

ORDINANCE NO. ____-17

**AN ORDINANCE AMENDING THE ST. LOUIS PARK ORDINANCE CODE
RELATING TO BUSINESSES AND LICENSES**

THE CITY OF ST. LOUIS PARK DOES ORDAIN:

Findings

Sec. 1. The St. Louis Park Businesses and Licenses Code (Chapter 8), Sections 8-1, 8-138 through 8-140, and 8-213 are hereby amended by deleting stricken language, and adding underscored language.

Chapter 8

BUSINESSES AND LICENSES*

ARTICLE I. IN GENERAL

Sec. 8-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air contaminant means any gaseous matter or particulate matter which, when present in the outdoor atmosphere, contributes to a condition of air pollution, including, but not limited to, gases, vapors, mists, dust, soot, smoke, fumes, fly ash, cinders and odors.

Air pollution means the presence in the atmosphere of one or more air contaminants, or combinations thereof, which is or may tend to be injurious to human health or welfare, or injurious to human, plant or animal life or property, or that interferes with the comfortable enjoyment of life or property or the conduct of business.

Amusement arcade means a business at one location devoted primarily to the operation of mechanical or electrical amusement devices and open for public use and participation.

Amusement device means a mechanical or electrical machine which, upon the insertion of a coin, token or slug, operates or may be operated for use as a game, contest or amusement of any description, or which may be used for any such game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, checks, tokens or merchandise, or which provides for no such devices, and shall include pinball machines, mechanical miniature pool tables, bowling machines, shuffleboards, electric rifle or gun ranges, miniature mechanical devices and games or amusements patterned after baseball, basketball, hockey, tennis, soccer, jukeboxes and similar games, which may be used solely for amusement and not as gambling devices.

Atmosphere means the air that envelopes or surrounds the earth.

Billboard means a sign which is used for the primary purpose of selling space advertising a product, service, business or event which is not offered for sale or rent or does not take place on the premises on which the sign is located.

Boardinghouse means a food and beverage service establishment where food or beverages, or both, are furnished to five or more regular boarders, whether with or without sleeping accommodations, for periods of one week or more.

Bulk material container means any four-sided industry standard container including but not limited to a dumpster, tub, pod, or soft-sided dumpster bag that is used for the collection, storage or transport of construction demolition debris or solid waste in volumes larger than city-provided carts.

City property means any property owned by the city, including, but not limited to, municipal buildings, parks or city rights-of-way.

Collection container means any container including, but not limited to, wheeled carts, front load dumpsters, or roll-off dumpsters, designated for the collection of solid waste.

Commercial entertainment establishment means an amusement arcade, when the arcade is the principal operation of the business establishment, a roller skating rink or a movie theater.

~~*Construction debris container* means any roll-off four-sided steel container for temporary storage of construction and demolition materials.~~

Construction demolition materials debris means any waste building materials, packaging and rubble resulting from the construction, repair and demolition of buildings.

Courtesy bench means any bench or seat located on any public sidewalk along a street or thoroughfare or on any public right-of-way along a street or thoroughfare or on private property dedicated to public use or authorized for public use by the owner of such bench.

Dog kennel means any place where four or more dogs over the age of nine weeks are kept for a period longer than 24 hours, or any business engaged in the breeding, health care, boarding or sale of dogs.

Electronic delivery device means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose. (Ord. No. 2454-14, §3, 9-26-14)

Emission means the discharging, releasing, circulating, letting off, raising, liberating, freeing or sending forth into the atmosphere any air contaminant or combinations thereof.

Enclosed parking facility means an enclosed building or structure, or part of a building or structure, used for parking, storage or maintenance of motor vehicles.

~~*Garbage* means animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.~~

Garbage means the portion of solid waste that is not separated at the source by the generator for the purpose of reuse, recycling, or organics recycling.

Health/sports establishment means a business, the primary purpose of which is health and fitness, of which massage therapy may be a subsidiary and for which the financial records of the establishment are at all times available to the city for inspection.

High impact sexually-oriented business means any business with materials or entertainment provided to the public which are principally related to sexual stimulation or gratification other than a limited impact sexually-oriented business. Examples of a high impact sexually-oriented business include the following:

- (1) A business where sexually-oriented materials are sold, bartered, distributed, leased, furnished, exhibited or otherwise provided for use or entertainment on business premises;
- (2) A business where specified sexual activities are explicitly, verbally described or shown;
- (3) A business where specified anatomical areas are explicitly, verbally described or shown;
- (4) A business providing sexually-oriented materials for off-site use or entertainment, which has a separate area but does not meet the size of other restrictions to qualify as a limited impact sexually-oriented business; and
- (5) A business providing sexually-oriented materials for off-site use or entertainment where the sexually-oriented materials are dispersed within the business rather than isolated in a separate area.

Licensed solid waste collector means any person holding a valid license from the city who shall offer to, or engage in, the collection of solid waste in the city.

Limited impact sexually-oriented business means a business where sexually-oriented materials are sold, bartered, distributed, leased, furnished or otherwise provided to the public and which meets the following restrictions:

- (1) All sexually-oriented materials must be provided for use or entertainment off the business premises only;
- (2) All sexually-oriented materials must be provided from a separate area to which persons under the age of 18 years are prohibited access;
- (3) The separate area may not exceed a maximum of 20 percent of the retail floor area of the establishment, or 300 square feet, whichever is less;

- (4) No person outside the separate area shall be able to perceive or observe and sexually-oriented materials at any time, including when someone is entering or exiting the separate area, shopping or purchasing sexually-oriented materials;
- (5) A sign must be displayed on the entrance to the separate area which shall read: "No person under the age of 18 is allowed in this area." The sign letters shall be a minimum of two inches high; and
- (6) The entry into the separate area shall be visible to an employee of the business at all times.

Lodging means the furnishing for consideration of lodging at a hotel, motel, rooming house, tourist court, or resort, other than the renting or leasing of it for a continuous period of thirty (30) calendar days or more. (Ord. No. 2396-10, 3-1-11)

Massage means the rubbing, stroking, kneading, tapping or rolling of the body of another with the hands or objects for the exclusive purpose of physical fitness, health care referral, relaxation, beautification and for no other purpose.

Massage therapist means a person who practices or administers massage therapy. (Ord. No. 2381-10, 7-01-10)

Massage therapy establishment means a place providing to the public at large massage services, other than a hospital, sanatorium, rest home, nursing home, boarding home, or other institution licensed under the provisions of M.S.A. §§ 144.50--144.69. The definition does not include the practice of medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry; and persons duly licensed in this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, licensed nurses and athletic directors and trainers.

Multilevel parking facility means a building or structure, or part thereof, in which a structural level other than a slab on grade is used for parking, storage, or maintenance of motor vehicles.

Off-site consumption means any limited impact sexually-oriented business or any high impact sexually-oriented business where sexually-oriented materials are sold, bartered, distributed, leased, furnished or otherwise provided for use or entertainment off the business premises only.

Organic materials means the portion of solid waste that is separated at the source by the generator for the purpose of food to animals, composting, or anaerobic digestion, and may include food scraps, plant materials, compostable paper, and compostable products that have been tested and verified to meet the standards in ASTM D6400 or ASTM D6868.

On-site consumption means any high impact sexually-oriented business where sexually-oriented materials or entertainment, which is principally related to sexual stimulation or gratification, are offered on the business premises.

Operator means a person who provides lodging to others, or any office, agent or employee of such person. (Ord. No. 2396-10, 3-1-11)

Pawnbroker means a person who loans money on deposit or pledge of personal property or other valuable thing; who deals in the purchasing of personal property or other valuable thing on condition of selling such personal property or other valuable thing back again at a stipulated price; or who loans money secured by chattel mortgage or on personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a pawnbroker business includes buying personal property previously used, rented, or leased, the provisions of this chapter shall be applicable. Any bank, savings and loan association, or credit union shall not be deemed a pawnbroker for purposes of this chapter.

Peddler means any person with no fixed place of business who goes from house to house carrying or transporting goods, wares or merchandise and offering or exposing such goods, wares or merchandise for sale, or making sales and deliveries to purchasers of such goods, wares or merchandise.

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Process means any action or operation which:

- (1) By physical action results in a change in location, form, or physical properties of a material;
- (2) By chemical action results in a change in chemical composition, chemical properties, or physical properties of a material; or
- (3) Creates or establishes a condition or situation which produces air contaminants.

Recyclable materials means the portion of solid waste that is separated at the source by the generator for the purpose of recycling, and is comprised of materials deemed recyclable by a local materials recovery facility or city solid waste staff in collaboration with local materials recovery facilities.

~~— *Refuse* means all wastes (except body wastes) including, but not limited to, rubbish, tin cans, papers, Christmas trees, cardboard, grass clippings, ashes, glass jars and bottles, and wood normally resulting from the operation of households or business establishments, but not including garbage, sod, dirt, rocks, cement, trees, leaves, hedge or tree trimmings, or anything one person could not lift easily.~~

Residential garbage/yard sale means any sale conducted at a residential premises where the property sold consists only of items owned by the owner or renter of the premises at which the sale takes place or by friends of such owner or renter, and where the sale is conducted by the owner of the premises or friends, not by an agent or any other person to whom a commission or fee is paid.

Right-of-way means the property owned by the city for the construction and maintenance of the roadway and the improvements of the roadside.

Roller skating rink means any room, place, or space open to public patronage where facilities are available for roller skating, wherein the public may participate, and at which admission may be had by the public by payment, directly or indirectly, of any admission fee or price, including a fee for membership in a club, the price of food, or payment for any other form of amusement offered in or from licensed premises.

Safety manual means the current edition of the Temporary Traffic Control Zone Layouts Field Manual being part of the Minnesota Manual on Uniform Traffic Control Devices (MnMUTCD).

Self-service merchandising means open displays of tobacco, tobacco products, or tobacco related devices where any person shall have access to the product without the assistance or intervention of an employee of the premises maintaining the merchandising. Self-service merchandising shall not include vending machines.

Sexually-oriented business means any limited impact sexually-oriented business or any high impact sexually-oriented business.

Sexually-oriented materials means visual, printed or aural materials and other objects or devices which:

- (1) Contain, depict or describe specified sexual activities or specified anatomical areas;
- (2) Are marked for use in conjunction with, or are primarily used only with or during the specified sexual activities described in subsections (2), (3) or (6) of the definition of *Specialized sexual activities* or as part of the binding, fettering, or other physical restraint described in subsection (5) of the definition.

Solicitor means any person who goes from house to house, business to business, or any kind of place to place movement for the purpose of soliciting or taking or attempting to take orders for the purchase of any goods, wares, or merchandise, including magazines, books, periodicals or personal property of any nature whatsoever for delivery in the future, or orders for the performance of maintenance or repair services in or about the home or place of business, such as furnace cleaning, roof repair or blacktopping. It also means any person, except for a city resident canvassing his or her neighborhood, who canvasses, solicits or calls from house to house for contributions or support for any charitable, religious, civic, educational, philanthropic, social service, welfare, or organization. (Ord. No. 2381-10, 4-30-10)

~~— *Solid waste* means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders and rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents or discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended.~~

Solid waste means garbage, recyclable material, organic material, yard waste, appliances, bulk items and other solid waste from residential dwellings or commercial establishments, and activities thereof, that the generator of the material aggregates for collection, but does not include construction demolition materials, hazardous waste, dirt, rocks, sod, or sewage sludge.

~~*Solid waste collector* means any person who shall offer to, or engage in the collection of solid waste from any public or private institution, commercial establishment, or residential dwelling located within the city.~~

Specified anatomical areas means:

- (1) Less than completely and opaquely covered human genitals, pubic area, buttock, anus or female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a state of sexual arousal, whether or not completely or opaquely covered.

Specified sexual activities means:

- (1) Actual or simulated sexual intercourse of any kind involving two humans, or one human and an animal or object;
- (2) Actual or simulated masturbation;
- (3) Actual or simulated sadism or masochism;
- (4) Actual or simulated sexual stimulation of any kind;
- (5) Situations involving a person who is nude, clad in undergarments, or in a revealing costume, and who is engaged in activities involving binding, fettering or other physical restraint of that or another person; and
- (6) Sexually-oriented touching of an animal by a human.

Tanning equipment means ultraviolet or other lamps and equipment containing these lamps intended to induce skin tanning through the irradiation of any part of the living human body with ultraviolet radiation.

Tanning facility means a location, place, area, structure, or business or a part thereof which provides consumers access to tanning equipment. The term "tanning facility" includes, but is not limited to, tanning, salons, health clubs, apartments, or condominiums regardless of whether a fee is charged for access to the tanning equipment.

Temporary outdoor retail sales means the outdoor sale of goods or merchandise to the general public for personal or household consumption at a single location for less than 180 days, excluding residential garage/yard sales.

Tobacco means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by

the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. (Ord. No. 2454-14, §3, 9-26-14)

Tobacco-related devices means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately. (Ord. No. 2454-14, §3, 9-26-14)

Tobacco vending machine means any type of device which dispenses tobacco, tobacco products, or tobacco related devices upon the insertion of money, tokens, or other form of payment directly into the machine.

Transient merchant means any person who engages in, does, or transacts any temporary and transient business in this state, either in one locality, or in traveling from place to place in this state, selling goods, wares and merchandise; and who, for the purpose of carrying on such business, hires, leases, occupies, or uses a building, structure, vacant lot, or railroad car for the exhibition and sale of such goods, wares and merchandise. The term "transient merchant" does not include a seller or exhibitor in a firearms collector show involving two or more sellers or exhibitors.

Ultraviolet radiation means electromagnetic radiation with wavelengths in air between 200 nanometers and 400 nanometers.

Yard waste means compostable plant material including grass clippings, leaves, weeds, soft garden materials, and brush and limbs under four inches in diameter and four feet in length.

(Ord. No. 2181-00, § 4(16-102), 11-6-2000; Ord. No. 2198-01, § 1, 5-21-2001; Ord. No. 2381-10, 4-30-2010; 2396-10, 3-1-2011; Ord. No. 2440-13, 5-6-13; Ord. No. 2454-14, §3, 9-26-14)

Cross reference(s)--Definitions generally, § 1-2.

*Subdivision IV. Licensed Solid Waste Collector**

Sec. 8-136. License required.

Any person engaging in the business of solid waste collection within the city must first obtain a solid waste collector's license from the city.
(Ord. No. 2181-00, § 4(16-204A.), 11-6-2000)

Sec. 8-137. Vehicle identification.

The applicant for a solid waste collector's license must provide proof of insurance, worker's compensation and a current list of all vehicles which will operate within the city, including company vehicle identification numbers and license plate numbers for each vehicle. Throughout the license term, the licensee must notify the city of any additional vehicles which will be operating within the city under the solid waste collector's license.

(Ord. No. 2181-00, § 4(16-204B.), 11-6-2000)

Sec. 8-138. Vehicle inspection.

Each vehicle identified by the applicant for a solid waste collector's license that performs collection of solid waste must be issued a licensed solid waste collector vehicle decal by the city for each calendar year that the license is in effect. A decal fee for each vehicle identified on the applicant's list, which fee shall be set from time to time by the city and a schedule of such fees is listed in appendix A to this Code, must be paid each calendar year before the license will be issued. No vehicle shall be used for collection of solid waste without a valid license decal. An applicant or licensee must permit, upon request by the city, city inspection of vehicles identified under the application or license for compliance with the requirements under this section. Vehicles must comply with minimum health and safety standards throughout the license term.

(Ord. No. 2181-00, § 4(16-204C.), 11-6-2000)

Sec. 8-139. Additional insurance required.

The ~~contractor~~ licensed solid waste collector shall provide proof of automobile insurance through the term of ~~his~~ the solid waste collector's license, including coverage for all owned and hired vehicles used for solid waste collection within the city. Limits of liability insurance should not be less than those rates as shall be set forth from time to time by the city and a schedule of such insurance rates is listed in appendix A to this Code. The policy of insurance shall provide full insurance to cover all of the contractor's operating exposure, including, but not limited to, the picking up of the materials and the operation of vehicles.

Sec. 8-140. Regulations adopted.

The following regulations shall apply to all solid waste collectors under the provisions of this subdivision:

- (1) Vehicles.
 - a. Vehicles used by licensed solid waste collectors to transport solid waste over the streets and alleys of the city shall have a fully enclosed metal body which is tightly sealed and properly maintained, and such vehicles shall be operated to prevent offensive odors escaping from the vehicles, and solids or liquids from leaking, spilling, dropping or blowing from the vehicles.
 - b. Vehicles must be kept in good repair and in a clean and sanitary condition, and shall be subject to periodic inspection by the city.
 - c. Vehicles shall be equipped with brooms and shovels for use in sweeping up all solid waste spilled during collection or hauling.
 - d. Vehicles must carry the name and telephone number of the licensed solid waste collector on the exterior of the vehicle.
 - e. Vehicles must contain a tarp for use with a roll-off dumpster.

(2) Collection Containers.

- (a) Each collection container that is provided by a licensed solid waste collector to a commercial or multi-family customer in the city for the collection of recyclable materials shall be labeled with a sign with minimum dimensions of 8 inches by 11 inches and include:
- (1) The universal chasing arrows recycling symbol;
 - (2) Images depicting examples of materials accepted; and
 - (3) The term “Recycling,” “Recycle,” or “Recyclables.” If the container is for single-sort recycling, the sign may read “Single-sort Recycling” or “Mixed Recyclables.”
- (b) Each collection container that is provided by a licensed solid waste collector to a commercial or multi-family customer in the city for the collection of organic materials shall be labeled with a sign with minimum dimensions of 8 inches by 11 inches and include:
- (1) Images depicting examples of materials accepted; and
 - (2) The term “Organics Recycling,” “Organics for Composting,” or “Compostables.”
- (c) Each collection container that is provided by a licensed solid waste collector to a commercial or multi-family customer in the city must be labeled with the licensed solid waste collector’s name and phone number.
- (d) This subsection is effective June 1, 2018.
- (3) *Scattering of solid waste.* No person or a licensed solid waste collector shall permit or allow any of his employees to cast, spill, place, sweep or deposit anywhere within the city any solid waste in such a manner that such solid waste may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any other premises within the city.

(Ord. No. 2181-00, § 4(16-204E.), 11-6-2000)

Sec. 8-213. Amusement arcades.

(a) *Licensed premises defined.* The term "licensed premises," as used in this section, means the room in which amusement devices are located, and when such premises are part of a building or structure in which other businesses are conducted, the licensed premises shall not be connected by more than one interior doorway or passageway to other parts of such building or structure. Such doorway or passageway shall be provided with a metal gate or grating which can be locked to secure the licensed premises during such time that use of the premises is not permitted.

(b) *Nuisance.* No amusement arcade shall be operated so as to constitute a public nuisance.

(c) *Maintaining order.* It shall be the responsibility of the amusement arcade licensee to maintain order on the licensed premises at all times.

(d) ~~Trash and refuse~~ Solid waste disposal. It shall be the responsibility of the amusement arcade licensee to ensure the proper and swift disposal of ~~trash or refuse~~ solid waste which may accumulate on the amusement arcade site.

(e) *Fire hazards*. It shall be the responsibility of the amusement arcade licensee to see that the licensed premises does not become overcrowded so as to constitute a hazard to the health or safety of persons in the amusement arcade. The fire marshal shall designate and post the maximum number of persons to be permitted on the licensed premises.

(f) *Supervision*. The amusement arcade licensee shall provide a full-time attendant who is at least 21 years of age upon the licensed premises during business hours. The licensed premises shall be locked whenever such attendant is not present.

(g) *Alcohol, drugs and illegal activity*. It is unlawful for any person operating an amusement arcade to sell, offer for sale or knowingly permit to be sold or offered for sale, or to be dispensed or consumed or knowingly brought into the amusement arcade any alcoholic beverages or narcotic drugs, or to knowingly permit any illegal activity upon the licensed premises.

(Ord. No. 2181-00, § 4(16-302C.), 11-6-2000)