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## ARTICLE 7 - LICENSES

### 7-100 General Provision

This Article related to the licensing of certain activities within the City. All licenses shall be applied for on application forms prepared by the City Administrator, and unless specified to the contrary, all licenses shall be issued by the City Administrator.

#### 7-110 Fees

Excepting matters for which fees are established by State or Federal law, the fees for all licenses issued under this Article shall be established from time to time by resolution of the City Council.

#### 7-120 Violations

Requirements for all licenses are ongoing in nature, and the violation of any condition of issuance of a license shall be grounds for sanctions to be imposed by the City, including, without limitation, revocation or suspension of a license, after due process of law.

### 7-130 Special Provisions for Alcohol, Non-Intoxicating Malt Liquor and Tobacco Licenses

#### 7-131 Age Compliance Checks

At least one time each calendar year, the City's law enforcement personnel shall conduct age compliance checks of every holder of a license issued under Articles 7-400, 7-700, 7-800, 7-829 and 7-831 (B) of this code

#### 7-132 Definitions

For the purposes of this Article, the following terms are defined.

- a) **“Alcohol”** means any liquor, beer wine or non-intoxicating malt beverages sold by a licensee under Articles 7-700, 7-800, 7-829 or 7-831 (B) of this Code.
- b) **“Tobacco”** means cigarettes, cigars, pipe tobacco, chewing tobacco or any other tobacco product sold by a licensee under Article 7-400 of this Code.
- c) **“Minor”** the word “minor” means a person under the age of 18 years for tobacco age compliance checks, and means a person under the age of 21 years for alcohol age compliance checks; the phrase “of legal age” means 18 years old or older for tobacco age compliance checks, and means 21 years old or older for alcohol age compliance checks.

**d) “Drug Paraphernalia”** includes any of the following: cigarette paper sold or offered for sale without the availability of pouch cigarette tobacco from the retailer; smoking pipes sold or offered for sale without the availability of pipe tobacco from the retailer; roach clips; one-hitters; bongs; water-pipes.

**7-133 Conditions of Compliance Checks** The following general guidelines shall be observed by the law enforcement personnel in conducting age compliance checks.

**a)** A minor shall be recruited (with parental consent if under 18) for the purpose of attempting to purchase tobacco or alcohol at the premises of each licensee.

**b)** No attempt shall be made to disguise a minor to appear of legal age, nor shall minors whose natural appearance makes them appear to be of legal age be recruited for compliance operations.

**c)** The minor shall not attempt to induce a sale by any gift, offer of extra money or means other than a direct request to buy tobacco or alcohol, nor shall the minor attempt to cajole, persuade or intimidate a salesperson into making a sale once identification has been requested of the minor.

**d)** Inquiry shall be made of each minor used in the operation as to any history of that person’s usage of a fake identification, and no minor shall be used in the compliance operation if the minor has any history of ever having used or possessed a fake identification card.

**e)** The City’s law enforcement personnel will notify the City Administrator of each age compliance check, and the result thereof, within two business days after each compliance check. This information will include the date and time of day of the check, the location, and if a failure resulted, the name of the salesperson and the details of the sale.

**f)** If a licensee has not failed a compliance check after five checks have been made at the licensee’s location, efforts will be made to limit compliance checks at that licensee’s premises so that on average, that licensee is not checked more than one time per twelve months. This clause does not prohibit more than one compliance check for such a licensee in a given twelve-month period, but merely establishes a general guideline for an average over an extended number of years. If a licensee fails an age

compliance check, there is no limit on the frequency of compliance checks until five consecutive successful checks have been made.

**g)** If a licensee passes an age compliance check, the City Administrator shall promptly notify the licensee by letter signed by the City Administrator, of the successful result, including the date and time of day that the compliance check was made.

#### **7-134 Civil Procedures on Sales to Minors**

If the agent of any licensee shall sell tobacco or alcohol to a minor, whether in an age compliance check or otherwise, the following civil procedures shall take place in addition to, and not in place of, any criminal proceedings which may take place.

##### **a) Notification to Licensee**

The City Administrator shall notify the licensee in writing of the failure, within fourteen days of any sale to a minor, including the date, time and circumstances of the sale, and the consequences of the failure.

##### **b) Civil Penalty**

The notice to the licensee shall also inform the licensee that a civil penalty is assessed against the licensee as a result of the sale to a minor. The civil penalty shall be in the following amounts:

i) For tobacco licensees, the penalty shall be \$250.00, plus \$250.00 for each previous compliance check failure in the preceding ten years, up to a maximum of \$1,500.00;

i) For alcohol licensees, the penalty shall be \$500.00, plus \$500.00 for each previous compliance check failure in the preceding ten years, up to a maximum of \$3,000.00;

The civil penalty shall be due and payable in full within 30 days after notice of the penalty is given to the applicant. No subsequent license for tobacco or alcohol shall be issued to the licensee, or to any subsequent applicant for a license for sales of tobacco or alcohol from the location at which the delinquent licensee operated, until and unless the penalty is paid in full.

##### **c) Hearing on Penalty**

Within ten days after receipt of the notice of the penalty, the licensee may request a hearing before the City Council for the purpose of appealing the penalty. The request must be in writing and addressed to the City Administrator. The payment requirement

shall be in abeyance during the appeal period, and the City Council may, in their discretion, either hear the appeal at a regular City Council meeting or at a special meeting. Following the hearing, the City Council may, in their discretion, ratify the penalty, reduce the penalty, or abate the penalty. Any penalty owing after the hearing shall be due and payable immediately if the original 30 days for payment have elapsed, and due and payable within the original 30 days if those days have not yet elapsed.

**d) Suspension or Revocation of License**

In addition to, and not in place of the civil penalties prescribed above, licensees who fail age compliance checks repeatedly shall be given the following sanctions:

i) If a licensee fails a check which results in a circumstance in which one of the sanctions listed in Article 7-134 (d) (ii) or (iii) below will take place if the next check is failed, the licensee shall be given written notice of the consequence of the subsequent failure.

ii) If a licensee fails three consecutive checks, the license shall be summarily suspended by the City Administrator as soon as the appeal time has elapsed, or, if an appeal is heard, upon ratification of the suspension by the City Council. The suspension shall be for thirty days.

iii) If a licensee fails four consecutive checks, or if a licensee fails seven checks within a ten-year period, the license shall be summarily revoked by the City Administrator as soon as the appeal time has elapsed. If an appeal is requested, the license shall remain in effect until a decision is made by the City Council as to sanctions

**e) Hearing on Suspension or Revocation**

Within ten days after receipt of a notice of failure which might result in suspension or revocation of a license, the licensee may request a hearing before the City Council for the purpose of appealing the sanction. The request must be in writing and addressed to the City Administrator. The City Council may, in their discretion, either hear the appeal at a regular City Council meeting or at a special meeting. Following the hearing, the City Council may, in their discretion, revoke the license, suspend the license for any period of time, or abate the sanctions. If a license is revoked, no new license shall be issued to that licensee or its principals for any alcohol or tobacco sales, nor shall the premises from which the

illegal sales were made be subsequently eligible to house a licensed seller of alcohol or tobacco.

### **7-135 Eligibility for License**

No applicant shall be eligible to receive a license to sell alcohol or tobacco if the premises at which the sales are to be made carries as part of its stock in trade any drug paraphernalia as defined by Article 7-132 (d) of this Code.

## **7-200 Construction Activities**

### **7-210 License Required**

Before any person, firm, corporation or other entity shall engage in the business of doing or performing any of the various types of work listed in this Article, they shall obtain a license: A license may be obtained from the City, or, if the activity is licensed by the State, then a State License shall suffice or, in the case of a State License, no license shall be recognized until the applicant shall furnish a policy of insurance.

Licenses shall be required for:

- (1) Cement work, cement block work, cement block laying or brick work;
- (2) General construction including erection, alteration or repair of buildings;
- (3) The moving or wrecking of buildings;
- (4) Plastering, outside stucco work, or lathing;
- (5) Blacktopping (parking lots, driveways, etc.);
- (6) Plumbing including installation, repair and pumping of outside sewer disposal systems;
- (7) Roofing;
- (8) Sign and billboard erecting;
- (9) Excavators (for basements, foundations, grading of lots, etc.);
- (10) Heating, ventilating and air conditioning.

### **7-220 Insurance**

No license shall be issued, or, in the case of a State License, no License shall be recognized, until the applicant shall furnish a policy of insurance insuring such applicant against liability imposed by law on account of injury to persons in the amount of \$100,000.00 per person and \$300,000.00 for each accident and a policy insuring the applicant against liability imposed by law on account of damage or destruction to property in the amount of \$50,000.00. The licensee shall furnish the City with a copy of or evidence of the insurance policy or policies, which shall provide that same shall not be canceled by the insurer or the insured without ten days prior written notice thereof being given to the City. In case of cancellation of such insurance, such license shall be suspended automatically until such insurance shall be replaced.

### **7-230 Expiration**

All licenses, except those relating to liquor or beer, issued under this Article shall expire on December 31, following the date of issuance unless sooner revoked or forfeited. If a license granted hereunder is not renewed previous to expiration then all

rights granted by such license shall cease and any work performed after the expiration of the license shall be in violation of this Code.

### **7-300 Public Dances and Cabaret Licenses**

#### 7-310 Public Dances

##### 7-311 License

No person, corporation or other party shall hold or maintain or permit any public dance in the City except in accordance with the provisions of this Article and after obtaining a license. License shall be issued on application for either a single dance or for periodic dances through a year's period of time. Licenses for single dances may be issued by the City Clerk in the discretion of the Clerk; licenses for a year's period shall be issued by the City Clerk only after approval by the City Council.

##### 7-312 Security

There shall be in attendance at the expense of the licensee at all public dances held in the City, a trained security officer.

##### 7-313 Exceptions

Public dances subject to license and regulation under this Article shall include both those dances for which admission is charged and those for which admission is not specifically charged for entry to the premises upon which the dancing is to be presented or conducted, but shall not include private dances where admission is obtained by prior invitation such as wedding dances and similar dances, and shall include any dancing by two or more persons whether to music personally played or to recorded or other mechanically produced music, unless a special cabaret license is in effect, pursuant to other articles of the City Code.

##### 7-314 Persons Ineligible for License

No such license shall be granted to any person of bad character or who has been convicted of a felony, gross misdemeanor or violation of any provision of Article 7-300, nor to any person who is or has been a keeper of any disorderly house of any kind, nor for any place which has direct or indirect communication with any room in which intoxicating liquor is sold or otherwise used, except establishments possessing a valid on-sale liquor license, nor for any place other than a licensed hotel, having so-called private apartments or private rooms which adjoin such dancing place, or which may be reached by stairs, elevator or passageway leading from such dancing place, and no such license shall be issued under this Article, unless the City Council is satisfied that the place where said dance is to be given or held is properly ventilated and equipped with necessary toilets, washrooms, lighting facilities, and that such place is not likely to become a public nuisance or detrimental to public morals.

#### 7-320 Cabaret Licenses

##### 7-321 License Required

No person holding any on-sale intoxicating liquor license, or on-sale non-intoxicating malt liquor (beer) license shall hold, provide, maintain or permit any of the following activity, without first obtaining a cabaret license: Dances or dancing, or the provision of any form of entertainment for patrons, including, but not limited to instrumental

music, singing or vaudeville entertainment, stage shows or amusement, whether by an individual or more than one person.

7-322 Term

Such license shall be either for a yearly period or for a period to be set therein.

7-323 Persons Ineligible for License

No such license shall be granted to any person of bad character or who has been convicted of a felony, gross misdemeanor or violation of any provision of Article 7-300 nor to any person who is or has been a keeper of any disorderly house of any kind.

7-324 Exceptions

Nothing herein shall prohibit the use of radio, television or jukeboxes, without dancing in conjunction therewith, when such does not constitute or become a nuisance or violate any other portion of the City Code or of the State of Minnesota.

**7-400 Tobacco and Tobacco Products**

No person, firm, or corporation shall directly or indirectly or by means of any device keep for retail sale, sell at retail, or otherwise dispose of any cigarette, cigarette paper, cigarette wrapper, cigar or other tobacco or tobacco items, at any place in the City unless a license therefore shall first have been obtained.

7-410 Term

All such licenses shall be issued only after approval of the City Council. Licenses shall expire on December 31 of each year.

7-420 Posting

Every license shall be kept conspicuously posted at the location for which the license is issued and shall be exhibited to any person upon request.

7-430 Persons to Whom License May Be Issued

No license shall be issued to any of the following:

- a) Persons under the age of 18 years;
- b) Persons who have had a tobacco license revoked within twelve months of the application;
- c) Persons who have been convicted of violating any state or federal law pertaining to tobacco sales, transport or possession;
- d) Persons who have been convicted of violating any City Ordinance pertaining to tobacco sales or possession.

7-440 Location of Sales

No license shall be issued to an applicant for the sale of cigarettes, cigarette papers, cigarette wrappers, cigars or other tobacco or tobacco items at any place other than his established place of business. No license shall be issued for the sale of cigarettes, cigarette papers, cigarette wrappers, cigars, or other tobacco or tobacco items at a movable place of business, nor shall any one license be issued for the sale of

cigarettes, cigarette papers, cigarette wrappers, cigars or other tobacco or tobacco items at more than one place of business.

**7-450 Vending Machines**

Vending Machines shall be prohibited, except where located in sections of on-sale liquor establishments which are primarily used for the preparation and dispensing of alcoholic beverages, more commonly referred to as the "bar" area, and on condition that a remote lockout device be installed on the machine which permits the machine to be activated only by an employee over the age of eighteen years.

**7-460 Prohibited Sales**

No licensee shall sell any tobacco product under the following circumstances:

- a) to any person under the age of eighteen years;
- b) in any manner violative of any State or Federal law or regulation;
- c) by any means other than the direct exchange of the tobacco product between the customer and an employee of the licensee.
- d) in any form other than manufacturer's cartons or sealed individual packages.

**7-470 Conflicting State or Federal Provisions**

In the event that any State or Federal law or administrative rule is established subsequent to the effective date of this ordinance which is in conflict with this ordinance, including, without limitation, a complete prohibition on cigarette vending machines, any such conflicting provision shall be automatically adopted by reference, and compliance with such law or rule shall be a condition of continued licensure.

**7-500 Amusement and Vending Machines**

**7-510 License Required**

Excepting non-profit organizations, no person or corporation or business shall keep, for public operation, any billiard device, jukebox, or other machine used for amusement, or vending machine of any kind, without first securing a license therefore.

**7-520 Term**

Licenses shall be issued for one-year periods, and shall expire on December 31 of each year.

**7-530 Posting**

The license, once issued, shall be affixed to the machine or device, in a conspicuous place.

**7-540 Exception**

Machines which vend items for human consumption, except cigarettes, shall be exempt from municipal licensing, but shall be required to meet the rules and regulations of all other governmental jurisdictions having authority with respect to such machines.

**7-600 Field Parties and Large Assemblies**

7-610 Field Parties

7-611 Definitions

- A. "Field Party" is defined as a gathering of 50 or more people, held partially or completely out of doors, on public or private property and at which intoxicating beverages, non-intoxicating malt liquors or other intoxicating chemicals are used or dispensed by any participant, whether or not a fee is collected for any participant.
- B. "Out of Doors" is defined as any place outside of a building as defined in Minn. State. Ch. 609.58 (Subd. 1 (2)).

7-612 Licensing Provisions

No person shall permit, maintain, promote, conduct, advertise, participate in, be present at, act as entrepreneur, undertake, organize, manage, or sell or give tickets to, a field party held in any area of the City of Ham Lake whether on public or private property, unless a license to hold the assembly has first been issued by the City Administrator, application for which must be made at least 30 days in advance of the assembly. Furthermore, if any police officer, upon discovering a field party which is unlicensed or upon declaring any license to be void, shall order the persons present to disperse, it shall be unlawful for any person to continue to be present at the field party.

7-613 Application for License

- A. Forms. Application shall be made to the City Clerk on forms to be supplied by the City and shall contain the following information:
  - (1) The names, addresses and telephone numbers of the applicant(s).
  - (2) The precise location of the proposed field party, as well as the date and specific times during which the field party will be in progress and the expected number of guests.
  - (3) The name, address and telephone number of the owner of the land.
  - (4) A written acknowledgment of consent by the owner of the land to the conducting of the proposed field party.
  - (5) A statement as to whether or not intoxicating beverages or non-intoxicating malt liquors will be furnished, and if so, whether a fee of any kind will be collected, or whether voluntary contributions will be collected. If a fee of any kind will be collected or if voluntary contributions will be collected, it shall be necessary for the applicant to comply with the licensing, bonding and insurance provisions of Ham Lake City Code Article 7-800, and for the purposes of this Code, the following shall apply:
    - a. If intoxicating beverages are involved, then the field party shall be deemed to be a "club" as contemplated by Minnesota Statutes and the seating capacity requirement found therein shall be deemed satisfied.
    - b. If non-intoxicating malt liquors are involved, the field party shall be deemed to be a "bona fide club" as contemplated by Article 7-810.15 (D).

- c. Any license issued for a field party under the provisions of Article 7-600 shall be for no longer than the duration of the field party.
- (6) A written statement demonstrating that the applicant has adequate plans for measures designed to protect the safety of participants, including the following:
- a. The means by which the field party will be illuminated;
  - b. The means by which emergency vehicles may be summoned, the means of access of emergency vehicles to the field party site; and the provisions for on-site first aid to be present on the field party site.
- B. Fees. A fee shall be charged for field party licenses as set by the City Council by resolution from time to time.

7-614 Issuance of Licenses

- A. Issuance Criteria. Licenses shall be issued by the City Clerk. The City Clerk shall issue the license if all of the provisions of this Code have been satisfied, PROVIDED, that with regard to Article 7- 613 (A) (6) hereof, the following shall be prohibited to protect the safety of participants:
- 1. Illumination primarily from motor vehicle headlights, ground fires, or other light sources located less than 10 feet above ground.
  - 2. The lack of a reliable communication device located within 1,000 feet of the proposed site. A common citizens band radio shall not be deemed a reliable communication device.
  - 3. The existence of the site at a location greater than 1,000 feet from any traveled public road, or the existence of access to a traveled public road which access is not marked by reflectorized markings, or not passable by a four wheeled motor vehicle, or not of sufficient width to accommodate the passage of emergency vehicles.
- B. Review by City Council. If the City Clerk refuses to issue a license, the applicant shall have the right to have the application reviewed by the City Council, by placement on the agenda of the next regular Council Meeting.
- C. Report to Sheriff. If a license is issued, a copy thereof shall be forwarded to the office of the Anoka County Sheriff.
- D. Conditions of License. Any license issued shall be subject to the following conditions, which shall be printed on the face of the license, and shall read as follows:

“This license shall be rendered void if any of the following conditions are found to exist at the field party site.”

- 1. The commission of the crime of assault, disorderly conduct, or breach of the peace by any participant on the field party site;
- 2. The consumption or possession of any intoxicating beverage or non-intoxicating malt liquor by any person 21 years of age or younger;
- 3. The failure of any applicant to be physically present at the field party site during the entire duration of the field party.

4. The maintenance of any nuisance under any existing or future municipal ordinance.

Upon observing the violation of any of the conditions of a license, a peace officer shall declare the license to be void, and shall order the participants to disperse.

7-615 Exceptions

Any field party which commences during daylight hours, and is completely dispersed prior to sunset shall be exempt from the requirements of obtaining a field party license. This exemption shall in no way affect the duty to comply with Article 7-800 if the same applies.

7-620 Large Assemblies

7-621 Definitions

“Assembly” means a company of persons gathered together at any location at any single time for any purpose.

7-622 License Required

No person shall permit, maintain, promote, conduct, advertise act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonable anticipated assembly of 1,000 or more people which continues or can reasonably be expected to continue for eight or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the governing body of this City, application for which must be made at least 30 days in advance of the assembly. When applying for any assembly license, the sponsor must submit certified copies of other necessary Minnesota State licenses and/or permits to support his application. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

- A. A separate license shall be required for each day and each location in which 1,000 people assemble or can reasonably be anticipated to assemble. The fee for each license shall be \$100.00.
- B. A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.
- C. The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.
- D. This Code shall not apply to any regularly established permanent place of worship, stadium, golf course, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.
- E. This Code shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other state laws and regulations of this City.

7-623 Conditions for Issuing License

Before being issued a license, the applicant shall first:

- A. Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonable assemble at the location of the assembly in consideration of the nature of the assembly, and provided that where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health codes of this City, or regulations of the Minnesota State Board of Health.
- B. At the time the application is submitted, the sponsor will provide a plan including the provisions herein for operation of the assembly. Ten days prior to the start of the assembly, local authorities will inspect to determine whether the requirements of these provisions have been met.
  1. A fence or barrier (sufficient to prevent ingress-egress, except at established gates) completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have sufficient entrances and exits to allow easy movement into and out of the assembly grounds and provide traffic control onto established public road systems;
  2. Portable water, meeting all Federal and State requirements for sanitary quality, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and where the assembly is to continue for more than 12 hours, water for bathing at the rate of at least 10 gallons per person per day, or portion of a day;
  3. Separate enclosed toilets for males and females, meeting all State and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled, in accordance with the Minnesota State Board of Health and Regulations and Standards:
  4. A sanitary method of disposing of solid waste, in compliance with State and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 pounds of solid waste per person per day, together with a plan for holding and collecting all such waste at least once each day of the assembly, and sufficient trash containers and personnel to perform tasks;
  5. Physicians and nurses licensed to practice in Minnesota sufficient to provide the average Medical care enjoyed by residents of Minnesota for the maximum number of people to be assembled at the rate of at least one physician and nurse for every 1,000 people, together with an enclosed covered structure where treatment may be rendered, containing separately

- enclosed treatment rooms for each physician, and at least two emergency ambulances with attendants for each 1,000 people;
6. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;
  7. A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;
  8. Telephones connected to outside lines sufficient to provide service to the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 500 persons.
  9. If the assembly is to continue overnight, camping facilities in compliance with all State and local requirements as set forth in Minnesota Statutes and Regulations and Ordinances of this City, sufficient to provide camping accommodations for the maximum number of people to be assembled; all persons sleeping during night hours shall so sleep only in a tent, camper, endorsed trailer, mobile home, building or similar enclosed item;
  10. Security and traffic, and narcotics control plan which will meet the requirements of local authorities and the Minnesota Department of Public Safety; regularly employed off-duty Minnesota law enforcement officers or protective agents licensed in Minnesota, sufficient to provide adequate security for the maximum number of people to be assembled; at least one security guard for every 100 people will be provided for the first 1,000 people, additional security guards will be provided at the rate of one for each 250 people or major fraction thereof;
  11. Fire protection shall be provided by the sponsor which may include but not be limited to the following: fire alarms, extinguishing devices, fire lanes, and shall be sufficient to meet all applicable State laws and local regulations which are in effect, or may be set forth by the city concerned; and sufficient emergency personnel to efficiently operate the required equipment will be provided by the sponsor;
  12. All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly;
  13. Administrative control center with telephones where local authorities can contact the sponsors and law enforcement personnel inside the assembly area;
  14. A bond, filed with Clerk of this City, either in cash or underwritten by a surety company licensed to do business in Minnesota in the minimum amount of \$300,000.00 which shall indemnify and hold harmless this City or any of its agents, officers, servants, and employees from any liability or causes of action which might arise by reason of granting this license, payment of employees, or services rendered by the granting authority, and

from any cost incurred in cleaning up any waste material produced or left by the assembly.

7-624 Application

- A. Application of a license to hold an actual or anticipated assembly of 1,000 or more persons shall be made in writing to the governing body of this City at least 30 days in advance of each assembly.
- B. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group, or if there are no officers, by all members of such association, society, or group.
- C. The application shall contain and disclose:
  - 1. The name, date of birth, fingerprints, residence, and mailing address of all persons required to sign the application by Article 7-624 hereof, and in the case of a corporation, a certified copy of the Articles of Incorporation together with the name, date of birth, residence, and mailing address of each person holding 10 percent or more of the stock of said corporation.
  - 2. The address and legal description of all property upon which the assembly is to be held, together with the name, residence, and mailing address of the record owner(s) of all such property;
  - 3. Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for an assembly of 1,000 or more persons;
  - 4. The nature of purpose of the assembly;
  - 5. The total number of days and/or hours during which the assembly is to last;
  - 6. The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning regulations of the City if the assembly is to continue overnight;
  - 7. The maximum number of tickets to be sold, if any;
  - 8. The plans of the applicant to limit the maximum number of people permitted to assemble;
  - 9. The plans for fencing the location of the assembly and the gates contained in such fence;
  - 10. The plans for supplying potable water including the source, amount available and location of outlets;
  - 11. The plans for providing toilet and lavatory facilities including the source, number and location, type, and means of disposing of water deposited;
  - 12. The plans for holding, collection, and disposing of solid waste material;

13. The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;
  14. The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lights;
  15. The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;
  16. The plans for telephone service including the source, number and location of telephones;
  17. The plans for camping facilities, if any, including facilities available and their location;
  18. The plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;
  19. The plans for fire protection as may be required by Article 7-623 (B) (11);
  20. The plans for sound control and sound amplification, if any, including number, location, and power of amplifiers and speakers;
  21. The plans for food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers;
  22. The plans for area traffic control for egress from and exit onto public roads or highways;
- D. The application shall include the bond required in Article 7-623 (B) (14).

#### 7-625 Issuance

The application for a license shall be processed within 20 days of receipt and shall be issued if all conditions are complied with.

#### 7-626 Revocation

The license may be revoked by the governing body of this City at any time, if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

#### 7-627 Enforcement

- A. The provisions of this Code may be enforced by injunction in any court of competent jurisdiction.
- B. The holding of an assembly in violation of any provision or condition contained in this Code shall be deemed a public nuisance and may be abated as such.
- C. Any person who violates Article 7-622 (A), or who violates any condition upon which he is granted a license will forfeit an appropriate amount from the bond required in Article 7-623 (B) (14).
- D. None of the foregoing remedies shall foreclose criminal prosecution under Article 1-300 of this Code.

### **7-700 Off-Sale Liquor**

7-710 Provisions of State Law Adopted

The provisions of Minnesota Statutes, Chapter 340, relating to the definition of terms, licensing, consumption, sales, condition of bonds of licensees, hours of sale, and all other matters pertaining to the retail “off-sale”, distribution, and consumption of intoxicating liquor are adopted and made a part of this Code as if set out in full herein.

7-720 License Required

- A. General Requirement. No person, except a wholesaler or manufacturer to the extent authorized under State license, shall directly or indirectly deal in, sell, or keep for “off-sale” in the City, any intoxicating liquor without an “off-sale” license to do so as provided in this Code. Under the provisions of this Code, liquor licenses shall be of one kind, “off-sale”.
- B. “Off-Sale” Licenses. “Off-sale” licenses shall be issued only to exclusive stores and shall permit “off-sale” of liquor only at retail in the original package for consumption off of the licensed premises.

7-730 Application for “Off-Sale” License

- A. Form. Every application for a license to sell “off-sale” liquor shall state the name of the applicant, his age, representation as to his character, with such references as the City Council may require, his citizenship, that the proposed business is an exclusive liquor store and its location, whether the applicant is owner and operator of the business, how long he has been in that business and such other information as the City Council may require from time to time. In addition to containing such information, the application shall be in the form prescribed by the Liquor Control Commissioner and shall be verified and filed with the City Clerk. No person shall make a false statement in an application.
- B. Liability Insurance. Prior to the issuance of and “off-sale” liquor license, the applicant shall file with the City Clerk a liability insurance policy in the amount of at least \$300,000.00 coverage and shall comply with the provisions of Minnesota Statutes, Section 340.12 relating to liability insurance policies.
- C. Approval of Insurance. The insurance offered under Article 7-730 (B) shall be approved by the City Council and by the Liquor Control Commissioner. Liability insurance policies shall be approved as to form by the City Attorney. Operation of a licensed “off-sale” business without having on file with the City at all times effective liability insurance as required by Article 7-730 (B) is a cause for revocation of the “off-sale” license.

7-740 License Fees

- A. Fees. An annual fee for an “off-sale” liquor license shall be charged.
- B. Payment. Each application for an “off-sale” liquor license shall be accompanied by the fee, and a receipt from the City Treasurer for payment in full of the license fee will then be issued. All fees shall be paid into the

general fund. If an application for a license is rejected, the City Treasurer shall refund such amount so paid.

- C. Term; Pro Rata Fee. Each “off-sale” license shall be issued for a period of one year except that if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee, with any expired fraction of a month being counted as one month. Every “off-sale” license shall expire on the last day of June.

#### 7-750 Granting of Licenses

- A. Investigation and Issuance. The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the “off-sale” license. After the investigation and hearing, the Council shall, in its discretion, grant or refuse the application.
- B. Investigation Fee Required. Each new application for an “off-sale” license shall be accompanied by a fee, and a receipt from the City Treasurer for payment by the applicant for an investigation fee will then be issued. Any unused portion of said sum shall be refunded to any applicant whether or not the City Council does issue a license. The City shall not be obligated to pay any interest on said sum during the time the City Treasurer holds same in the City Account.
- C. Person and Premises Licensed; Transfer. Each “off- sale” license shall be issued only to the applicant and for the premises described in the application. No “off-sale” license may be transferred to another person or place without City Council approval. Any transfer of stock of a corporate license is deemed a transfer of the license and a transfer of stock without prior Council approval is a ground for revocation of the “off-sale” license.

#### 7-760 “Off-Sale” Regulations

1. No “off-sale” liquor license shall be issued except in commercial use district.
2. All applications, along with complete building plans and specifications and site plans, including landscaping data, shall first be presented to the Planning and Zoning Commission of the City for consideration, approval and recommendation to the City Council.
3. The building housing an “off-sale” liquor establishment shall conform to the architectural plan of the surrounding area; and shall be subject to the approval of the Planning and Zoning Commission, the City Engineer and the City Council.
4. Adequate security measures shall be provided in each such “off-sale” liquor business, which security measures shall include a burglar alarm system approved by the Anoka County Sheriff’s office.
5. No parking or placement of trucks, trailers, or other objects, on the premises of the building housing said “off-sale” liquor business, shall occur except during reasonable times for loading and unloading of goods for such business.

6. Adequate interior storage for all stock, empty cartons, cases or other items used in or associated with such “off-sale” liquor business shall be provided.
7. All signs, whether part of or on the “off-sale” liquor business building or upon land upon which such building is situated, shall comply with the City Sign Code.
8. Adequate security lighting, both inside the “off- sale” liquor business building and on the lands upon which such building is situated shall be provided.
9. All licensees must prove to the City Council that they are financially responsible and of good moral character.
10. The entire property of the “off-sale” liquor business shall be kept in a neat and orderly state at all times.
11. There shall be no “off-sale” of liquor on credit.

7-770 Off-Sale License Standards

7-771 Persons Ineligible for License. Individual Applicants.

- A. Residence. Any applicant must be a resident of Anoka County, Ramsey County, Hennepin County, Washington County, Scott County, Carver County, Dakota County, or Isanti County at the time of the application, or any renewal thereof, and at all times during the life of the license or renewals thereof. For the purposes of this Code the term “resident” shall be defined to mean an individual who maintains his or her usual place of abode within the corporate limits of the above listed Counties, actually physically occupied by the individual as a full time dwelling place. Any individual who claims to meet the above requirements, but who owns real property outside the corporate limits of the above listed Counties which is eligible for a homestead exemption for real estate tax purposes, shall not be a “resident” for the purposes of this Code.
- B. Corporate Applicants. For any corporate applicant, the principal managing officer of the corporation shall be required to meet the definition above for an individual resident in order for the corporation to be deemed a “resident” for the purposes of this Code, notwithstanding the principal place of business address or registered office address of the corporation. The term “principal managing officer” of the Corporation shall, for the purposes of this Code, be defined to mean the individual officer, duly elected or appointed by the Board of Directors, having responsibility for controlling and directing the day-to-day activities of the corporation and who in fact will personally direct and manage the facility in which intoxicating beverages are sold for consumption off the premises.
- C. Cessation of Residence. Any cessation of residence during the life of the liquor license by an applicant shall be cause for revocation of the license. Cessation of residence shall be deemed to have occurred at any time in

which a licensee fails to meet the above defined criteria for establishing status as a “resident”.

- D. Length of Residence. In addition to the above requirements, no person shall be eligible for a license who has not been a resident of Counties listed in Article 7-771 (A) for a period of at least 30 days prior to the date of application for a license.

**7-772 Places Ineligible for License**

- A. In General. Every “off-sale” liquor license is subject to the conditions in the following articles and all other provisions of this Code and any other applicable code, State law or regulation.
- B. Licensee’s Responsibility. Every “off-sale” liquor licensee is responsible for the conduct of his place of business and the condition of sobriety and order in it. The act of any employee on the licensed premises authorized to sell “off-sale” intoxicating liquor is deemed to be an act of the licensee as well, and the licensee shall be liable to all penalties provided by this Code and the law equally with the employee.
- C. Inspections. Every licensee shall allow any police officer, health officer, or properly designated officer or employee of the City to enter, inspect and search the premises of the licensee during business hours without a warrant.
- D. Federal Stamps. No licensee shall possess a federal wholesale liquor dealer’s special tax stamp or a federal gambling stamp.

**7-773 Restrictions on Purchase and Consumption.**

No person shall consume any liquor in the building for which an “off-sale” liquor license is granted or upon the lands upon which same is situated.

**7-774 Suspension and Revocation.**

The City Council may revoke any “off-sale” liquor license for violation of any Statute or Code relating to the sale of liquor or may suspend the license for a period not exceeding 60 days if revocation is not mandatory. No suspension or revocation shall take effect until the licensee has been offered an opportunity for a hearing pursuant to Minnesota Statutes, Sections 15.0418 to 15.0426.

**7-775 Number of “Off-Sale” Liquor Licenses to be Issued.**

The City Council may issue one “off-sale” liquor license for each 5,000 residents or fractional part thereof. The number of residents shall be determined by the most recent U.S. Census or a reasonable written estimate by the Twin Cities area Metropolitan Council, whichever results the higher figure. The City Council shall be the sole judge of whether or not the Metropolitan Council estimate is reasonable.

**7-800 Beer and On-Sale Liquor**

**7-810 General Requirements for all Beer and On-Sale Liquor Licenses.**

**7-810.1 Provisions of State Law Adopted.**

The provisions of Minnesota Statutes relating to the definition of terms, licensing, consumption, sales, conditions of bonds of licensees, hours of sale, and all other

matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and non-intoxicating malt liquor are adopted and made a part of this Code as if it were set out in full.

7-810.2 Exceptions

The dispensing of liquor or non-intoxicating malt liquor at any organized social gathering where no direct fee or charge is made to guests shall not be considered to be engaging in “on- sale” liquor or beer sales, and shall not require licensing. Further, the use of the Ham Lake Senior Center and adjoining grounds within 500 feet thereof, for such gatherings, shall not be subject to the licensing requirements of this code and shall be excepted from Article 7-839 of this code, where beer or liquor is served, provided that no direct or indirect charge or fee is made to guests. The use of organizational funds which are generated in part from membership dues shall not be considered a “charge” or “fee” to guests where such funds are used to purchase beer or liquor supplies for dispensation at a social event.

7-810.3 Approval of Insurance.

The insurance required by Minnesota Statutes Chapter 340A shall be approved by the City Council. Liability insurance policies shall be approved as to form by the City Attorney. Operation of a licensed business without having on file with the City at all times effective insurance as required by this code or by State Law is a cause for revocation of the license.

7-810.4 License Fees.

There shall be an annual fee for an “on-sale” liquor license, a special club license, a special license for Sunday sales, and an “on- sale” beer license.

7-810.5 Payment.

Each application for a license shall be accompanied by a receipt from the City Treasurer for payment in full of the license fee. All fees shall be paid into the general fund. If an application for a license is rejected, the City Treasurer shall refund the amount paid.

7-810.6 Term Pro Rata Fee.

Each license shall be issued for a period of one year except that if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of June. Further, in the event that the holder of any license which has been issued for one year desires to terminate the license, on a voluntary basis, said license holder shall be entitled to a pro rata refund with any portion of any month during which the license was utilized being counted as one month.

7-810.7 Granting Licenses, Investigation and Issuance.

The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the Council shall, in its discretion, grant or refuse the application.

7-810.8 Person and Premises Licensed; Transfer.

Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without City Council approval. Any transfer of stock of a corporate licensee is deemed a transfer of the license and a transfer of stock without prior Council approval is a ground for revocation of the license.

7-810.9 Persons Ineligible for License

No license shall be granted to any person made ineligible for such a license by state law.

7-810.10 Places Ineligible for License

General Prohibition. No license shall be issued for any place or any business ineligible for such a license under state law.

7-810.11 Delinquent Taxes and Charges

No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the City are delinquent and unpaid.

7-810.12 Distance from School or Church

Excepting off-sale of beer, no license shall be granted for any place that is not a reasonable distance from any school or church. In evaluating what constitutes a reasonable distance, the City Council shall take into account such factors as the effect of intervening land uses, topography or structures between the proposed location of the licensee and a school or church; anticipated traffic patterns and volumes, additional functions to be provided by this proposed licensee and the need for such functions in the community; and such other factors as the Council deems appropriate. The reasonable spacing requirement shall not apply where the beer or liquor license was in existence prior to the time of construction of the school or church building.

7-810.13 Certain Acts and Conduct Prohibited

The following acts or conducts on licensed premises are deemed contrary to public welfare and morals and therefore no "on-sale" license shall be held at any premises where such conduct or acts are permitted.

- A. To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises which such person is unclothed or in such attire, costume or clothing to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
- B. To employ or use the services of any hostess while such hostess is unclothed or in such attire, costume or clothing as described in the above paragraph.
- C. To encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.
- D. To permit any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.
- E. To permit any person to perform acts or acts of which simulate:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
  2. The touching, caressing or fondling on the breast, buttocks, anus or genitals.
  3. The displaying of the pubic hair, anus, vulva, genitals or the nipples or areola of the female breast.
- F. To permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.
- G. To permit any person to remain in or upon the licensed premises who exposes to public view the pubic hair, anus, vulva, or genitals except where said pubic hair, anus, vulva, or genitals are covered with transparent clothing, in the form of pants or panties, and in addition where the breast and the pubic hair, anus, vulva and genitals are covered with transparent clothing.
- H. To permit the showing the film, still pictures, electronic reproduction, or other visual reproductions depicting:
1. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
  2. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
  3. Scenes wherein a person displays the vulva, or the anus or the genitals.
  4. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.
- I. To permit any employee, or person under contract to perform on the premises, to dance on any table, bar or other elevated platform, except on a duly designated stage designed exclusively for the entertainment of patrons of the premises, said stage to be located at least three feet from any patron.
- 7-810.14 Definitions
- A. “Beer” or “non-intoxicating malt liquor” means any malt beverage with an alcoholic content of more than one-half of one percent by volume and not more than three and two-tenths percent by weight.
  - B. “Intoxicating liquor” means any distilled, fermented or vinous beverage containing more than three and two-tenths percent of alcohol by weight.
  - C. “Original package” means the bottle or sealed container in which the liquor is placed by the manufacturer.
  - D. “Bona fide club” means a club organized for social or business purposes for intellectual improvement or for the promotion of sports, where the serving of beer is incidental to and not the major purpose of the club.
  - E. “Restaurant” means a place of which the major business is preparing and serving lunches or meals to the public to be consumed on the premises.
  - F. “Beer Store” means an establishment for the sale of beer, cigars, cigarettes, all forms of tobacco, beverages and soft drinks at retail.

- G. "Wine" shall be defined in Minnesota Statutes Chapter 297G.01 (subd. 20).

7-810.15 ALCOHOL ON LICENSED PREMISES

A. DEFINITIONS

1. **Alcoholic Beverages** - All alcoholic beverages and non-intoxicating malt liquors as those terms are defined by Minnesota Statutes Chapter 340A, and any amendments thereto.
2. **Licensee** - The entity (and any authorized agent thereof) which is named as the licensee of any license issued by the City of Ham Lake to sell alcoholic beverages for consumption on the premises licensed. The licensee need not be the owner of the real property upon which the licensed establishment is located.
3. **Premises** - The premises identified in the application for license of any licensee as the locations at which alcoholic beverages may be sold for consumption on the premises.
4. **Notice** - A sign or printed handout sheet which contains the following warning. In the case of a sign, the warning must be legibly printed in lettering at least one inch in height, in the case of a printed handout, the warning must be typewritten in at least 12 point type. The warning may contain additional language which describes sanctions to be imposed by the licensee, such as expulsion from the premises.

**WARNING**

**IT IS A VIOLATION OF HAM LAKE CITY CODE ARTICLE 7 TO POSSESS OR CONSUME ALCOHOLIC BEVERAGES UPON THESE PREMISES WHICH ARE NOT PURCHASED DIRECTLY FROM (NAME OF LICENSEE). THE MAXIMUM PENALTY FOR VIOLATION OF THIS ORDINANCE IS 90 DAYS IN JAIL, A \$700 FINE, OR BOTH.**

B. PROHIBITED CONDUCT

It shall be unlawful for any person who has received NOTICE from the licensee to possess or to consume any alcoholic beverages on the PREMISES which were not purchased directly from the LICENSEE. NOTICE shall be deemed to have been given if any one of the following conditions are met:

1. **Signs** - The licensee has posted a sign or signs in locations reasonable capable of being seen by the patron, such as at the location where usage fees are paid, parking lots, check-in locations, or other conspicuous locations on the PREMISES.
2. **Usage Materials** - The licensee has printed the Warning on scorecards, score sheets, or other printed material customarily and normally used by patrons in connection with usage of the PREMISES.
3. **Handout Sheets** - The licensee has given to the patron a handout sheet containing the Warning as a part of printed materials in connection with

any organized event on the PREMISES, or has handed the patron a handout sheet containing the WARNING after discovery the patron's consumption or possession of alcoholic beverages not purchased from the LICENSEE.

#### C. OPPORTUNITY TO COMPLY

It shall be an element of the offense of violation of this Code that any person claiming not to have received NOTICE of the prohibition contained herein, and found by the LICENSEE to be consuming or possessing alcoholic beverages not purchased from the LICENSEE, shall be given the opportunity to comply with the Licensee's policy by immediately surrendering to the LICENSEE all alcoholic beverages then in possession or control of the person. This element shall not be required, however, if the offending party has been given the Warning on previous occasions or visits to the premises. Alcoholic beverages surrendered to the LICENSEE which are in closed containers shall be returned to the person upon the person's departure from the PREMISES, or, if in the judgment of the LICENSEES the person is intoxicated, at a reasonable later date.

#### 7-820 Requirements Exclusive to Off-Sale and On-Sale Beer Licenses

##### 7-821 License Required

- A. No person, except wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale or otherwise, or keep or offer for sale, any beer within the City without first having received a license as hereinafter provided. Licenses shall be of two kinds: (1) Retail "on-sale"; (2) Retail "off-sale".
- B. "On-Sale" licenses shall be granted only to bona fide clubs, beer stores, drug stores, restaurants and hotels where food is prepared and served for consumption on the premises. "On-sale" licenses shall permit the sale of beer for consumption on the premises only.
- C. "Off-Sale" licenses shall permit the sale of beer at retail, in the original package for consumption off the premises only.

##### 7-822 Application for License

Every application for a license to sell beer shall be made on a form supplied by the City and shall state the name of the applicant, the applicant's age, representations as to the applicant's character, with such references as may be required, the applicant's citizenship, whether the application is for "on-sale", or "off-sale", the business in connection with which the proposed licensee will operate and its' location, whether applicant is owner and operator of the business, how long the applicant has been in that business at that place, and such other information as the Council may require from time to time. It shall be unlawful to make any false statement in an application. Applications shall be filed with the City Clerk.

##### 7-823 Conditions of the License

- A. Every license shall be granted subject to the conditions in the following subarticles and all other provisions of this Code and of any other applicable code of the City or state law.

- B. All licensed premises shall have the license posted in a conspicuous place at all times.
- C. No beer shall be sold or served to any intoxicated person or to any minor.
- D. No minor shall be permitted to be on the licensed premises unless accompanied by his parent or legal guardian.
- E. No minor shall be employed on the premises of a beer store or be permitted to sell or serve beer in any “on-sale” establishment.
- F. No gambling or any gambling device shall be permitted on any licensed premises unless a lawful gambling license has been obtained.
- G. No manufacturer or wholesaler of beer shall have any ownership of or interest in an establishment licensed to sell at retail contrary to the provisions of M.S.A. 340.02. No retail licensee and manufacturer or wholesaler of beer shall be party to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of beer and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.
- H. No licensee shall sell beer while holding or exhibiting in the licensed premises a federal retail liquor dealer’s special tax stamp unless he is licensed under the laws of Minnesota to sell intoxicating liquors.
- I. No licensee who is not also licensed to sell intoxicating liquor shall sell or permit the consumption or display of intoxicating liquors on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquors on the licensed premises or serve any liquids for the purposes of mixing with intoxicating liquor, unless the licensee complies with the State set up law and obtains a valid permit.

#### 7-824 Closing Hours

No sale of beer shall be made on any Sunday between the hours of 1:00 a.m. and 12:00 noon, nor between the hours of 1:00 a.m. and 8:00 a.m. on any other day.

#### 7-825 Bars, Partitions, Boxes or Screens

All windows in the front of any place licensed for “on-sale” of beer shall be of clear glass, and the view of the whole interior shall be unobstructed by screens, curtains or partitions. There shall be no partition, box, stall, screen, curtain or other device which obstructs the view of any part of the room from the general observation of persons in the room; but partitions, subdivisions, or panels not higher than forty-eight inches from the floor shall not be considered obstructions.

#### 7-826 Clubs

No club shall sell beer except to members and to guests in the company of members.

#### 7-827 Revocation

The violation of any provision or condition of this Code by a beer licensee or his agent shall be grounds for revocation or suspension of the license. The license of any person who holds a federal retail liquor dealer’s special tax stamp without a license to sell intoxicating liquors at such place shall be revoked without notice and without hearing. In all other cases, a license granted under this Code may be revoked or suspended by the Council after written notice to the licensee and a public hearing.

The notice shall give at least eight days notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The Council may suspend any license pending a hearing on the revocation or suspension.

#### 7-828 Special Licenses

Notwithstanding anything herein to the contrary, upon proper written application, the City Council may issue special licenses to any non-profit organizations existing for social or business progress or for intellectual improvement, or to one responsible member thereof, acting in behalf of such organization, for the “on-sale” only of non-intoxicating malt liquors, for special events or occasions, property to be designated, such organization to furnish evidence to the Council of public liability insurance of a minimum of \$100,000 per person, \$300,000 per occurrence, and \$50,000 property damage coverage to cover the premises of such operation, such insurance to be in a form acceptable to the Council, and in addition to the liability insurance required by Article 7- 810.3 of this Code. An annual license fee for such special license shall be charged, for one specific place of sale and not transferable to another place or organization, and such license shall contain any conditions or restrictions deemed necessary by the Council, including the specific date or dates which sales may be held.

All other provisions of this Code which do not conflict with the foregoing in this section shall apply to such sales.

#### 7-829 Beer/Wine Licenses

Pursuant to the provisions of Minnesota Statutes Chapter 340A.404, Subd. 5, restaurants having facilities for seating at least 25 guests at one time, and which derive at least 60% of their gross revenue from the sale of food, are eligible to receive an on-sale license to sell wine having an alcohol content of up to 14% alcohol by volume, for consumption with the sale of food. If the wine licensee also holds a 3.2 percent malt liquor on-sale license, the wine licensee may also sell intoxicating malt liquors without an additional license. Licenses for such facilities shall be issued in the same manner as for other on-sale licensees. Wherever, in Articles 7-810 through 7-827 of this code, there is a reference to the word “beer”, the requirements of each such portion of this code shall also be applicable to Beer/Wine licenses under this section, as if fully set forth herein.

#### 7-830 Requirements Exclusive to On-Sale Intoxicating Liquor

##### 7-831 License Required, General Requirement

No Person except a wholesaler or manufacturer to the extent authorized under State license, shall directly or indirectly deal in, sell, or keep for sale in the City any intoxicating liquor without a license to do so as provided in this Code. Licenses shall be of two kinds: “On-sale” and club licenses.

- A. On Sale Licenses. “On-sale” licenses shall be issued only to hotels, clubs and restaurants, each of which shall have a minimum seating capacity of 100 people

on any one floor, and shall permit “on- sale” of liquor only. No more than six (6) “on- sale” licenses shall be issued.

B. Special Club Licenses. Special club licenses shall be issued in accordance with Minnesota Statutes Chapter 340A.404 and 340A.101, subdivision 7.

C. Special License for Sunday Sale. A special license authorizing sales on Sunday in conjunction with the serving of food may be issued to any hotel, restaurant, or club which has facilities for serving at least 100 guests on any one floor at one time. For non-profit corporations, civic or charitable groups, the seating requirement shall be at least 30 persons on any floor or level at any time.

#### 7-832 Application for License

Every application for a license to sell liquor shall state the name of the applicant, age, representations as to character, with such references as the Council may require, citizenship, the type of license applied for, the business in connection with which the proposed licensee will operate and its location, whether the applicant is owner and operator of the business, how long the applicant has been in that business at that place, and such other information as the Council may require from time to time. In addition to containing such information, the application shall be in the form prescribed by the Liquor Control Commissioner and shall be verified and filed with the City Clerk. No person shall make a false statement in an application.

#### 7-833 Conditions of License, In General

Every license is subject to the conditions in the following subarticles and all other provisions of this Code and of any other applicable code, state law or regulation.

#### 7-834 Licensee’s Responsibility

Every Licensee is responsible for the conduct of his place of business and the conditions of sobriety and order in it. The act of an employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this Code and the law equally with the employee.

#### 7-835 Inspections

Every licensee and every holder of a permit under Minnesota Statutes, Section 340.49 shall allow any peace officer, health officer, or properly designated officer or employee of the City to enter, inspect, and search the premises of the licensee during business hours without a warrant.

#### 7-836 Hours of Operation

7-836.1 General. No sales of intoxicating liquors shall be made between the hours of 1:00 a.m. and 10:00 a.m. on any Sunday, or between the hours of 1:00 a.m. and 8:00 a.m. on any other day. Election day restrictions on intoxicating liquor sales as provided by Minnesota Statutes shall also apply to the hours of operation.

7-836.2 Prohibited Activities After Hours. Patrons of on-sale establishments may continue to consume intoxicating beverages which were purchased before 1:00 a.m. until 1:30 a.m. At or before 1:30 a.m., all containers containing intoxicating beverages shall be removed from the presence of patrons, and no consumption of intoxicating beverages shall be permitted after 1:30 a.m.

In addition, after 1:30 a.m., no patrons may be seated at any bar, or in the same room where any bar is located in any on-sale establishment. This prohibition does not prohibit an on-sale establishment from dispensing food or non-intoxicating beverages at other locations in the establishment after 1:30 a.m. If any on-sale establishment licensee has any doubt as to what constitutes the “bar” or “room in which the bar is located” for their particular license, it shall be the responsibility of the licensee to notify the City Council at the time of application for license or renewal thereof and the City Council shall prepare an exhibit defining the bar and room where patrons are prohibited from being seated after 1:30 a.m., and shall attach such exhibit to the liquor license of the licensee.

7-837 Federal Stamps

No licensee shall possess a federal wholesale liquor dealer’s special tax stamp or federal gambling stamp.

7-838 Restriction on Consumption

No person shall offer, mix or prepare liquor for sale to any person in any location other than one licensed or permitted under a provision of this Article 7 of the Ham Lake City Code. No person shall purchase or consume liquor purchased from a person or entity not in possession of a valid permit or license issued under Article 7 of the Ham Lake City Code.

7-839 Consumption in Public Places

No person shall consume liquor or store non- intoxicating malt liquor on or in any public building, park or land except as provided in Article 7-810.2.

7-840 Suspension and Revocation

The Council may revoke any liquor license for violation of any statute or code relating to the sale of liquor or may suspend the license for a period not exceeding 60 days if revocation is not mandatory. The licensee shall be granted a hearing upon at least 10 days notice before revocation or suspension is ordered except where mandatory revocation is provided by law. No license for the sale of intoxicating liquor or non-intoxicating malt liquor, whether on sale or off sale, shall be issued or renewed unless, as a part of the liquor license application procedure, the applicant shall furnish to the City of Ham Lake evidence that all real estate taxes and installments of any special assessments due therewith upon the parcel on which is situated the activity which is licensed, shall be current and paid in full as of the date for which the license is to commence. This provision shall apply regardless of whether or not the applicant is an owner or a tenant of the real estate in question.

**7-850 Compliance with Minnesota Clean Indoor Air Act**

If requested by the holder of a Beer, Wine or on-sale liquor license, the premises covered by the license may include outdoor enclosed areas reserved for smokers (“Smoking Enclosures”) provided that the areas are in compliance with the terms of this ordinance and the terms of Minnesota Statutes Chapter 144 and amendments thereto. The extension of the license to such premises permits servers to enter the Smoking Enclosures to serve authorized beverages to customers, subject to the rights of the employees under

Minnesota Statutes Chapter 144.417, Subd. 2 (d). The following conditions shall apply to the construction and maintenance of Smoking Enclosures.

### **7-851 Definitions**

- (a) “Ceiling” is the inside lining of a roof that is affixed to joists or rafters. If a roof has no such inside lining, the bottom components of the roof shall be considered a ceiling except in areas of cantilever, bridge or other areas having an unobstructed space between the underside of the roof and ground or floor level.
- (b) “Indoor Area” shall have the definition given in Minnesota Statutes Chapter 144.413, subd. 1a.
- (c) “Main Licensed Area” means the perimeter of the Indoor portion of the premises that were originally licensed by the City and used by the licensee as a serving area, hallways, restrooms, kitchens, closets, storage rooms, as determined in the sole discretion of the City’s building official.
- (d) “Roof” means the top covering of a structure, and includes shingles, tiles, joists, rafters and material underlaying the shingles and tiles and to which shingles or tiles are affixed.
- (e) “Smoking” shall have the definition given in Minnesota Statutes Chapter 144.413, subd. 4.
- (f) “Smoking Enclosure” means an area outside of the Main Licensed Area that is to be used by persons who are engaged in smoking, but which is not Indoors, but which may be connected by roofing material or structural components to the Main Licensed Area.

### **7-852 Building Materials**

Smoking enclosures shall be constructed either of wood frame construction or constructed of the same type of structural building materials as are in place for the main licensed area. Outside walls and roofs shall bear the same outside appearance, both as to texture and color, as the wall materials and roofs of the Main Licensed Area. No tents, awnings or other fabric-type enclosures shall be permitted to be used as a Smoking Enclosure. Mesh screen meeting the standards set forth in Minnesota Statutes Chapter 144.413, subd. 1a may be used to meet the Indoor Area definition as found therein, and may be used on outside walls of the Smoking Enclosure.

### **7-853 Size and Height**

The area of the perimeter of the Smoking Enclosure may not exceed ten percent of the area of the Main Licensed Area. Height of the structure encompassing the Smoking Enclosure shall not exceed the height of the building housing the Main Licensed Area.

#### **7-854 Doorway Proximity**

No Smoking Enclosure shall be situated so as to require that patrons entering or leaving the Main Licensed Area must pass through the Smoking Enclosure. This provision is satisfied if there is at least one alternative entrance/exit for the Main Licensed Area meeting applicable building codes.

#### **7-855 Compliance with Fire and Building Codes**

All Smoking Enclosures shall be constructed and maintained in compliance with all local and state fire and building codes. Notwithstanding fire codes, no heaters shall be permitted to be used in connection with any Smoking Enclosure if:

- (a) the heater generates heat through the use of an open flame capable of being touched or disturbed by patrons; or
- (b) the heating system uses a ventilation system shared with a ventilation system used in the Main Licensed Area.

#### **7-856 Seating and Parking**

Smoking Enclosures may not be placed on areas being used as a portion of the parking lot for the Main Licensed Area unless the number of existing parking lot stalls exceeds the amount required for the establishment. Furniture may be placed in Smoking Enclosures provided that proper aisles and occupancy limits are maintained at all times.

#### **7-857 Separation and Roof Connections**

(a) Unconnected Enclosures If the roof of a Smoking Enclosure is not physically connected to the structure that houses the Main Licensed Area, there shall be at least twelve inches of clearance between the structure that houses the Main Licensed Area and the Smoking Enclosure, including any eaves, soffits or fascia. In addition, unless there is an open passageway at least 48 inches in width allowing egress from the Smoking Enclosure to an area uncovered by any structure, the Smoking Enclosure shall contain an exit door meeting applicable building codes.

(b) Connected Enclosures If the roof of a Smoking Enclosure is physically connected to the structure that houses the Main Licensed Area, there shall be at least 48 inches of separation between the structure that houses the Main Licensed Area and any portion of any wall comprising the Smoking Enclosure. The area under the roof that lies within this separation area shall be deemed a covered walkway, and shall not be considered a part of the Smoking Enclosure, nor shall it be considered an Indoor Area unless it meets the definition of a ceiling.

(c) Window Separation Notwithstanding the foregoing, no portion of any Smoking Enclosure may be located closer than 15 feet from any window located in the structure housing the Main Licensed Area, unless the window is incapable of being opened.

### **7-858 Permit and Site Plan Approval**

All Smoking Enclosures shall require the prior issuance of a building permit from the City's building official. Prior to issuance, the applicant shall submit a site plan in accord with the City's site plan review policies, for review by the Planning Commission and approval by the City Council. Approval of a site plan for a Smoking Enclosure shall be deemed to also be approval of the usage of the Smoking Enclosure as a part of the licensed premises upon which beverages may be served.

### **7-900 Motor Vehicle Sales Lots**

#### 7-901 License Required

A license shall be required for any person operating a motor vehicle sales lot. Application for such license shall be made in writing to the City Clerk on such form as the Clerk may from time to time designate and shall include such information as may be required by the Clerk including the following:

- A. The correct legal description of the premises.
- B. The name and address of the applicant and owner of the land.
- C. The number of motor vehicles intended to be displayed thereon.
- D. Such other information as may be required by the City Council.

#### 7-902 Prohibited Conduct

It shall be unlawful within the City of Ham Lake for any person to conduct the business of a motor vehicle sales lot unless he meets the requirements of this Ordinance and other applicable provisions of the City Code except that the owner or lessee of any premises may offer to show one motor vehicle for sale on those premises as long as the business of a motor vehicle sales lot is not engaged in on those premises.

#### 7-903 Definitions

Whenever used in this ordinance unless a different meaning appears from the context, the following definitions shall be applied.

- A. **Motor Vehicle Sales Lot**  
Premises outside a building whereon one or more motor vehicles are offered for sale.
- B. **Motor Vehicle**  
The word motor vehicle shall include passenger cars, snowmobiles, trucks, motor scooters, motor cycles, trailers, and all other equipment customarily moved on and touching the streets and highways.

7-904 Fee. An annual license fee shall be charged.

7-905 Additional Requirements

The following requirements shall be followed:

- A. There shall be sufficient space provided so that the total space will accommodate each motor vehicle parked, stored, or displayed as determined by the City Council.
- B. The parking, storing, and display area shall be paved, according to the recommendations of the City Engineer.
- C. Lighting shall be such as not to disturb the users of adjoining land.
- D. Any signs constructed shall conform to the requirements of the City Code.
- E. All motor vehicles be currently capable of obtaining applicable licenses, and all motor vehicles shall be completely assembled motor vehicles as customarily delivered from the factory.
- F. No junk cars, parts stockpiling or storage of dismantled cars shall be permitted.
- G. Such other requirements as the City Council may impose.

7-906 Insurance

No license shall be issued hereunder unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of Minnesota covering all vehicles to be driven by prospective customers and others members of the public with limits of one hundred thousand (\$100,000) dollars for bodily injury to any one person. Three hundred thousand (\$300,000) dollars for each accident and fifty thousand (\$50,000) dollars property damage.

**7-1000 Licensing of Non-Regulated Aircraft**

7-1000.1 Definition of Non-Regulated Aircraft

Non-regulated aircraft shall refer to any propelled device which is used for manned flight through private or public airspace, where the aircraft and pilot are not subject to licensing, inspection or other direct jurisdiction of the Federal Aviation Administration (FAA), the Minnesota Department of Transportation (MnDOT), or the Twin Cities Area Metropolitan Airports Commission (MAC), or which do not require the labeling of an identification number prominently displayed on such aircraft and issued by or utilized by FAA, MnDOT, or MAC. This definition shall include those devices commonly known as ultra light aircraft.

7-1000.2 Number Display

Each NRA which is parked, stored, kept, takes off, or lands within the corporate limits of the City of Ham Lake shall bear an identification number as assigned by the Air Safety Foundation of the Aircraft Owners and Pilots Association (AOPA) or a number assigned by the Federal Aviation Administration (FAA).

7-1000.3 Activities and Number Display

No person shall fly an NRA within 1000 feet of any inhabited dwelling, or over any platted subdivision or dense concentration of inhabited buildings. No person shall take off or land an NRA within 200 feet of any inhabited dwelling without written permission of the owner. Emergency landings shall also be excepted from this

provision. All NRAs shall display the numbers required by Section 7-1000.2, on the underside of a wing in block letters not less than 12 inches in height.

**7-1000.4 Registrant Responsibility**

In the case of any violation of this ordinance, both the operator and the individual registered as the owner of the NRA shall be responsible for the criminal liability imposed by this Code. The owner, by permitting storage of the NRA, gives consent to all subsequent operators of the NRA to any activities conducted by the operator, and agrees to be responsible for all acts of any subsequent operator. In the case of failure to display numbers, the operator and all persons found to be in physical possession of the NRA shall share criminal liability for violations.

**7-1000.5 Severability**

In any portion of this Ordinance be found to be in contravention of any State or Federal constitutional, statutory or regulatory provision by any court or tribunal or competent jurisdiction, such a finding shall affect only the portion so found, and the remainder of this Ordinance shall be in full force and effect.

**7-1000.6 Violation**

Any violation of this Ordinance shall be a misdemeanor, punishable by the penalties for misdemeanors as provided by Minnesota Statutes.

**7-1100 Transient Merchant, Peddler, Canvasser, and Solicitor**

**7-1110 Definitions.**

- 1) A “canvasser” or “solicitor” is any person traveling from place to place and/or house to house who takes orders for the future delivery of merchandise or for services to be performed in the future, whether or not such person exposes a sample or collects advance payments on such sales; provided, however, that such definition shall also include any person who occupies any temporary structure, vehicle or other place for the primary purpose of exhibiting samples or taking orders for future delivery.
- 2) A “peddler” is any person traveling from place to place and/or house to house who carries his merchandise with him, offering and exposing the same for sale, and making deliveries to purchasers, or any person who, without traveling from place to place, shall sell or offer merchandise for sale from a vehicle or conveyance.
- 3) A “transient merchant” is any person whose business in the City is temporary or seasonal and consists of selling and delivering merchandise within the City, and who in furtherance of such purpose uses or occupies any structure, vehicle, or other place for the exhibition and sale of such merchandise, either privately or at public auction; provided, however, that a transient merchant shall not be construed to mean any person who while occupying such temporary location, exhibits only samples for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this ordinance merely by reason of temporarily associating with or conducting such transient business in connection with a local businessman.

7-1120 License Required.

A license shall be required for any canvasser, peddler, transient merchant, or solicitor to operate in the City. The license period will be for six (6) months.

7-1130 Exclusions.

No person shall be required to obtain a license in the following instances:

- 1) Occupations licensed and/or bonded pursuant to State Law.
- 2) A solicitor or canvasser doing business by appointment.
- 3) A solicitor or canvasser taking orders for the future door-to-door delivery of newspapers.
- 4) Salespersons selling goods to retail or wholesale stores or to professional or industrial establishments.
- 5) The conduct of “garage sales” or “rummage sales”.
- 6) No license shall be required for vendors as a preliminary step to the establishment of a regular route service for the sale and delivery of such commodities or the providing of such services to regular customers.
- 7) School children selling items for fund-raisers.

7-1140 Religious & Charitable Organizations

Any organization, society, association or corporation desiring to solicit or have solicited in its name money, donations of money or property or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organizations upon the streets, in office or business buildings, by house to house canvass or in public places for a charitable, religious, patriotic, philanthropic or otherwise non-profit purpose shall be exempt from Section 7-1150 of this ordinance, provided a sworn application in writing on a form furnished by the City is filed which shall include the following information; Notwithstanding the foregoing, persons representing organizations exempt from the provisions of Article 7-1150 hereof are required to comply with the provisions of Article 7-1160 hereof.

- 1) Name and purpose of the cause for which the license is sought.
- 2) Names and addresses of the officers and/or directors of the organization.
- 3) The period during which the solicitation is to be carried on.
- 4) Whether or not any commission, fee, wages or emoluments are to be expended in connection with such solicitation.

Upon the foregoing being satisfied, such organization, association or corporation shall furnish all its members, agents, or representatives conducting the solicitation credentials in writing stating the name of the organization, name of the agent, and the purpose of the solicitation. Such credentials shall be kept on the person of the members, agents or representatives during the actual solicitation and be presented to anyone requesting to see same.

An organization shall qualify for exemption if and only if:

- a. it has been incorporated as a non-profit corporation under the laws of any state, or
- b. it has been granted tax exempt status by the Internal Revenue Service.

Proof of qualification under one of the above two criteria shall be provided with the application for exemption.

7-1150 Application.

In addition to such information as the City Clerk may require, the application shall also include:

- 1) Name and description of the applicant.
- 2) Permanent home address and full local address of the applicant.
- 3) A brief written description of the nature of the business, other goods to be sold, and the applicant's method of operation.
- 4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- 5) The length of time which the applicant intends to do business in the City, with the approximate dates.
- 6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery.
- 7) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of filing of the application, which picture shall be two (2") inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- 8) A statement as to whether or not the applicant or the person managing the business has been convicted of any crime, misdemeanor or violation of any municipal ordinance, involving activities licensed under this ordinance, the nature of the offense and the punishment or penalty assessed therefore.
- 9) If a vehicle is to be used, a description of the same together with license number or other means of identification.
- 10) A statement of the nature, character, and quality of the goods, wares, or merchandise to be sold or offered for sale by applicant, the invoice value and quality of such goods, wares, and merchandise, whether the same are proposed to be sold from stock in possession or by sample, at auction, by direct sale, or by taking orders for future delivery.
- 11) A brief statement of the nature, character, and content of the advertising done or proposed to be done in order to attract customers (samples may be requested).
- 12) Credentials from the person, for which the applicant proposes to do business, authorizing the applicant to act as such representative.
- 13) Transient merchants shall include the addresses of all places where the business is to be located along with written consent of the owners or occupants.
- 14) A detailed description of the warranty as to fitness for the intended purpose of the goods to be sold, as such warranty is intended by the Uniform Commercial Code, together with a detailed description of the means by which persons seeking to enforce such warranty may do so,

including name, addresses and agents for service of process of all businesses in the chain of products liability.

**7-1160 Prohibited Practices**

No person under this ordinance shall:

- 1) Sell or solicit before the hour of 9:00 A.M. or after 9:00 P.M., unless a previous appointment has been made.
- 2) Enter or conduct business upon any premises where a sign or plaque is conspicuously posted stating in effect that no peddlers or solicitors are allowed. Such signs shall have letters a minimum of one-half (1/2") inch high.
- 3) Occupy for the purpose of advertising and/or conducting business any area within a sight triangle, at any road intersection.
- 4) Occupy as a transient merchant, solicitor or peddler, any public right-of-way or other public property for the purpose of advertising and/or conducting business.
- 5) Occupy as a transient merchant any property not located in commercial or industrial zoning which location shall comply with all requirements of Article 9 including but not limited to parking and setback requirements.
- 6) To come upon any parcel of land zoned for any residential purpose for the purpose of conducting canvassing or solicitor activity, if the resident of the parcel has elected to have their name and address placed upon the public List of Prohibited Contacts as defined in Article 7-1180 hereof.

**7-1170 License Fees**

Fees for licenses shall be as set from time to time by City Council resolution.

**7-1180 List of Prohibited Contacts**

Any person in any area of the City zoned for residential purposes may request of the City Administrator that their name and address be placed upon a list, to be known as the List of Prohibited Contacts. This list shall be maintained by the City Administrator, and a copy thereof shall be furnished to any solicitor or canvasser at the time of application for a permit or exempt status. The applicant, and all persons who will be conducting canvassing or soliciting activities shall be required to sign a receipt acknowledging having been informed of the List of Prohibited Contacts, which receipt shall be in the following form:

Acknowledgment of Prohibited Contacts:

The undersigned acknowledges having been informed that the undersigned is prohibited by municipal ordinance and by State trespassing laws from coming upon any of the properties listed on the hereto attached List of Prohibited Contacts, and the undersigned has received a copy of the list.

**7-1200 Lawful Gambling**

**7-1210 Regulations Supplemental to Statutory Control**

The regulations found in this Article 7-1200 shall be supplemental to any regulations found in Minnesota Statutes

Chapter 349, and any State Agency regulations adopted pursuant to said statute. Any and all portions of said statute and regulations not inconsistent with this Article are adopted by reference.

7-1220 Places Eligible for License

Lawful Gambling licenses shall be permitted only in bars or “sit-down” restaurants. A bar is any facility which maintains an on-sale liquor or non-intoxicating malt liquor license. A “sit-down” restaurant is a restaurant that regularly employs wait-persons as food servers at tableside, as opposed to a “fast-food” restaurant having the majority of orders placed at a service counter and drive-up window. The reason for this distinction is to prohibit Lawful Gambling devices from locations which have a large number of customers under 18 years of age, often unaccompanied by adults.

7-1230 Conditions

The conduct of Lawful Gambling under license issued by the Board shall be subject to the following conditions in the City of Ham Lake:

- a. A copy of any lease agreement between a non-profit organization and a gambling location owner or operator shall be filed with the City Administrator together with the Gambling license application;
- b. The City Council may refuse to issue a Lawful Gambling license for a location in which gambling violations have previously occurred, and the Council may refuse to issue a Lawful Gambling license to a non-profit organization which has previously violated terms of this Ordinance and/or Minnesota Statutes, Chapter 349;
- c. The maximum number of separate gambling locations that any one license organization shall be permitted to operate within the City is 3.

7-1240 Investigation

Every organization which files an application for issuance or renewal of a Lawful Gambling License shall deliver the application to the City Administrator. The City Administrator shall investigate each application and report any findings and recommendations to the City Council.

7-1250 Filings of Records; inspection; Access to Records.

- a. Every organization licensed to conduct Lawful Gambling in the City of Ham Lake shall file with the City Administrator copies of all records and reports required to be filed with the Board pursuant to Minnesota Statutes, Chapter 349 and the rules and regulations promulgated thereunder. The records and reports shall be filed in the office of the City Administrator on or before the day they are required to be filed with the Board;
- b. Every gambling event in the City of Ham Lake conducted by an organization under Minnesota Statutes, Chapter 349 shall be open to inspection by law enforcement officers;

- c. The City Administrator or agents at the direction of the City Administrator, may inspect at any reasonable time, without notice or search warrant, all records of licensed organization, including gambling account and other bank records required by the Board to be maintained and preserved.

7-1260 Fee

The City will charge all new applications the maximum investigation fee permitted by Minnesota Statutes, Chapter 349 in order to cover costs incurred investigating the application. Any unused portion of this fee will be refunded to the applicant. This fee does not apply to applications for renewal of licenses.

7-1270 Organizations Eligible for License

Lawful gambling licenses shall be permitted only for organizations whose primary spending of profits earned from lawful gambling activities are directed to activities or donated to organizations existing within a Trade Area encompassing the Anoka County, Minnesota communities of Ham Lake, Oak Grove, East Bethel, Linwood Township, Columbus Township, Lino Lakes, Blaine, Coon Rapids and Andover.