborhoods. In making the findings, the City Council accepts the recommendations of staff that has studied the experiences of other areas about such businesses. Based on studies and findings, the Cleveland City Council concludes:
  - a. Adult uses and sexually-oriented businesses can contribute to an increase in crime in the area where such businesses are located. This can be a burden to City crime-prevention programs and law enforcement services.
  - b. Adult uses and sexually-oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can increase neighborhood blight. These businesses also can impair the character and quality of the residential housing in the area where such businesses are. This situation could lessen the amount of desirable housing for residents.

- c. The concentration of adult uses and sexually-oriented businesses in one area can greatly affect the area where such businesses are concentrated and on the quality of city life. A cycle of decay can result from the influx of adult uses and sexually-oriented businesses. Others may perceive the presence of such businesses as an indication that the area is deteriorating and the result can be devastating. That is, other businesses move out of the vicinity and residents flee from the area. Lower property values, that can result from the concentration of such businesses, erode the City's tax base and contribute to blight.
- d. Adult uses and sexually-oriented businesses have adverse secondary impacts of the types discussed above.
- e. It is necessary to provide for the special and express regulation of businesses, establishments or commercial enterprises that operate as adult body painting studios, adult bookstores, adult cabarets, adult car washes, adult companionship establishments, adult hotels or motels, adult massage parlors or health clubs, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades or theaters, adult novelty businesses, adult saunas, and similar adult-oriented services operating under different names to protect the public health, safety and welfare, and to guard against the inception and transmission of disease.
- f. The commercial enterprises such as the types described in (e) above and all other similar establishments whose services include sessions offered to adults conducted in private by members of the same or opposite sex, and employing personnel with no specialized training, are susceptible to operations contravening, subverting, or endangering the morals of the City by being the site of acts of prostitution, illicit sex, and occasions of violent crimes, and thus requiring close inspection, licensing and regulation.
- g. Control and regulation of commercial establishments of these types, in view of the abuses often perpetrated, require intensive efforts by the police department and other departments of the City. It is necessary for the City to provide services to all of Cleveland without concentrating the public services in one area. The concentrated use of City services detracts from and reduces the level of service available to the rest of Cleveland. Thus, these types of establishments can diminish the ability of the City to protect and promote the general health, welfare, morals and safety of Cleveland.

- h. The City Council adopts the following land-use and licensing regulations, recognizing that it has an interest in the present and future character of the City's residential and commercial neighborhoods. These regulations are to lessen the detrimental and adverse affects adult uses and sexually-oriented businesses have on adjacent land uses and to protect and promote the health, safety and welfare of the residents of Cleveland.

It is not the intent of the City Council to prohibit adult uses or sexually-oriented businesses or establishments from having an opportunity to locate in Cleveland. It also is not the intent of the City Council to regulate these businesses on the basis of content, but only on the basis of likely adverse secondary effects.

- B. Definitions. The following words shall have the following meanings:
  - 1. Adult uses: adult body painting studios, adult bookstores, adult cabaret, adult car wash, adult hotels or motels, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health/sports clubs, adult saunas/steam rooms/bath houses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcades, adult modeling studios, and all other premises, enterprises, establishments, businesses, and 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 the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry by state-licensed or registered persons. Activities classified as obscene as defined by Minnesota Statutes §617.241 are not lawful and are not included in the definition of adult uses.
  - 2. Adult Use - Accessory: The offering of goods and/or services classified as adult uses on a limited scale that are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.
  - 3. Adult Uses - Principal: The offering of goods and/or services classified as adult uses as a primary or sole activity of a business or establishment, and include but are not limited to the following:
    - a. Adult Body Painting Studios: An establishment or business that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."

- b. Adult Bookstores: An establishment, building or business engaging in the barter, rental, or sale of items or merchandise consisting of printed matter, pictures, slides, records, audiotapes, videotapes, computer or video disks, motion picture film, or any other similar materials, if such a shop is not open to the public generally but only to one or more classes of the public, excluding any minor because of age, if more than twenty (20%) percent of the usable floor area of the establishment, building or business, or it at least 500 square feet, whichever is smaller, has products or materials distinguished or characterized by an emphasis on matters depicting, describing or related to "specified sexual activities" or "specified anatomical areas."
- c. Adult Cabaret: An establishment, building or business that provides dancing or other live entertainment if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas."
- d. Adult Car Wash: A wash facility for any type of motor vehicle that allows employees, agents, independent contractors, or persons to appear in a state of partial or total nudity in terms of "specified anatomical areas."
- e. Adult Companionship Establishment: An establishment or business if such establishment excludes minors because of age, or which 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 or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- f. Adult Entertainment Facility: A building or space in which an admission is charged for entrance, or food or nonalcoholic beverages are sold or intended for consumption, and in which may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas"
- g. Adult Establishment: An establishment, building or business engaging in any of the following activities or which uses any of the following business procedures or practices: either:



1. Any business conducted exclusively for the patronage of adults and about which minors are specifically excluded from patronage thereat either by law or by the operators of such business; or
  2. Any other business that offers its patrons services, products or entertainment 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 bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health clubs, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult car washes, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.
- h. Adult Hotel or Motel: A hotel or motel from which minors are specifically excluded from patronage and in which material is presented that is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- i. Adult Massage Parlor, Health/Sport Club: A massage parlor or health/sport club that restrict minors because of age, which provide the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- j. Adult Mini-Motion Picture Theater: A business, building or establishment in an enclosed building with a capacity for less than 50 persons used for presenting visual media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons.
- k. Adult Modeling Studio: An establishment or business whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers 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.

Adult Motion Picture Arcade: Any building or place to which the public is allowed or invited in which coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, computers, or other image producing devices that show images to five or fewer persons per machine at once, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."<sup>17</sup>

- m. Adult Motion Picture Theaters: A business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material is ' said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons.
  - n. Adult Novelty Business: A business that has at least twenty (20/6) percent of its floor area as a principal activity the sale of materials or devices that stimulate human genitals or devices designed for sexual stimulation or which depict or relate to "specified sexual activities" or "specified anatomical areas."
  - o. Adult Sauna/Steam Room/Bathhouse: A sauna/steam room/bathhouse that excludes minors because of age, or which provides a steam bath or heat bathing room used for bathing, pleasure, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna/steam room/bathhouse is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 4. Licensed Family Day-Care Home; Licensed Group Family Day-Care Home; Licensed Child-Care Center: A facility holding a license from Sibley County or Minnesota pursuant to Minnesota Statutes, Chapter 245A, and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.
  - 5. Minor: Any natural person under the age of eighteen (18) years.
  - 6. Nudity: The showing of the human male or female genitals or pubic area with less that a fully opaque covering; the showing of the female breast

with less than a fully opaque covering of any portion thereof below a point immediately above the top of the areola; or the depiction or showing of the covered male genitals in a discernibly turgid state.

7. **Public Library:** Any library that provides free access to all residents of a City or County without discrimination and is organized under the provisions of Minnesota Statutes, Chapter 134.
8. **Public Park:** A park, reservation, open space, playground, beach, or recreation or community center in the City owned, leased, or used, wholly or in part, by a City, County, State, School District or Federal Government for recreation purposes.
9. **Place of Worship:** A building or space that is principally used as a place where people of the same faith or religion regularly assemble for worship.
10. **School:** A building or space that is principally used as a place where twenty-five (25) or more persons receive a full course of educational instruction. Any post-secondary or post-high school educational building, including any college or any vocational, technical college, shall not be deemed a school for purposes of this ordinance.
11. **Sexually-Oriented Business:** An adult book store, adult body painting studio, adult car wash, adult cabaret~ adult hotel or motel, adult companionship establishment, adult motion picture theater, adult mini-motion picture theater, adult massage parlor, adult entertainment facility, adult health or sports clubs, adult novelty business, adult modeling studio, or adult sauna as defined herein. Activities classified as obscene as defined by Minnesota Statutes §617.241 are not lawful and are not included in the definition of adult uses.
12. **Specified Anatomical Areas:** Anatomical areas consisting of-
  - a. Less than completely and opaquely covered genitals, pubic region or pubic hair, buttock, anus, or female breast or breasts below a point immediately above the top of the areola or any combination of the foregoing; and
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
13. **Specified Sexual Activities:** Activities consisting of the following:
  - a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation or fondling of unclothed genitals, pubic region, buttock

or female breast, flagellation or torture in a sexual relationship, or the use of excretory functions in a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, sodomy, zooerasty; or

- b. Human genitals in the state of sexual stimulation, arousal or tumescence; or
- c. Use or acts of human or animal ejaculation, sexual intercourse, sodomy, oral copulation, coitus, or masturbation; or
- d. Fondling or touching of human genitals, pubic region or pubic hair, buttocks, or female breast or breasts; or
- e. Stimulation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person; 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; or
- h. Any combination of the above.

C. Licenses.

1. License Required. No person, firm, or corporation shall own or operate an adult use or sexually-oriented business in Cleveland without having first secured a license as provided herein. Licenses shall be one of two types:
  - a. Adult Use Principal
  - b. Adult Use Accessory
2. Applications. The City shall prepare an application for an adult use principal or sexually-oriented business license. This application shall include:
  - a. The name, residence, phone number and birthdate of the applicant~ if an individual; and if a corporation, the names, residences, phone numbers and birthdates of those owners holding more than five

(5%) percent of the issued and outstanding stock of the corporation;

- b. The name, address, phone number and birthdate of the operator and manager of such operation, if different from the owners;
- c. The address and legal description of the building, establishment or premises where the adult use or sexually-oriented business is to be located;
- d. A statement detailing each gross misdemeanor or felony relating to a sex offense and/or the operation of adult uses and related activities of which the applicant or, for a corporation, the owners of more than five (5%) percent of the outstanding stock of the corporation, have been convicted, and whether the applicant has ever applied for or held a license, to operate a similar type of business in other cities;
- e. The activities and types of business to be conducted;
- f. The hours of operation;
- g. The provisions made to restrict access by minors;
- h. A building plan of the premises detailing all internal operations and activities;
- i. A description or building plan that details all proposed interior and exterior changes to an existing building or structure.

### 3. License Fees.

- a. Each application for a license shall be accompanied by a receipt from the City finance director for payment in full of the required application and investigative fee for the license as established by the City Council. All fees shall be paid into the general fund of the city.
- b. All licenses shall expire on the last day of December in each year. The City shall issued each license for one (1) year, except that if part of the license year has elapsed when the application is made, the City may issue a license for the remainder of the year for a prorated fee. In computing such fee, the City shall count any unexpired fraction of a month as one (1) month.

- c. The annual fee for an adult-use or sexually-oriented business license shall be as established by the City Council.
- d. No part of the fee paid for a license issued under this ordinance shall be refunded except in the following instances upon application to the City manager within thirty (30) days from the happening of the event. The City shall refund a prorated portion of the fee for the unexpired period of the license, computed monthly, when operation of the licensed business ceases not less than one (1) month before expiration of the license because of-
  - 1. Destruction or damage of the licensed premises by fire or other catastrophe;
  - 2. The licensee's illness;
  - 3. The licensee's death;
  - 4. A change in the legal status making unlawful for the licensed business to continue.
- e. Each application shall contain a provision on the application in **bold print** stating that any withholding of information or the providing of false or misleading information will be grounds for the denial or revocation of a license. Any changes in the information provided on the application or provided during the investigation shall be reported to the City Council by the application or licensee. If said changes take place during the investigation, the data shall be provided to the Cleveland Chief of Police or City Administrator in writing, and they shall report the changes to the City Council. Failure to report said changes by the applicant(s) or the licensee may result in a denial or revocation of a license.

4. Granting of License.

- a. The City shall investigate all facts set out in the application. After the City finishes its investigation, the City shall hold a public hearing and shall give everyone to be heard for or against the granting of the license a chance to present their views. After the investigation and public hearing, but under no circumstances longer than one hundred twenty (120) days after application is made, the City Council shall grant or refuse the application.
- b. The City shall only issue the license to the applicant. The license shall not be transferred to another holder. The City shall only issue

each license for the premises or location described in the application. No license may be transferred to another place without the approval of the City Council.

5. Persons Ineligible for License. The City shall not grant a license to nor may one be held by any person who:
  - a. Is under twenty-one years of age.
  - b. Has been convicted of a felony or of violating any Minnesota law involving mortal turpitude.
  - c. Is not the proprietor of the establishment for which the license is issued.
  - d. Has not paid the license and investigative fees required by this ordinance.
  - e. Is not a citizen of the United States.
  - f. Has been an adult use or similar license or permit revoked by this ordinance
  - g. Already holds a liquor license for the same premises.
6. Places Ineligible for License.
  - a. No license shall be granted for adult uses or sexually-oriented business on any premises where a licensee has been convicted of a violation of this Chapter, or where any license hereunder has been revoked for cause, until one (1) year has elapsed after such conviction or revocation.
  - b. Except uses lawfully existing at the time of this Ordinance adoption, no license shall be granted for any adult use or sexually oriented business that does not meet all City code requirements, all building and fire code requirements and all provisions of state and federal law.

- c. No licenses shall be granted for any adult use or sexually-oriented business where the licensee has been granted a liquor license for the same premises.
- 7. Nonconforming Uses. Any adult use or sexually-oriented business existing on the effective date of the adoption of this ordinance may be continued subject to the following provisions:



- a. No such adult use or sexually-oriented business shall be expanded or enlarged except in conformity with the provisions of this ordinance.
  - b. A nonconforming adult use or sexually-oriented business shall be required to apply for and receive an adult use license from the City. The City does not require a public hearing before issuing a license for the nonconforming adult use or sexually-oriented business.
8. Conditions of License - Generally.
- a. Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this chapter, and of any applicable sections of the Cleveland City Code, state and federal law.
  - b. All licensed premises shall have the license posted in a conspicuous place.
  - c. No minor shall be allowed in or on the premises of an adult use or sexually-oriented business.
  - d. Any designated inspection officer or law enforcement officer of the City shall have the right to enter, inspect, and search the premises of a licensee during business hours.
  - e. Every licensee shall be responsible for the conduct of their place of business and shall maintain conditions of this ordinance and the City code.
  - f. No adult goods, materials or services shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.

9. Conditions of License - Adult Use Principal.

The City permits adult use principal and sexually-oriented businesses only in the Highway, Business, and Industrial zoning districts subject to the following conditions:

- a. No adult use principal or sexually-oriented business shall be located closer than 500 feet from any other adult use principal or sexually-oriented business in the City. Measurements shall be made in a straight line, without regard to City boundaries, intervening structures or objects, from the nearest point of the

actual business premises of the adult use principal or sexually-oriented business to the nearest point of the actual business premises of any other adult use principal or sexually-oriented business.

- b. No adult use principal or sexually-oriented business shall be located closer than 100 feet from any residential lot line, or 300 feet from any place of worship, school, public park, open space, licensed family day-care home, licensed group family day-care home, public library, or licensed child-care or day-care center in any City. Measurements shall be made in a straight line, without regard to City boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually-oriented business to the nearest property line of the premises or building used as a dwelling or residence, place of worship, school, public park, open space, licensed family day care home, licensed group family day-care home, public library, or licensed child-care or day-care center.
- C. No adult use principal or sexually-oriented business shall be located closer than 100 feet from any residential lot line, any residential zoning district or any residential planned unit development in the City. Measurements shall be made in a straight line, without regard to City boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use or sexually-oriented business to the nearest residential lot line, boundary of the residential zoning district or planned unit development.
- d. All adult uses and sexually-oriented businesses must follow all of this code.
- e. The City prohibits any building owner or operator from having more than one (1) of the following uses, tenants or activities in the same building or structure:

- Adult Body Painting Studio
- Adult Book Store
- Adult Cabaret
- Adult Car Wash
- Adult Companionship Establishment
- Adult Entertainment Facility
- Adult Hotel or Motel
- Adult Modeling Studio
- Adult Sauna/Steam Room/Bath House
- Adult Motion Picture Theater
- Adult Mini-Motion Picture Theater
- Adult Massage Parlor
- Adult Health/Sports Club
- Adult Novelty Business

Any business or establishment in which there is an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas" that the public could see.

- f. An adult use principal and sexually-oriented business shall not sell or dispense nonintoxicating or intoxicating liquors, nor shall it be located in a building that contains a business that sells or dispenses nonintoxicating or intoxicating liquors.
- g. No adult use principal and sexually-oriented business entertainment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult use establishment that is prohibited by an ordinance of Cleveland, the laws of the State of Minnesota, or the United States of America. Nothing in this ordinance shall be construed as authorizing or permitting conduct that is prohibited or regulated by other statutes, 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.
- h. No adult use principal or sexually-oriented businesses shall be conducted in any manner that permits the perception or observation from any property not approved as an adult use of any materials depicting, describing or related to "Specified Sexual Activities" or "Specified Anatomical Areas" by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.
- e. All adult use principal and sexually-oriented businesses shall prominently display a sign at the entrance and located within two (2) feet of the door-opening device of the adult-use establishment or section of the establishment devoted to adult books or materials which states: "This business sells or displays material containing adult themes. Persons under age 18 years of age shall not enter."
- j. No person under the age of 18 shall be permitted on or in the premises of an adult use or sexually-oriented business establishment. No person under the age of 18 shall be permitted access to material displayed, offered for sale, given, transferred, conveyed or rented by an adult use or sexually-oriented business.

- k. Adult use principal and sexually-oriented businesses shall be open no longer that between the hours of 10:00 am. and 10:00 p.m. on the days of Monday through Saturday, and closed on Sunday.

10. Conditions of License - Adult Use Accessory.

The City may issue adult use accessory licenses to businesses or establishments located in the Highway, Business, or Industrial Zoning Districts subject to the following requirements:

- a. The adult use accessory shall comprise no more than twenty (20%) percent of the floor area, or up to 500 square feet, whichever is smaller, of the establishment, space, structure or building in which it is located.
- b. Display areas for adult movie or video tape rentals or other products shall be restricted from general view and shall be located within a separate room, for which the access is in clear view and in the control of the person responsible for the operation.
- c. Magazines and publications or other similar products classified or qualified as adult uses shall not be accessible to minors and shall be covered with a wrapper or other means to prevent display of any materials other than the publication tide.
- d. Adult use accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

11. Revocation, Suspension or Non-renewal of License.

- a. The City Council may revoke, suspend, or not renew a license upon recommendation of the City Administrator that shows the licensee, its owners, managers, employees, agents or any other interested parties have engaged in any of the following conduct:
  - 1. Fraud, deception or misrepresentation about securing the license.
  - 2. Habitual drunkenness or intemperance in the use of drugs, including but not limited to, the use of drugs defined in Minnesota Statutes, Section 618.01, barbiturates, hallucinogenic drugs, amphetamines, Benzedrine, Dexedrine or other sedatives, depressants, stimulants or tranquilizers.

3. Engaging in conduct involving moral turpitude or permitting or allowing others within their employ or agency to engage in conduct involving moral turpitude or failing to prevent agents, officers, or employees in engaging in conduct involving moral turpitude.
4. Failure to follow any requirements of the ordinances of Cleveland about sanitary and safety conditions, zoning requirements, building code requirements or ordinances, the violation of which involves moral turpitude, or failure to follow the requirements of this ordinance.
5. Conviction of an offense involving moral turpitude.

b. The license holder may appeal any suspension, revocation or non-renewal to the City Council. The Council shall consider the appeal at a regularly scheduled public hearing on or after ten (10) days from service of the notice of appeal to the City Administrator. At the conclusion of the hearing, the Council may order:

1. That the revocation, suspension or non-renewal be affirmed.
2. That the revocation, suspension or non-renewal be lifted and that the license be returned to the license holder.
3. The Council may impose, at their discretion, any additional terms, conditions or stipulations for the suspension or issuance of the license.

#### D. Sign Restrictions.

The following sign regulations shall apply to all adult use and sexually-oriented businesses in the City. These regulations are to protect children from exposure to sexually-oriented or shocking signs and materials and to preserve the value of property near adult use and sexually-oriented businesses. These regulations are aside from any other provision of the City code.

1. All signs shall be flat wall or freestanding signs. No signs shall be located on the roof, or contain any flashing lights, moving elements, or electronically or mechanically-changing messages.

2. The City's sign regulations for the zoning district where the business is located, shall regulate the amount of allowable sign area and the number of allowed signs for an adult use or sexually-oriented business.
3. No merchandise, photos, or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or public right-of-way adjoining the building or structure in which the adult use or sexually-oriented business is located.
4. No signs shall be placed in any window. A two (2) square-foot sign may be placed on the door to state hours of operation and admittance to adults only.

E. Penalty

Any person violating any provisions of this ordinance is guilty of a misdemeanor, and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law.

F. Severability.

If any section, subsection, sentence, clause or phrase of this code amendment is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this code amendment. The Council declares that it would have adopted the code amendment and each section, subsection, sentence, clause or phrase of it, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid.

SECTION 2. This section amends the Cleveland City Code by adding language further defining places ineligible to hold a liquor license.

**Chapter 6 Beer and Liquor Licensing and Regulations**

**Section: 6360.00 Liquor License Restrictions and Regulations**

6360. 10 PLACES INELIGIBLE subd. I GENERAL PROHMITION:

NO LICENSE shall be issued for any place or any business ineligible for such a license under state law.

Subd. (1) (1 a) No license shall be issued for any place/establishment already holding an adult use or sexually-oriented business license for the same premises.

SECTION 3. This ordinance shall take effect after the City Council approves it and the official newspaper publishes it.

Passed by the City Council of the  
City of Cleveland, Minnesota,  
On the 1<sup>st</sup> day of July, 2002

ATTEST:

Gwyn Ploog

Approved as to Content  
and Form:

Cleveland City Attorney

Ayes 5

Nays 0

Mayor- City of Cleveland

## SEC. 9300.00. CURFEW.

Subd. 9300.01. A. Curfew - Minors Under the Age of Eighteen. It is unlawful for any minor person under the age of eighteen years to be or loiter upon the streets or public places between the hours of 12:00 o'clock midnight and 5:00 o'clock a.m.

Subd. 9300.01. B. Curfew - Minors Under the Age of Sixteen. It is unlawful for any minor person under the age of sixteen years to loiter upon the streets or public places between the hours of 10:00 o'clock p.m. and 5:00 o'clock a.m. The city siren will be blown at 9:30 as a 1/2 hour warning.

Subd. 9300.02. Curfew- Parents and Guardians. It is unlawful for any parent, guardian, or other person having the legal care of custody of any minor person to allow or permit such minor person to be or loiter upon the street or public places in violation of this Section unless such minor is accompanied by a person of lawful age having such minor person in charge.

Subd. 9300.03. Curfew - Places of Amusement, Entertainment or Refreshment. It is unlawful for any person operating, or in charge of, any place of amusement, entertainment or refreshment, or other place of business, to allow or permit any minor person to be or loiter in such place in violation of this Section unless such minor is accompanied by a person of lawful age having such minor person in charge. This subdivision shall not be construed to permit the presence, at anytime, of any person under age in any place where his presence is otherwise prohibited by law.

Subd. 9300.04. Exceptions. Such curfew shall not apply to any students under the age of eighteen years who are lawfully attending, going to or returning from school, church or community sponsored athletic, musical or social activities or events, or where the presence of a minor is connected with or required by some legitimate business, trade, profession or occupation in which the said minor is permitted by law to be engaged, in which case the curfew for a minor, if approved by the parent or guardian, shall be a maximum of 1/2 hour after the posted ending time for the event, if after 12:00 o'clock midnight.

Subd. 9300.05. Penalty. Unless they are causing trouble or are in violation of another law, each violator shall have a 30 minute grace period. The first violation will result in a written warning with contact with the parents or guardian. The second violation shall result in a citation written to the parent or guardian.

Source: City Code  
Effective Date: 9-8-92



SEC. 9400.00. PARK HOURS.

Subd. 9400.0 1. Any City owned or leased park shall be closed to public use between the hours of 9:30 p.m. and 6:00 a.m., except by special permit issued by the City Clerks Office.

Subd. 9400.02. Penalty. Violation of this ordinance shall be a petty misdemeanor.

(Sections 9500.00-9980.00, inclusive, reserved for future expansion.)

SEC. 9990.00. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

Violation of any Ordinance in this Chapter constitutes a misdemeanor or petty misdemeanor. No penalty shall exceed a fine of \$700 or imprisonment in the County Jail for a period of ninety (90) days or both, but in either case the cost of prosecution may be added. This Ordinance was duly adopted at a regular meeting of the Common Council of the City of Cleveland, Minnesota, on December 19, 1984.

## **CLEVELAND OPEN BURNING ORDINANCE**

### **General Definitions:**

1. Open fire; open burning. "Open fire" or "open burning" means a fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed firebox, structure or vehicle and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney.
2. A recreational fire is the burning of material other than rubbish for pleasure, religious, ceremonial, cooking or similar purposes where the fuel being burned is not contained in an incinerator, outdoor fireplace, or barbecue grill, and with a total fuel area of 3 feet or less in diameter and 3 feet or less in height.
3. Rubbish is waste material including, but not limited to, garbage, waste paper, leaves, grass, debris from construction or demolition, hazardous materials, oils, rubbers, plastics, chemically treated materials and other materials, which produce excessive or noxious smoke.
4. Leaf burning is the open burning of dried leaves within the confines of a fire ring as more fully described below.

### **Specific Requirements:**

1. A burning permit must be obtained from the City of Cleveland before igniting a recreational fire or leaf burning fire.
2. Recreational fires shall not be conducted within 25 feet of a structure or combustible materials, and shall be contained in an approved fire ring no larger than 3 feet in diameter and no lower than 8 inches in height, constructed of concrete or other approved noncombustible material. Conditions which could cause a fire to spread to within 25 feet of a structure, shall be eliminated prior to ignition.
3. Buckets, shovels, garden hoses or a fire extinguisher with a minimum 4-A rating shall be readily available for use at recreational fires, or open burning of dried leaves.
4. Recreational fires and burning of leaves shall be constantly attended  
by a person knowledgeable in the use of fire extinguishing equipment. An attendant shall supervise a recreational fire or the burning of leaves until such fire

has been extinguished. Fires must not be allowed to smolder with no flame present.

5. Any officer of the Cleveland Fire Department, Minnesota DNR, Cleveland Police Department or Le Sueur Sheriffs Department is authorized to require that recreational fires be immediately discontinued if such fires are determined to constitute a hazardous or nuisance condition.
6. Recreational fires and leaf burning will not be allowed if a burning ban or air pollution alert is in effect.
7. Maximum wind speed, including gusts, must not exceed 10 MPH, and the prevailing winds must be away from occupied structures before a recreational fire or leaves shall be ignited.
8. Leaf burning in an approved fire ring shall be strictly limited to the period between September 15 and December 1 each year.

(Pages 248-265 reserved)

## CHAPTER 11

Council Member Robbie Kopet introduced the following ordinance and moved for its adoption:

SECTION 1101.00. AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF CLEVELAND, MINNESOTA, TO INCLUDE CERTAIN LAND OWNED BY PAUL M. CINK AND ABUTTING THE CITY OF CLEVELAND.

WHEREAS, Paul M. Cink, a single person, has filed a petition dated March 20, 2000, requesting that certain land as legally described below:

That part of the Northeast Quarter of the Southwest Quarter of Section 2 1, Township 1 10 North, Range 25 West, Le Sueur County, Minnesota, described as follows: Beginning at a found Iron Pipe, being the Center of said Section 2 1; thence North 89 degrees 14 minutes 33 seconds West (assumed bearing) on the North line of said Southwest Quarter, 284.00 feet; thence South 00 degrees 20 minutes 09 seconds West, 153.40 feet; thence South 89 degrees 14 minutes 33 seconds East, 25.00 feet, thence South 00 degrees 20 minute 09 seconds West, 247.20 feet; thence North 89 degrees 14 minutes 33 seconds West, 169.23 feet; thence South 00 degrees 20 minutes 09 seconds West, 257.40 feet; thence South 89 degrees 14 minutes 33 seconds East, 428.23 feet to the East line of said Southwest Quarter, thence North 00 degrees 20 minutes 09 seconds East on said East line, 658.00 feet to the point of beginning. Said parcel contains 5.00 acres of land being subject to and together with any and all easements of record.

to be annexed to the City of Cleveland; and,

WHEREAS, Paul M. Cink, a single person, represents that he is the sole owner of this property, that the property is unincorporated, abuts the limits of the City of Cleveland, is not included within any other municipality, and is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes 414.0325, will use this site for residential purposes, will need city services, and is approximately 5 acres in size; and,

WHEREAS, such described land is now or about to become urban or suburban in character and that the same is residential property and in need of municipal sewer and water services; and,

WHEREAS, a public hearing regarding the matter was held on June 5, 2000, at 7:00 p.m. in the Cleveland City Hall, per Minnesota Statutes 414.033, Subdivision (2)(2b).

NOW, THEREFORE, the City Council of Cleveland Minnesota, does hereby ordain:

Subd. I 10 1.0 1. The City Council determines and finds that the property abuts the municipality, that the area to be annexed is 60 acres or less, that the property is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes 414.0325, that the municipality has received a properly prepared petition for annexation from the owner of the property, and that the petition complies with all other provisions of Minnesota Statutes 414.033.

Subd. 1101.02. The property is urban in nature or about to become so and will be used by Paul M. Cink, a single person, for residential purposes and will need city services.

Subd. 1101.03. The corporate limits of the City of Cleveland are hereby extended to include the property and the same is hereby annexed to and included within the City of Cleveland as if the property had originally been part thereof.

Subd. 1101.04. The City Clerk is directed to file certified copies of this ordinance with the Minnesota Municipal Board, Cleveland Township, the Le Sueur County Auditor and the Minnesota Secretary of State.

Subd. 1101.05. This ordinance takes effect upon its passage and publication and the filings of the certified copies as directed in Subd. 110 1.04 and approval of the ordinance by the Minnesota Municipal Board.

Adopted this 5th day of June, 2000.

Attest:  
City Clerk, Gwyn Ploog

Mayor Ferris Robb

Council Member Richard Walter seconded the foregoing ordinance and the following voted in favor thereof. LeRoy McCollum, Janet Holicky, and Ferris Robb and the following voted against same: none whereby the ordinance was declared duly passed and ordained.

This is a true and correct copy of City of Cleveland Ordinance Section I 10 1.00 as attested to by City Clerk Gwyn Ploog.

Gwyn Ploog

## CHAPTER.11

(THIS ENTIRE CHAPTER RESERVED FOR FUTURE EXPANSION)

(Pages 266-285 reserved)