

RELATED MINNESOTA STATUTES, CITY CHARTER, ORDINANCES and ZONING CODE REQUIREMENTS

One of Licensing's on going initiatives is to streamline and consolidate ordinances. This is a comprehensive list of all ordinances under Title 13 and Title 14 that relate to noise.

360.55 Music not to disturb residents. No on-sale establishment or bottle club licensed under this title which uses any form of live or recorded music shall allow noise to emanate beyond the confines of the premises so that it disturbs the peace and quiet of the residents of any dwelling unit. Every licensee shall be responsible for taking measures to comply with this section, including closing doors and windows where necessary. Failure to comply with this section shall be grounds for downgrading any license, prohibiting the use of all live or recorded music, or imposing restrictions as to the hours during which and the areas of the premises where live or recorded music may be played. (85-Or-029, § 1, 2-8-85)

259.250. Business license management responsibilities. The following minimum standards and conditions shall be met in order to hold a license, provisional license or permit under Titles 10, 13 and 14 of this Code. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation or suspension of said license or permit.

(1) It shall be the responsibility of the licensee to take appropriate action to prevent further violations following conduct by any persons on the business premises, including parking areas, in violation of any of the following statutes or ordinances:

- a. Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling.
- b. Minnesota Statutes, Sections 609.321 through 609.324, which prohibits prostitution and acts relating thereto.
- c. Minnesota Statutes, Sections 152.01 through 152.025 or Section 152.027 subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances.
- d. Minnesota Statutes, Sections 617.23 through 617.241, which prohibits indecent exposure and the exhibition and distribution of obscene materials or performances.
- e. Minnesota Statutes, Section 609.33 or Section 385.170(b)(1) of this Code, which prohibit owning, operating, managing, maintaining or conducting a disorderly house, and inviting or attempting to invite others to visit or remain in a disorderly house.
- f. Section 389.65 of this Code, which prohibits noisy assemblies.
- g. Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716 and Section 393.40, 393.50, 393.70, 393.80, 393.90 and 393.150 of this Code, which prohibits the unlawful possession, transportation, sale or use of a weapon.
- h. Minnesota Statutes, Section 609.72 and Section 385.90 of this Code, which prohibits disorderly conduct.
- i. Sections 385.80 and 385.50 of this Code, which prohibit lurking and loitering.
- j. Minnesota Statutes, Sections 609.74 and 609.745, which prohibit public nuisance and permitting a public nuisance.

- k. Minnesota Statutes, Sections 609.50, which prohibits obstructing legal process, arrest, or firefighting.
- l. Any other criminal activity arising out of the conduct of the business.
- (2) It shall be the responsibility of the licensee to maintain and operate the business in compliance with all applicable laws and ordinances, including the zoning, fire, environmental health, environmental management, license, food, liquor, housing and building codes.
- (3) The licensee is directly and vicariously responsible for any violations on the premises, including parking areas, by any employees, independent contractors, other persons hired by the licensee, or otherwise under the supervision or management of the licensee.
- (4) It shall be the responsibility of the licensee to provide adequate security to prevent criminal activity, loitering, lurking and disorderly conduct on the business premises, including parking areas.
- (5) A licensee shall be required to pay all delinquent court judgments arising out of their business and business operations.
- (6) Areas of the premises that are not regularly monitored by employees or security shall not be accessible to patrons, customers, or the public.
- (7) Vending and other unattended coin operated machines shall be in plain view of employees and shall not be operable during hours the business is not open to the public and in operation. Public pay telephones shall be operated in full compliance with Chapter 264 of this Code.
- (8) Parking and other outdoor areas of the premises accessible to the public shall be illuminated at an intensity of at least two (2) foot-candles per square foot at eighteen (18) inches above ground level.
- (9) The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations. (2001-Or-121, § 1, 10-26-01; 2006-Or-098, § 9-1-06)

362.120. Contents of application. In addition to the information which may be required by the state liquor control commissioner's form, the application shall contain the following:

- (a) True name, place and date of birth, and street residence address of applicant.
- (b) Whether applicant is married or single. If married, true name, place and date of birth, and street residence address of applicant's spouse.
- (c) Whether applicant and spouse maintain their principal place of abode in the State of Minnesota.
- (d) Street addresses at which applicant has lived during the preceding ten (10) years.
- (e) Kind, name and location of every business or occupation applicant has been engaged in during the preceding ten (10) years.
- (f) Names and addresses of applicant's employers for the preceding ten (10) years.
- (g) Whether or not applicant has ever been convicted of any felony crime or ordinance violation since January 6, 1934. If so, when, where and for what such convictions were had.

- (h) Whether applicant has ever been engaged as an employee in operation of a saloon, cafe, soft drink parlor or other business of similar nature. If so, when, where and for how long.
- (i) Whether applicant is a natural person, corporation, partnership or unincorporated association.
- (j) If applicant is other than a natural person, the name of the manager or proprietor of the premises to be licensed, giving all the information about said manager or proprietor as is required about the applicant by subsections (a) through (h) above.
- (k) If applicant is other than a natural person, the names of all the members or owners thereof, giving all the information about said members or owners as is required about the applicant by subsections (a) through (h) above. This subsection (k), however, shall not apply to a corporation whose stock is publicly traded on a stock exchange and who is applying for an "on sale" license to be owned or operated by it.
- (l) The floor number and street number where sale of liquor is to be conducted, and if to be conducted in a hotel, the number of dining rooms open to the public where meals are regularly served to guests.
- (m) Names and addresses of the owner and any lessees of the land upon which is located the building which houses the premises to be licensed.
- (n) Names and addresses of all owners, lessees, mortgagors or vendors of fixtures or furniture used or to be used in the premises to be licensed.
- (o) Name and address of every person who shall have charge, management or control of the place licensed.
- (p) Names and residence and business addresses of three (3) persons, residents of the County of Hennepin, of good moral character, not related to the applicant, who may be referred to as to his or her character.
- (q) If applicant is a corporation, partnership, unincorporated association or club, the name and general purpose of such corporation, partnership, unincorporated association or club, and the names and street addresses of all officers. In addition, corporations shall file with the application two (2) certified copies of the bylaws, articles of incorporation and minutes of the meeting setting forth the officers of the corporation.
- (r) If applicant is a corporation, the state of incorporation, and a complete list of all stockholders with number of shares owned by each. This subsection (r), however, shall not apply to a corporation whose stock is publicly traded on a stock exchange and who is applying for an "on sale" license to be owned or operated by it.
- (s) If applicant is a partnership, the names and addresses of all partners.
- (t) If a permit from the federal government is required by the laws of the United States, whether or not such permit has been issued, and, if so, in what name.
- (u) Exact legal description of the premises to be licensed including the plat and parcel number.
- (v) Whether or not all real estate and personal property taxes for the premises to be licensed have been paid, and if not paid, the years for which delinquent.
- (w) Such other information as the city council may require.
- (x) An applicant for any "on sale" or "off sale" liquor license shall file with the application, a notarized agreement that in consideration of the granting of such a license he or she will, in the event that he or she ever hires any off-duty city employee to work at the licensed premises, hold the city harmless and assume the defense of the city against

any claim or lawsuit against it, by reason of the licensee's employee also being an off-duty city employee, and that during all periods of employment of an off-duty city employee, he or she will maintain in force and effect an insurance policy written by a company authorized to do business in the State of Minnesota, insuring against public liability or damages in the sum of one hundred thousand dollars (\$100,000.00) for injury or death to one person, and three hundred thousand dollars (\$300,000.00) for each accident or occurrence, and five thousand dollars (\$5,000.00) property damage, with the city and any off-duty city employee so employed as additional named assureds, and further that during such periods of employment he or she will maintain in effect an insurance policy with workmen's compensation coverage, fully covering the off-duty city employee during periods of employment by the licensee. The granting of a license shall be deemed to be acceptance of the agreement by the city, causing it to be in full force and effect during the license period.

(y) Evidence that notification of the application has been mailed or delivered to the ward council member, the neighborhood group(s), and the business association(s), if any, for the area in which the premises is located. The neighborhood group(s) and the business association(s) to be notified are those organizations that appear on a list maintained by the planning department for this purpose. Where the premises for which the license is sought is located on a public street that acts as a boundary between two or more such neighborhood or business organizations, the notification shall be provided to the organizations that represent the adjacent area(s). The notification shall include the following information:

- (1) The type of license applied for.
- (2) The address of the premises for which the license is sought.
- (3) The applicant's name, address and telephone number.
- (4) The type of entertainment, if any, that the applicant intends to conduct on the premises.

(Code 1960, As Amend., § 851.120; Ord. of 2-23-73, § 1; 77-Or-061, §§ 5, 6, 4-7-77; 77-Or-082, §§ 2, 3, 4-29-77; 78-Or-146, §§ 1, 2, 8-11-78; 78-Or-210, § 4, 10-13-78; 78-Or-261, § 2, 12-22-78; 83-Or-301, §§ 3, 4, 12-16-83; 85-Or-017, § 1, 1-25-85; Pet No. 251179, § 11, 12-29-89; 2003-Or-009, § 2, 1-31-03)

267.990. **Noise restricted.** No person shall operate a jukebox or movie musical jukebox in such manner that the sound created, emitted or transmitted is audible for a distance of more than twenty-five (25) feet from the building in which it is located. (Code 1960, As Amend., § 375.060)