

CHAPTER VI

PUBLIC HEALTH

Section 600 - Private Sanitary Facilities

600.01. Outdoor toilets prohibited. The construction or maintenance of a privy, privy vault, out-house or outdoor toilet in the city not connected with the municipal sewage system or with a properly constructed and maintained cesspool or septic tank, is declared to be a public nuisance, dangerous to the public health and safety, and unlawful.

600.03. Adequate sewage facilities required. No person may occupy a premises in the city for dwelling purposes upon which there exists or is maintained a privy, privy vault, out-house or outdoor toilet, or any other type of toilet facilities other than as provided in this section.

600.05. Facilities. Subdivision 1. General rule. Dwelling units in the city must be equipped with toilet and sanitary facilities and drains as required by this code. Toilet and sanitary facilities and drains must be connected to the municipal sewer system unless the council finds that unusual hardship will result.

Subd. 2. Petition. A petition for a hearing and finding of unusual hardship may be filed with the clerk by the owner or occupant of the premises involved. The petition must be accompanied by a detailed plan of the proposed cesspool or septic tank connection approved by the building inspector for compliance with this code. After hearing, the council may make a finding of unusual hardship if it finds that because of the location or capacity of municipal sewer lines, connection thereto would result in an exceptional burden of expenses or difficult engineering design for the petitioner. Upon making a finding of unusual hardship, the council may grant a temporary stay authorizing the making of the proposed cesspool or septic tank connection and its continuance until there is an extension or a change in the location or capacity of the municipal sewer lines.

600.07. Assessment of cost. When the owner or occupant of any property fails, refuses, or neglects to make the connection with the municipal sewer system adjacent to the property after due notice thereof has been given, the council may by resolution direct that a connection be made and the cost thereof assessed against the property. The assessment will be levied and collected as provided by Minnesota Statutes, section 429.101.

600.09. Septic tank and cesspool regulations. Subdivision 1. General rule. Septic tanks, cesspools and other means of sewage disposal depending upon absorption of the liquids into the soil for their operation, must be located and maintained in accordance with the rules set out in this subsection.

Subd. 2. Proximity to wells. Tanks, cesspools, or overflow pipes extending therefrom may not be located within 50 feet of a well or spring from which water is obtained for drinking or culinary purposes. A cesspool, septic tank or outlet therefrom may not be so located or constructed in a manner that the liquid therefrom will be discharged into a limestone formation except with the written consent of the building inspector.

Subd. 3. Sludge. If sludge accumulates in the tank in sufficient quantity to interfere with its efficient operation, it must be removed under the direction of the building inspector and buried so as to be inaccessible to human beings or animals and so as not to endanger domestic or public water supplies.

Subd. 4. Soils. If the soil around any cesspool or drain tile absorption system becomes so clogged that it will no longer absorb the liquids placed therein, additional soil absorption facilities must be provided. Abandoned cesspools will be condemned by the health officer and filled with earth to the level of the surrounding ground in accordance with department of health regulations.

Subd. 5. Construction. Cesspool and septic tanks must be so constructed as to be easily accessible for cleaning and inspection from the top through suitable manhole openings. Covers for such manhole openings must be rigid, durable and securely fastened. Ventilation must be provided through the main house drain and house stack. The main drain to the tank or cesspool must be laid without a trap. Construction must be in accord with department of health regulations.

600.11. Disposal of sludge. It is unlawful to place human excreta or sludge from septic tanks or cesspools or any other source in a stream, lake or body of water or an abandoned or deep well in the city or dispose of the same by placing it on the surface of the ground or in a manner not approved by the department of health.

Section 603 - Environmentally Acceptable Packaging

603.01. Purpose and findings. Subdivision 1. The city council finds that discarded packaging from foods and beverages constitutes a significant and growing portion of the waste in the Robbinsdale waste stream. Regulation of food and beverage packaging, therefore, is a necessary part of any effort to encourage a recyclable and compostable waste stream, thereby reducing the disposal of solid waste and the economic and environmental costs of waste management for the citizens of Robbinsdale and others working or doing business in Robbinsdale.

Subd. 2. The council further finds that plastic packaging is rapidly replacing other packaging material, and that most plastic packaging used for foods and beverages is nondegradable, nonreturnable and nonrecyclable.

Subd. 3. The council also finds that the two main processes used to dispose of discarded nondegradable, nonreturnable and nonrecyclable plastic foods and beverage packaging, are land filling and incineration, both of which should be minimized for environmental reasons.

Subd. 4. Chemicals hazardous to human health and to the safety of the environment are present in the composition of plastic packaging, are believed to leach into the groundwater when this packaging is placed in landfills, have been found to escape into the air when this packaging is burned in incinerators, and contribute to environmental problems associated with ash residue resulting from the incineration process.

Subd. 5. The council therefore finds that the minimization of nondegradable, nonreturnable and nonrecyclable food and beverage packaging originating at retail food establishments within the city of Robbinsdale is necessary and desirable in order to reduce the city's waste stream, so as to reduce the volume of landfilled waste, to minimize toxic by-products of incineration, to make the waste stream less damaging to the environment, and to make our city and neighboring communities more environmentally sound places to live.

603.03. Definitions. Subdivision 1. The following terms as used in this section have the meanings given them.

Subd. 2. "Environmentally acceptable packaging". Environmentally acceptable packaging means and include any of the following:

- (a) "Returnable packaging" means food or beverage containers or packages, such as, but not limited to, soft drink bottles and milk containers that are capable of being returned to the distributor, such as, but not limited to, dairies and soft drink bottlers, for reuse as the same food or beverage container use at least once;
- (b) "Recyclable packaging" means packaging made of materials that are separable from solid waste by the generator or during collection and which are currently designated for collection for recycling in an organized manner as required by city code. Packaging made of either polyethylene terephthalate (P.E.T.) or high density polyethylene (H.D.P.E.) shall be considered to be recyclable if and when it is collected for recycling in the same manner as here stated.

Subd. 3. "Food establishment" means any building, room, stand, enclosure, vehicle, space, area, or other place wherein food is stored, prepared, manufactured, processed, wrapped, canned, packed, bottled, transported, distributed, sold or offered for sale or served in any way with or without charge except private homes.

Subd. 4. "Packaging" means and includes all food related wrappings, adhesives, cords, bindings, strings, tapes, ribbons, bags, boxes, coverings and containers; and shall further include cups, glasses and similar containers for drinking out of or for holding liquids, and plates and serving trays, but shall specifically exclude plastic knives, forks and spoons sold or intended for use as utensils.

Subd. 5. "Sell", "sale" or "to sell" refers to a transaction of a mercantile character.

603.05. Prohibitions. No person owning, operating or conducting a food establishment within the city shall do or allow to be done any of the following within the city: sell or convey at retail or possess with the intent to sell or convey at retail any food or beverage that is placed, wrapped or packaged, at any time at or before the time or point of sale, in or on packaging which is not environmentally acceptable packaging. The presence on the premises of the food establishment of packaging which is not environmentally acceptable packaging shall constitute a rebuttable presumption of intent to sell or convey at retail, or to provide to retail customers packaging which is not environmentally acceptable packaging; provided, however, that this subparagraph shall not apply to manufacturers, brokers or warehouse operators, who conduct or transact no retail food or beverage business.

603.07. Enforcement. The city manager enforces the provisions of this section.

603.09. Rules and regulations. The rules and regulations (Rules) for the implementation of this section are set forth in a separate document on file with the city manager. The city manager may, upon notice and hearing, amend the Rules as may be necessary to carry out the purposes of this section and protect the health of the public, including the development of exemptions under section 603.11 for packaging for which there is no commercially available alternative and for flexible packaging.

603.11. Exemptions. Subdivision 1. This section does not apply to:

- (a) flexible packaging of 10 mils or less in thickness; such rules shall provide that the city manager will evaluate other reasonable alternatives and consider whether an alternative packaging material meets the definition of recyclable packaging in disapproving a flexible package hereunder. In any decision to disapprove flexible packaging, the city manager shall make written findings to support the decision, including the environmental benefits.
- (b) packaging used at hospitals or nursing homes;

- (c) paper, cellophane or other cellulose-based packaging that is coated with plastic; or
- (d) packaging which is not environmentally acceptable, but for which there is no commercially available alternative as determined by the city council by amendment of this section.
- (e) paper or other cellulose-based packaging capable of being decomposed by natural biological or biochemical processes;
- (f) the city manager shall issue temporary administrative exemptions to allow the phasing-in of enforcement procedures in a reasonable and nondiscriminatory manner. The phasing-in of enforcement shall exempt, on the effective date of this section, all product groups of the kinds identified in the tiers shown in the Rules. These exemptions shall be as follows:
 - (1) Six months for Tier I Product Groups in both the Grocery Sector and the Food Service/Deli Sector.
 - (2) Nine months for Tier II Group A Products in the Grocery Sector.
 - (3) Twelve Months for Tier II Group B and C Product Groups in the Grocery Sector and in the Food Service/Deli Sector.

Subd. 2. Factors to consider. In determining whether there are commercially available alternatives the city council shall consider the following: (1) the availability of environmentally acceptable packaging for affected products; (2) the economic consequences to manufacturers, suppliers, retailers and other vendors of requiring environmentally acceptable packaging when available; and (3) the competitive effects on manufacturers, suppliers, retailers and other vendors involved in the sale of product brands or labels available only in packaging that is not environmentally acceptable packaging.

603.13. Violation a petty misdemeanor. Each violation of any provision of this section shall be a petty misdemeanor for which the maximum fine is \$100.00. Each day on which a violation occurs constitutes a separate violation.

603.15. Adverse licensing action. Any violation of this section shall be sufficient ground for the revocation, suspension, denial, or non-renewal of any license for the food establishment at which the violation occurs.

603.17. Severability. If any part or provision of this section or the application thereof to any person, entity, or circumstances shall be adjudged unconstitutional or invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this section or the application thereof to other persons, entities, or circumstances.

603.19. Effective date. This section is effective on November 1, 1991. (Amended, Ord. No. 91-10)

Section 605 - Garbage and Refuse

605.01. Definitions. Subdivision 1. Terms defined in this section have the meanings given them in this subsection.

Subd. 2. "Aluminum recyclables" means and includes aluminum foil and disposable containers fabricated primarily of aluminum and commonly used for soda, beer, or other beverages.

Subd. 3. "Collection" means the aggregation of waste from the place at which it is generated and includes activities up to the time when the waste is delivered to a "waste facility".

Subd. 4. "Collector" means a person who owns, operates or leases vehicles for the purposes of collection and transportation of any type of mixed municipal solid waste, recyclables or yard waste.

Subd. 5. "Compost container" means the city approved physical structure wherein the composting process takes place. (Added, Ord. No. 98-10)

Subd. 6. "Composted yard waste" means compostible organic materials such as grass clippings, leaves, weeds, straw or other forms of organic material derived from garden plants and plant material. It does not include trees, brush and other similar materials; nor does it include kitchen scraps, feces, or any other household wastes. (Added, Ord. No. 98-10)

Subd. 7. "Compostible material" means a humus (organic portion of soil) made from yard waste and used as a soil conditioner.

Subd. 8. "Composting" means a microbial process that converts yard waste to a useable organic soil amendment or mulch by providing adequate aeration, moisture, particle size, fertilizers and lime. Plant material that is neither contained or maintained as provided in this section is not compost. (Added, Ord. No. 98-10)

Subd. 9. "Garbage" means animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Subd. 10. "Generation" means the act or process of producing waste (as defined in Minnesota Statutes, section 115A.03, subdivision 11).

Subd. 11. "Generation" means the act or process of producing waste (as defined in Minnesota Statutes, section 115A.03, subdivision 12).

Subd. 12. "Glass recyclables" means and includes jars, bottles and glass containers which are transparent or translucent and primarily used for packaging and bottling of various matter.

Subd. 13. "Hauler" means a collector or transporter of mixed municipal solid waste, recyclable materials, or yard waste.

Subd. 14. "Metal recyclables" means and includes all disposable containers fabricated primarily of tin or any other metal other than aluminum.

Subd. 15. "Mixed municipal solid waste" means garbage, refuse and other solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate; the term does not include auto hulks or large auto parts, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires and other materials collected, processed and disposed of as separate waste streams.

Subd. 16. "Paper recyclables" means and includes paper of the type commonly referred to as newsprint. Expressly excluded, however, are all magazines or similarly constructed periodicals.

Subd. 17. "Recyclable materials" means materials that are separated from mixed municipal solid waste by the generator and include items of refuse designated by the Hennepin County Department of Environment and Energy to be part of an authorized recycling program and that are intended for transportation, processing and remanufacturing or reuse.

Subd. 18. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes.

Subd. 19. "Refuse" means discarded waste materials in a solid or semi-liquid state, consisting of garbage, rubbish, or a combination thereof.

Subd. 20. "Rubbish" means nonputrescible solid wastes consisting of combustible and noncombustible materials, including yard waste.

Subd. 21. "Source separation" means the separation of recyclable materials and yard waste from mixed municipal solid waste at the source of generation.

Subd. 22. "Solid waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 10.

Subd. 23. "Yard waste" means organic material consisting of grass clippings, leaves, and other forms of organic garden waste.

Subd. 24. "Corrugated cardboard" means heavy paper with alternating ridges and grooves for use in packing or boxing materials.

Subd. 25. "Commercial building" or "commercial property" means a structure being used (i) as a residential building with more than four housing units, or (ii) in a manner other than residential.

Subd. 26. "Container" means a dumpster, collection bin, collection box, tub, roll-off box, roll-off container, portable storage container or any other receptacle used to store construction, remodeling or demolition debris or any goods or materials being temporarily or permanently stored. This excludes primary rubbish removal for commercial purposes. (Added, Ord. No. 06-02)

605.03. Pre-collection and collection. Subdivision 1. Commercial pre-collection and collection. Commercial properties generating mixed municipal solid waste are required to have an operating recycling program approved by the city.

Subd. 2. Residential pre-collection and collection. For all persons who are owners, lessees, or occupants of any residential building wherein there are four or fewer housing units, yard waste must be separated from mixed municipal waste in accordance with rules, regulations and procedures adopted by the city for the separation of recyclable materials from mixed municipal waste. All refuse products must be kept, maintained or stored for pick-up in city approved containers, unless an appropriate amount of city solid waste stickers have been applied for collection. Unapproved containers include but are not limited to trailers, recreational vehicles or any motor vehicle. (Amended, Ord. No. 03-26)

Subd. 3. Recyclables.

- (a) Paper recyclables must be bundled separately or secured in such a manner as to prevent them from being blown or scattered, be maintained in as dry a condition as practicable free of any other substance, and may not be placed in plastic bags.
- (b) Aluminum recyclables must be clean of all contents and such recyclables shall not be placed in plastic bags.
- (c) Glass recyclables must be clean of all contents and may not be placed in plastic bags.
- (d) Metal recyclables must be clean of all contents and may not be placed in plastic bags.
- (e) Yard waste compostibles must be placed in separate containers.

Subd. 4. Recyclables, container requirements. Containers provided by owners, lessees, or occupants of commercial or residential buildings must be:

- (a) maintained in a clean and sanitary condition in accordance with all pertinent health statutes, ordinances, rules and regulations;
- (b) located in such a manner so as to prevent them from being overturned or obstructing pedestrian or motor vehicle traffic or being in violation of any statute, ordinance, rule or regulation; and
- (c) adequate and substantial enough to contain the recyclables therein. (Amended, Ord. No. 02-13)

Containers for recyclable material must be kept at or near a building using the same except on the day of collection. (Amended, Ord. No. 02-13)

Subd. 5. Non-recyclables.

- (a) The householder or occupant of a dwelling house, boarding house, restaurant or place of business, having garbage to dispose of, must provide containers with fly tight covers to receive all non-recyclable material that may accumulate between the times of collection.
- (b) Mixed municipal solid waste accumulated between the times of collection must be placed in said containers which may not contain any substance other than garbage. Water shall be drained off the garbage before it is placed in the containers.

- (c) Containers for non-recyclable material must be kept at or near a building using the same except on the day of collection. On the day of collection, containers used for collection of mixed municipal solid waste must be placed in a location accessible to collectors. (Amended, Ord. No. 02-13)
- (d) The code enforcement officer may require owners of dwellings or commercial structures at specific addresses to provide large dumpster-type rubbish containers. The dumpster-type rubbish containers must be rodent proof, well maintained, bear identification of the rubbish firm supplying the containers, including the phone number, and be provided with covers which owners and lessees can operate with no unusual physical effort. The rubbish haulers providing the dumpster service must provide collection service at least once every week and the dumpster or dumpsters must be of sufficient size to handle the accumulation of rubbish between collections. (Amended, Ord. No. 94-07)
- (e) The code enforcement officer shall require owners of dwellings or commercial structures at specified addresses to obtain a permit for temporary containers. No permit shall be granted for the right-of-way under this section. The permit fee is set by Appendix B. (Added, Ord. No. 06-02)

Subd. 6. Collection. The collection, removal and disposal of recyclables, yard waste and mixed municipal solid waste will be supervised by the city, the city may establish the time, method and routes of service. Special times for large item pick-up may also be established. Collection provisions include but not limited to the following:

- (a) Notice of dates and times of collection will be published or otherwise made available to persons affected herein.
- (b) The city may establish drop-off or collection sites where any person may deposit recyclables or yard waste at such times and locations as determined.
- (c) It is unlawful for any person other than employees of the city, or authorized persons, collectors or haulers to distribute, collect, remove or dispose of recyclable or non-recyclable materials after said materials or yard waste have been placed or deposited for collection. (Amended, Ord. No. 02-13)
- (d) Nothing in this section abridges the right of any person to give or sell their recyclable materials or yard waste to any recycling and composting program lawfully operated.
- (e) Nothing in this section abridges the right of any authorized recycling or composting program to lawfully operate within the city, subject to such other licenses or other regulations as may be required by law.
- (f) It is unlawful for a person to collect, remove, dispose or incinerate recyclables or yard waste in this city in a manner inconsistent with rules, regulations or procedures adopted by the city.

605.04. Yard waste composting. Subdivision 1. Purpose. Properly managed yard waste composting provides valuable nutrients for gardens. Improperly managed operations can cause objectionable odors, rodent harborages, and unsightly waste piles. The purpose of this section is to describe acceptable composting operations. Composting is a microbial process that converts plant materials to a usable organic soil amendment or mulch. (Added, Ord. No. 98-10; Amended, Ord. No. 10-06)

Subd. 2. Requirements for properly managed compost operations. Location: Compost containers shall be located in rear yards only and at least two feet from the hard surface of an alley. Compost containers may be no closer than **30 feet** from any residential dwelling located on an adjacent property. Said **30 feet** to be measured horizontally to the foundation of the nearest living space within the structure from the nearest edge of the proposed compost pile location. (Amended, Ord. No. 10-06)

- a) Compost containers: Composting shall be conducted within an enclosed container(s) not to exceed five-feet by five-feet by three-feet (height) for lots less than 5,000 square feet, two five-foot by five-foot by three-foot (height) containers for lots 5,000 to 10,000 square feet, and three five-foot by five-foot by three-foot (height) containers for lots larger than 10,000 square feet. Containers shall be of a durable material including, but not limited to, sturdy woven wire fencing, rot-resistant wood, or a commercially purchased composting unit which will provide for adequate aeration. Containers shall be constructed and maintained in a structurally sound manner. (Added, Ord. No. 98-10; Amended, Ord. No. 10-06)
- b) Compost materials: Only grass clippings, leaves, weeds that have not gone to seed, nondiseased plants, trimmings less than one-fourth inch in diameter, straw, sawdust, wood ashes, fruit or vegetable scraps, coffee grounds, eggshells, and commercially available compost ingredients may be placed in the compost container(s). Meat, bones, fat oils, grease, dairy products, feces, plastics or synthetic fibers shall not be placed in the compost container(s). (Added, Ord. No. 10-06)
- c) Maintenance: Compost materials shall be layered, aerated, moistened, turned, managed and covered during inclement weather to promote effective decomposition of the materials in a safe, secure and sanitary manner. (Added, Ord. No. 10-06)

Subd. 3. Informational materials. (Added, Ord. No. 98-10; Deleted, Ord. No. 10-06)

Subd. 4. Violations. It is unlawful to carry out composting operations in violation of the requirements of this section. In addition to the other remedies available, such violation may be abated as a public nuisance under section 2020.01 of this code. (Added, Ord. No. 98-10)

605.05. Licensing of collection, hauling or conveying of mixed municipal waste. Subdivision 1. License required. It is unlawful to engage in collecting, hauling or conveying rubbish, garbage or other refuse in the city unless a license is secured therefor as provided in this section.

Subd. 2. Application for license. Application for a license to collect, haul or convey rubbish, garbage or other refuse in the city is made in writing, filed with the city clerk, and state the name and address of the applicant, the types and makes of equipment to be used, a schedule of charges for the performance of services, and full information as to where and how such rubbish, garbage or other material must be disposed of. The applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. The insurance policy must provide for the giving of 30 days prior notice to the city of the termination or cancellation of the policy. (Amended, Ord. No. 03-22)

Subd. 3. License fee. The annual license fee for a license is set by Appendix B.

Subd. 4. Term and issuance of license. Licenses expire annually on December 31. Applications for licenses will be considered by the city council and, if approved by the city council, a license will be issued by the city clerk. Licenses are not transferable. (Amended, Ord. No. 03-22)

Subd. 5. Equipment of collector. A licensed garbage collector must provide a covered tank or wagon, so constructed that the contents will not leak or spill therefrom, in which garbage collected must be conveyed to the place designated in the license application. The wagon or conveyance used shall be kept clean and as free from offensive odors as possible, and may not be allowed to stand in a street, alley or public place longer than is reasonably necessary to collect garbage.

Subd. 6. Garbage collections. Garbage collections must be made under such terms and at such times and frequencies as may be designated from time-to-time by the council.

Subd. 7. Garbage and refuse dumping. The depositing of or dumping of garbage, refuse or rubbish within the city is prohibited; provided, however, that dumping or depositing of garbage, refuse or rubbish may be permitted by special permit issued by the council and upon such terms and conditions as it deems necessary and specified in the permit in the interests of the general health, safety and welfare.

605.07. Violation and penalty. Subdivision 1. It is unlawful to fail to dispose of mixed municipal solid waste which may be or may accumulate upon property owned or occupied, in accordance with the provisions of this section.

Subd. 2. A person violating a provision of this section is guilty of a misdemeanor.

605.09. Enforcement. It is the duty of the code enforcement officer to enforce the provisions of this section.

605.11. (Added, Ord. No. 91-06, Sec. 1) Legislative intent. Subdivision 1. Legislative findings.

- (a) The council finds that the large volume of waste generated by the telephone directories distributed within the city creates a significant solid waste disposal problem within the city. Directories are distributed in the city by several companies including U.S. West Direct, Inc., GTE and Sun Communications. U.S. West Direct, Inc. is the primary distributor of directories, both residential or "white page" directories and business or "yellow page" directories, used by the resident and businesses in the city. U.S. West Direct alone distributes over 950,000 phone books throughout the metropolitan area every year. Without recycling efforts, these phone books contribute over four million pounds of paper into the metropolitan area's wastestream putting an added burden on a system that is running out of landfill space.
- (b) The council further finds that these directories are not currently being recycled and are currently being disposed of by either being placed in landfills or by being incinerated. Both of these disposal methods rank low on the state of Minnesota's list of disposal priorities, below reduction, reuse, and recycling. Landfill space available to the city is quickly being filled, and incineration raises questions of environmental safety including emission into the air of pollutants such as dioxin and other pollutants which are both harmful and annoying.

- (c) The council finds that the reason telephone directories are not being recycled by the public is not because of a lack of public interest. Rather, it is because the hot-glue process used in the bindings of the directories is incompatible with paper recycling programs.
- (d) The council finds that it is the responsibility of the distributor of directories distributed within the city to either insure the compatibility of the directories with the city's curbside recycling program by using a recyclable animal based, water soluble glue in the bindings or to provide for a method of collection and recycling of the directories.
- (e) Lastly, the council finds that even though the annual distribution of directories consumes large amounts of paper, directories currently contain very little, if any, recycled content paper. The use of recycled content paper reduces environmental strain in that the use of recycled paper and the recycling of used paper products saves 60% of the water required to make virgin paper; reduces water pollution by 15% to 60%; reduces air pollution by 60% to 70%; saves 20% to 70% of the energy needed to produce virgin paper; and saves 17 trees per ton of paper recycled.

Subd. 2. Legislative purpose.

- (a) It is the purpose of the city of Robbinsdale to reduce the number of telephone directories, distributed in the city that are being placed in the municipal waste stream and ultimately incinerated or landfilled. The council finds that requiring the distributors of directories to develop and fund collection mechanisms, including curb-side collection and drop-off sites, is a reasonable means to achieve this purpose.
- (b) Further, it is also the purpose of the council to reduce the amount of virgin material used to manufacture directories and encourage recycled content in directories distributed in the city. The council finds that requiring a set level of recycled content in directories distributed in the city is a reasonable means to achieve this purpose.

Subd. 3. For purposes of this subsection the terms defined in this subdivision have the meanings given them.

- (a) "Post-consumer waste" means a finished material which would have been disposed of as a solid waste, having completed its life cycle as a consumer item, and does not include manufacturing wastes.
- (b) "Telephone directory" means a soft-cover listing of telephone numbers and addresses by telephone listing territories commonly listed alphabetically or by occupation and distributed to households and businesses in behalf of telecommunications utilities or private advertisers.
- (c) "Telephone directory distributor" means a person who distributes telephone directories within the city and includes the principal of such party if such party is an agent and the principal is located or doing business in the city.

Subd. 4. Telephone directories.

- (a) Collection and recycling. A telephone directory distributor must provide for at least two forms of collection of used directories for the purpose of recycling including:
- (i) collection of used directories directly from each recipient of a new telephone directory at their residence or place of business, and
 - (ii) collection through a reasonable number of drop-off sites convenient to and easily accessed by the general public.

Implementation of these collection programs must be done as a condition of distributing directories within the city. Telephone directory collection and recycling programs operated by the distributor must be approved by the city manager prior to distribution of new directories.

- (b) Vegetable based ink. After 1992 a telephone directory produced for distribution in the city must be printed with vegetable based ink.
- (c) Recycled content. After 1992 a telephone directory produced for distribution in the city must be made of paper that contains a minimum of 25% post-consumer recycled paper.

Section 610 - Commercial Adult-Oriented Services and Public Baths
(Deleted, Ord. No. 03-12)

Section 613 – Therapeutic Massage
(Added, Ord. No. 03-09)

613.01. Findings. It is found and determined that:

- (a) persons who have recognized and standardized training in therapeutic massage, health and hygiene provide a legitimate and necessary service to the general public; and
- (b) health and sanitation regulations governing therapeutic massage enterprises and massage therapists will minimize the risk of the spread of communicable diseases and promote health and sanitation.

613.03. Definitions. Subdivision 1. “Clean” means the absence of dirt, grease, rubbish, garbage and other offensive, unsightly or extraneous matter.

Subd. 2. “Massage” means the rubbing, stroking, kneading, tapping or rolling of the body of another person with the hands for the purpose of physical fitness, health-care referral, relaxation and for no other purpose.

Subd. 3. “Therapeutic massage enterprise” means a place of business providing massage services to the public for consideration. The term does not include a hospital, sanitarium, rest home, nursing home, and boarding home or other institution for the hospitalization or care of other human beings duly licensed under the provisions of Minnesota Statutes, section 144.50 through 144.69.

Subd. 4. “Therapeutic massage therapist” means a person who practices or administers massage to the public for consideration.

Subd. 5. “In the city” means physical presence as well as telephone referrals such as phone-a-massage operations in which the enterprise premises, although not physically located within the city, serves as a point of assignment of employees who respond to requests for services from within the city boundaries.

Subd. 6. “Legal age” is anyone 18 years of age or older.

613.05. License required. Subdivision 1. Therapeutic massage enterprise. It is unlawful to operate, offer, engage in or carry on massage services in the city without a therapeutic massage enterprise license.

Subd. 2. Therapeutic massage therapists license. It is unlawful to practice, administer or provide massage services in the city without a therapeutic massage therapist license.

613.07. Exemptions. Subdivision 1. A therapeutic massage enterprise license or massage therapist license is not required for the following persons and places:

- (a) persons licensed by the state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, provided that the massage is administered in the regular course of the medical treatment, not provided as part of a separate and distinct massage business; and

- (b) persons licensed by the state as beauty culturists or barbers, provided the persons do not hold themselves out as giving massage treatments and provided that massage by beauty culturists is limited to the head, hand, neck and feet and the massage by barbers is limited to the head and neck; and
- (c) persons working solely under the direction and control of a person duly licensed by the state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry and nurses who work solely under the direction of any such person; and
- (d) places licensed or operating as a hospital, nursing home, hospice, sanitarium or group home established for hospitalization or medical care; and
- (e) athletic coaches, directors and trainers employed by public or private schools.

Subd. 2. This section does not apply to bona fide health and fitness establishments that meet the following criteria:

- (a) the establishment has conducted business in the city for one year and is in good repute; and
- (b) the primary purpose of the establishment is health and fitness, massage service is subsidiary; and
- (c) no more than 20% of the establishment revenue is derived from massage; and
- (d) the financial records of the establishment are at all times available to the city for inspection; and
- (e) the establishment has an ongoing membership list of which is available to city officials for inspection at any time.

613.09. General rule. The owner or operator of a licensed therapeutic massage enterprise may employ only licensed therapeutic massage therapists to provide massage services. The owner or operator of a licensed therapeutic massage enterprise need not be licensed as a therapeutic massage therapist unless that owner or operator personally provides massage services.

613.11. License application. Subdivision 1. Therapeutic massage enterprise. The application for a therapeutic massage enterprise license must contain the following information:

- (a) whether the applicant, manager or operator has ever been convicted of a crime or offense; and
- (b) if the application is made on behalf of a joint business venture, partnership or any legally constituted business association other than a corporation, the applicant must submit, along with the application, accurate and complete business records showing the names and addresses of all partners, officers and owners; and
- (c) if the application is made on behalf of a corporation, the names and addresses of all officers, general managers and members of the board of directors; and

- (d) complete and accurate documentation establishing the interest of the applicant and any other person having an interest in the premises upon which the enterprise is proposed to be located or in the furnishings thereof; and
- (e) diagrams, plans, layouts and the like, showing the construction, revision, remodeling, alteration or additions of or to the premises and specifically showing the layout, design and arrangement of the bathing and restroom facilities and the size and type of equipment and facilities to be used; and
- (f) if the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by preliminary plans showing the design of the proposed premises, if the plans for design are on file with the building inspector, no plans need be submitted; and
- (g) whether the applicant is licensed in other communities, and if so, where; and
- (h) whether any licenses for which the applicant has applied within the last ten years have been denied, suspended or revoked; and
- (i) an insurance certificate for the massage therapy enterprise demonstrating personal liability insurance in the amount of \$1,000,000 covering liability in the practice of massage therapy and insuring the enterprise and its therapists and associates; and
- (j) any other information that the city clerk or city council may require to enforce the requirements of this section of the city code.

Subd. 2. Therapeutic massage therapist. An applicant for a therapeutic massage therapist license must meet the following criteria:

- (a) the applicant, manager or operator must be free of convictions of offenses which involve moral turpitude or which directly relate to the persons ability, capacity or fitness to perform the duties and discharge the responsibility of the occupation;
- (b) all massage therapists must have a diploma or certificate of graduation from an American Massage Therapist Association, the Associated Bodywork and Massage Professionals or other organization with similar written and enforceable code of ethic; and
- (c) at least one therapist employed by the massage therapy enterprise must have certification with a minimum of 400 hours of class credits from a massage therapy school as described in paragraph (b) or at least three years of experience working as a massage therapist in the state of Minnesota following issuance of a certificate of membership in good standing from one of the national organizations listed in paragraph (b); and
- (d) if the massage therapy enterprise employs others to practice massage therapy, such persons must:
 - (1) have a minimum of 100 hours of class credits from a massage therapy school accredited by one of the national organizations listed in paragraph (b); and

- (2) work under the direct control and supervision of a therapist employed by the massage therapy enterprise; and
- (e) applicants must provide any other information the city clerk or city council may require to enforce the requirements of this section of the city code; and
- (f) a massage therapy enterprise may have no more than the equivalent of 15 full-time therapists employed at any one time.

613.13. License term, fees, renewals. Licenses expire annually on December 31. The license fee will be prorated in 30-day increments for license applications received after June 30. An investigation shall be conducted and a fee will be charged for therapeutic massage enterprise and applicant licenses. The license and investigation fees for a massage enterprise and therapist license are set forth in Appendix B. An application for either license must be accompanied by payment in full of the required license and investigation fees. Initial licenses for therapeutic massage enterprises shall be issued upon the approval of the city council only after a public hearing has been conducted.

613.15. Conditions governing issuance of a license. Subdivision 1. Prior denial or revocation. Licenses will be issued only to applicants who have not, within one year prior to the date of application been denied licensure or who have not within such period had their license revoked.

Subd. 2. Review. The police department, community development department, and such other departments as the manager shall deem necessary must review applications for a massage therapy enterprise license. The police department must review applications for therapist licenses. The review of enterprise license applications shall include an inspection of the premises covered by the application to determine whether the premises conform to applicable code requirements.

Subd. 3. Zoning compliance. Licenses may only be granted when the premises involved are in complete conformity with the zoning code of the city. A licensed therapeutic massage enterprise is considered similar to other professional office uses or service providers for zoning purposes. A licensed therapeutic massage enterprise may be a home occupation if in compliance with section 505.09, subdivision 61 (definition of Home Occupation) of the zoning code.

Subd. 4. Planning considerations. A license will not be granted if granting the license (i) would be inconsistent with the comprehensive development plans of the city or (ii) would otherwise have a detrimental effect upon other property or properties.

613.17. General license restrictions. Subdivision 1. Area. A therapeutic massage enterprise license is effective only for the compact and contiguous space specified in the approved license application. If the licensed premises is enlarged, altered or extended, the licensee must inform the city clerk. A licensed therapeutic massage therapist may perform on-site massage as a demonstration at a public gathering. Therapeutic massage may be conducted in a private home by a licensed massage therapist meeting the conditions of section 613.11, subdivision 2, if all other requirements of section 505.09, subdivision 60 are met.

Subd. 2. Coverings. The therapist must require that the person who is receiving the massage will at all times have that person's buttock, anus, genitals and female breast(s), below a point immediately above the top of the areola, covered with non-transparent material or clothing. A therapist performing massage must have the therapist's buttocks, anus, genitals and female breast(s), below a point immediately above the top of the areola, covered with a non-transparent materials or clothing.

Subd. 3. Hours of operation. A licensed therapeutic massage enterprise may not operate between the hours of 9:00 p.m. and 7:00 a.m.

Section 615 - Food Establishments

615.01. Restaurants, cafes and food sales. Subdivision 1. License required. No person may operate a restaurant, cafe, dining room, eating house, boarding house having more than four boarders, place of refreshment, lunch counter, fountain service or offer temporary food sales in the city without first obtaining a license. (Amended, Ord. No. 03-25)

Subd. 2. Application. Application for a license is made to the City Clerk on forms provided and accompanied by the required fee. (Amended, Ord. No. 09-05)

Subd. 3. Fee. The annual license fee is set by Appendix B.

Subd. 4. Term. Licenses expire annually on December 31. The City Clerk may issue the license as herein provided upon payment of the license fee, receipt of the appropriate Hennepin County license, and approval of the Building Official and Fire Marshal. Licenses are not transferable. License renewal is subject to the license provisions described in section 1005 Licensing Procedures. (Amended, Ord. No. 02-05; Ord. No. 09-05)

Subd. 5. Cleanliness. It is unlawful to operate a licensed activity in a filthy, unclean or unsanitary condition.

Subd. 6. Procedure in abating uncleanliness. If, in the opinion of the health officer, licensed activity operated in violation of subdivision 5, the health officer will notify in writing the owner or manager of such establishment to place the same in a clean and sanitary condition within a reasonable time to be stated in the notice. Failure to comply with such notice within the time so stated is a violation of this subsection.

Subd. 7. Diseased employees. It is unlawful for a person to work in or about a licensed activity or allow any person or persons to work in such place whose condition is such that disease may be spread directly or through the medium of food or food products, whether such condition be due to a contagious, infectious, or venereal disease, in its active or convalescent states, or to the presence of disease germs, whether accompanied by, or without any symptoms of the disease itself.

615.03. Soft drink parlors. Subdivision 1. Definitions. The term "soft drink parlors" means any place where soft drinks are mixed, sold, and dispensed for consumption on the premises whether such business is carried on in connection with any other business or not.

Subd. 2. License required. It is unlawful for any person to conduct or operate a soft drink parlor without a license.

Subd. 3. Application for license. Application for a license is made to the City Clerk on forms provided and accompanied by the required fee. (Amended, Ord. No. 09-05)

Subd. 4. License fee. The license fee is set by Appendix B.

Subd. 5. Term. Licenses expire annually on December 31. A license shall be issued by the City Clerk as herein provided upon payment of the license fee, receipt of the appropriate Hennepin County license, and approval of the Building Official and Fire Marshal. Licenses are not transferable. License renewal is subject to the license provisions described in Section 1005 Licensing Procedures. (Amended, Ord. No. 02-05; Ord. No. 09-05)

Subd. 6. Forfeiture of license. The license must be displayed in the licensed place of business. A licensee convicted of violating law or ordinance prohibiting the sale, use and illegal possession of intoxicating liquor or the state statutes affecting the same subject forfeits the license.

615.05. Convenience food and drive-in establishments. Subdivision 1. Definitions. The terms defined in this subsection have the meanings given them.

- (a) "Convenience food establishment" means an establishment that serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.
- (b) "Drive-in establishment" means an establishment that accommodates the patron's automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

Subd. 2. License required. No person may operate a convenience food or drive-in establishment in the city without a license. (Amended, Ord. No. 09-05)

Subd. 3. Application for license. Application for a license is made to the City Clerk on forms provided. The application shall be accompanied by the license fee and by a certificate of insurance as required by this subsection. (Amended, Ord. No. 09-05)

Subd. 4. Insurance. The applicant must provide a certificate of insurance with the city with public liability insurance of not less than \$1,000,000 combined single limit issued by an insurance company authorized to do business in the state of Minnesota. The policy must provide for the giving of 30 days prior notice in writing to the city of the termination or cancellation of the policy. (Amended, Ord. No. 96-03, Sec. 1; Ord. No. 03-22)

Subd. 5. License fee. The annual license fee is set by Appendix B. The license expires annually on December 31. The license is not transferable.

Subd. 6. Prohibited activities.

- (a) The licensee must keep the premises of any convenience food or drive-in establishment free from debris and waste materials. The licensee must cause all such debris and waste materials to be removed during each 24-hour period and as often as may be necessary to prevent any such debris or waste materials from being blown to nearby streets and premises.
- (b) No person may place or leave any debris or waste materials upon the premises of a convenience food or drive-in establishment unless such debris or waste materials be placed in a waste receptacle provided on the premises for such purpose.
- (c) Loudspeakers may not be used upon the premises for communications with customers or employees and no juke box, radio, or other musical device, may be used or permitted on the premises, provided that this provision does not prohibit the use, on the premises, of radios installed in motor vehicles of customer; however, no person may use such a vehicle radio upon the licensed premises if the volume of sound from such radio is audible more than ten feet from the vehicle in which the radio is installed.

- (d) No person upon or nearby the premises of any convenience food or drive-in establishment may race the engine of any motor vehicle, cause any horn to be blown except as a traffic warning, or cause any disturbance or loud noise upon or nearby said premises.
- (e) No person upon the premises of a convenience food or drive-in establishment may drink, have in his possession or under his control, or offer or give to another person to drink any alcoholic beverage.
- (f) (Deleted, Ord. No. 03-20)
- (g) The premises of a convenience food or drive-in establishment must be kept adequately lighted at all times when open to the public.
- (h) No person may loiter and the licensee may not permit persons to loiter upon the premises if such persons are not actually engaged in consumption of the food or beverages served the licensee.
- (i) The licensee must maintain quiet and order upon the premises. When the license premises are open to the public, the licensee must provide an adequate number of attendants on duty at all times, who shall patrol the exits, entrances and parking spaces in connection with the licensed premises to see that order is maintained, disorderly or immoral conduct is prevented, that the entrances and exists are kept free from congestion and that this section and other ordinances governing drive-in and convenience food establishments are observed.

Subd. 7. Term. The license expires annually on December 31. A license shall be issued by the City Clerk as herein provided upon payment of the license fee, receipt of required insurance, receipt of the appropriate Hennepin County license, and approval of the Building Official and Fire Marshall. Licenses are not transferable. License renewal is subject to the license provisions described in Section 1005 Licensing Procedures. (Added, Ord. No. 09-05)

Section 620 - Premises Conducive to High-Risk Sexual Conduct
(Added, Ord. No. 95-09)

620.01. Purpose. The purpose of this section of the city code is to prescribe regulations governing commercial premises, buildings, and structures that are conducive, by virtue of design and use, to high-risk sexual conduct which can result in the spread of sexually transmitted diseases to persons frequenting such premises, buildings, and structures.

620.03. Findings of the city council. The city council of the city of Robbinsdale makes the following findings regarding the need to regulate commercial premises, buildings, and structures that are conducive to the spread of communicable disease of danger to persons in order to further the substantial interest of public health:

- (a) The experience of other cities establishes that certain commercial premises, buildings, and structures, or parts thereof, by reason of the design and use of such premises, buildings, or structures are conducive to the spread of communicable disease of danger to persons frequenting such premises, buildings, or structures, as well as to the general public, and that the risk of spreading infectious and contagious diseases can be minimized by regulating such commercial premises, buildings, and structures.
- (b) The experience of other cities where such commercial premises, buildings, and structures are present indicates that the risk of spreading the sexually transmittable disease of Acquired Immune Deficiency Syndrome (AIDS) is increased by the presence of such premises, buildings, and structures, because the design or use of such premises, buildings, and structures, or parts thereof can facilitate high-risk sexual conduct.
- (c) Medical publications of the Center for Disease Control of the United States Department of Health and Human Services indicate that the sexually transmittable disease of AIDS is currently irreversible and uniformly fatal. Medical research has further established that the risk factors for obtaining or spreading AIDS are associated with high-risk sexual conduct.

620.05. Definitions. The following words and phrases when used in this section shall have the following meanings unless the context indicates otherwise:

- (a) Booths, stalls, or partitioned portions of a room or individual room: (i) enclosures specifically offered to persons for a fee or as an incident to performing high-risk sexual conduct, or (ii) enclosures which are part of a business operated on the premises which offers movies or other entertainment to be viewed within the enclosure, including enclosures wherein movies or other entertainment is dispensed for a fee.

The phrase "booths, stalls, or partitioned portions of a room or individual room" does not mean enclosures which are private offices used by the owners, managers or persons employed by the premises for attending to the tasks of their employment, and which are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing movies or other entertainment for a fee, and are not open to any persons other than employees.

- (b) Doors, curtains or portal partitions: full, complete, non-transparent closure devices through which one cannot see or view activity taking place within the enclosure.
- (c) Hazardous site: any commercial premises, building or structure, or any part thereof, which is a site of high-risk sexual conduct as defined herein.
- (d) High-risk sexual conduct:
 - (i) fellatio;
 - (ii) anal intercourse; and/or
 - (iii) vaginal intercourse with persons who engage in sexual acts in exchange for money.
- (e) Open to an adjacent public room so that the area inside is visible to persons in the adjacent public room: either the absence of any entire "door, curtain or portal partition" or a door or other device which is made of clear, transparent material such as glass, plexiglass or other similar material meeting building code and safety standards, which permits the activity inside the enclosure to be entirely viewed or seen by persons outside the enclosure.
- (f) Public health official: an agent or employee of the city, county or state charged with the enforcement of the state or local health laws.

620.07. Public health regulations. Subdivision 1. No commercial building, structure, premises or part thereof, or facilities therein shall be so constructed, used, designed or operated in the city for the purpose of engaging in, or permitting persons to engage in, sexual activities which include high-risk sexual conduct.

Subd. 2. No person shall own, operate, manage, rent, lease, or exercise control of any commercial building, structure, premises, or portion or part thereof in the city, which contains:

- (a) Partitions between subdivisions of a room, portion or part of a building, structure or premises having an aperture which is designed or constructed to facilitate sexual activity, including but not limited to vaginal intercourse, anal intercourse, or fellatio, between persons on either side of the partition.
- (b) "Booths, stalls, or partitioned portions of a room or individual room" as defined herein which have "doors, curtains or portal partitions" as defined herein unless such booths, stalls, partitioned portions of a room or individual room have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room as defined herein. Booths, stalls, and/or partitioned portions of a room or individual room that are so open to an adjacent public room shall be lighted in a manner that the persons in the area used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

620.09. Exceptions. The regulations set forth in this section shall not apply to premises, buildings, or structures that are lawfully operating and licensed as hotels, motels, apartment complexes, condominiums, townhomes, or boarding houses which are subject to other general health and sanitation requirements under state and local law.

620.11. Health enforcement powers. Subdivision 1. In exercising powers conferred by this or any other section of this code relating to communicable diseases, the public health official shall be guided by the most recent instructions, opinions and guidelines of the Center for Disease Control of the United States Department of Health and Human Services which relate to the spread of infectious diseases.

Subd. 2. In order to ascertain the source of infection and reduce its spread, the public health official, and persons under the public health official's direction and control, shall have full power and authority to inspect or cause to be inspected, and to issue orders regarding any commercial building, structure or premises, or any part thereof, which may be a site of high-risk sexual conduct. If the public health official determines that a hazardous site as defined herein exists, the public health official shall declare it to be a public health hazard and public health nuisance and shall then:

- (a) Notify the manager, owner, or tenant of the hazardous site that the public health official has reasonable belief that the premises, building or structure is a hazardous site as defined herein,
- (b) Issue two written warnings at least ten days apart to the manager, owner, or tenant of the premises stating the specific reasons for the public health official's opinion that the premises, building, or structure is a hazardous site as defined herein,
- (c) Once such notices and warnings have been issued, the public health official or the public health official's appointee shall proceed as follows:

- (1) After the manager, owner or tenant of the premises has been notified in writing as to the basis of the public health official's determination, the manager, owner or tenant shall have ten days from the date of the last warning to request a hearing before the public health official or the public health official's appointee for the determination as to the existence of such hazardous site. If the manager, owner or tenant of the premises does not request a hearing within ten days of the date of the last warning notice, the public health official shall then cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site and the public health official shall cause orders to be issued to the manager, owner or tenant of the premises constituting the hazardous site to take specified corrective measures to prevent high-risk sexual conduct from taking place within the premises.

- (2) If the manager, owner, or tenant of the premises requests a hearing, the hearing shall be held before the public health official or the public health official's appointee at a date not more than 30 days after demand for a hearing. After considering all evidence, the public health official or the public health official's appointee shall make a determination as to whether the premises constitute a hazardous site, as defined herein and issue a decision based upon all hearing evidence presented. If the public health official or the public health official's appointee makes a determination that the premises constitute a hazardous site, the public health official shall then issue orders to the manager, owner, or tenant of the premises to take corrective measures to prevent high-risk sexual conduct from taking place within the premises and cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site.

- (3) If, within 30 days from issuance of the orders to the manager, owner, or tenant of the hazardous site, the public health official determines that such corrective measures have not been undertaken, the public health official may order the abatement of the hazardous site as a public nuisance, which shall be enforced by mandatory or prohibitory injunction in a court of competent jurisdiction, or may secure a court order for the closure of the premises constituting the hazardous site until the premises, building, or structure is in compliance with the regulations set forth in section 9.14 of this section.

620.13. Criminal penalties. Any person violating any provision of this chapter or any person who removes, destroys or defaces warnings posted on premises by the public health official pursuant to this chapter shall be guilty of a misdemeanor.

Section 625 – Cleanup of Clandestine Drug Lab Sites and Chemical Dump Sites

(Added, Ord. No. 03-16)

(Repealed, Ord. No. 06-05)

Section 630 – Regulating Body Art
(Added, Ord. No. 03-18)

630.01. Provisions of Hennepin County ordinance adopted. Except as modified in this section, the provisions of Hennepin County Ordinance No. 23, Body Art Code, are adopted by reference and made a part of this section.

630.03. Purpose. The purpose of this section is to regulate the business of body art in order to protect the health and welfare of the general public.

630.05. Definition. “Body Art” means physical body adornment using, but not limited to, the following techniques: body piercing, tattooing, and cosmetic tattooing. This definition does not include practices considered part of a medical procedure performed by board certified medical or dental personnel, such as, but not limited to, implants under the skin. Such medical procedures shall not be performed in a body art establishment. This section definition shall not include piercing of the outer perimeter or lobe of the ear using a pre-sterilized single use study and clasp ear piercing system.

630.07. License application. Subdivision 1. Application for a license is made to the city council, setting out the name of the owner or owners of such business, the location at which the same is to be operated and any other information that the city clerk or city council may require to enforce the requirements of this section of the city code.

No license application shall be submitted to the city council for approval unless it has been approved by the Planning Department as meeting the city’s zoning regulations, the Robbinsdale Police Department, and the applicant has provided the city with a current copy of their Hennepin County Body Art Establishment license.

Subd. 2. License fee. The annual license fee is set by appendix B. Licenses will not be prorated.

Subd. 3. Investigative fee. All applications shall be referred to the Robbinsdale police department for verification and investigation of the facts set forth in the application, including any necessary criminal background checks to assure compliance with this subsection. Upon applying for a new or renewal license, the applicant shall pay an investigative fee set by appendix B.

630.09. Persons ineligible for license. Subdivision 1. No license shall be issued to an applicant who is a natural person if such applicant:

- (a) Is a minor at the time the application is filed;
- (b) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subdivision 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation as prescribed by Minnesota Statutes, section 364.03, subdivision 3;
- (c) Does not have the legal authority to be employed in the United States; or
- (d) Is not of good moral character or repute.

Subd. 2. No license shall be issued to a partnership if such partnership has any general partner or managing partner:

- (a) Is a minor at the time the application is filed;
- (b) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subdivision 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation as prescribed by Minnesota Statutes, section 364.03, subdivision 3;
- (c) Does not have the legal authority to be employed in the United States; or
- (d) Is not of good moral character or repute.

Subd. 3. No license shall be issued to a corporation or other organization if such applicant has any manager, proprietor, or agent in charge of the business to be licensed:

- (a) Is a minor at the time the application is filed;
- (b) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subdivision 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation as prescribed by Minnesota Statutes, section 364.03, subdivision 3;
- (c) Does not have the legal authority to be employed in the United States; or
- (d) Is not of good moral character or repute.

630.11. General license requirements. Subdivision 1. Parental consent. No person under the age of 18 may receive a tattoo or body art unless the person provides notarized written parental consent for the tattoo or body art. The consent must include both the custodial and noncustodial parents.

Subd. 2. Prohibition on license transfer. A license is for the person and the premises named on the approved license application. Transfer of a license is not permitted from place-to-place or from person-to-person.

Subd. 3. Hours of operation. A licensed establishment may not be open for business before 8:00 a.m. or after 8:00 p.m. Monday through Saturday. No Sunday hours.

Subd. 4. Licensed premises. The license is only effective for the compact and contiguous space specified in the approved license application.

Subd. 5. Effect of license suspension or revocation. It is unlawful to solicit business or offer to perform tattooing or body art while under license suspension or revocation by the city.

Subd. 6. Signs removed. Whenever any establishment ceases to be licensed whether through the suspension, cancellation, revocation, non-renewal or lapse of its license, its owners shall immediately remove from public view any sign or display that identifies the establishment as being an enterprise as defined in subsection 625.03.

Subd. 7. Temporary license. No temporary licenses will be issued.

630.13. Liability Insurance. Prior to the issuance of a license, the applicant shall file with the clerk a liability insurance policy providing coverage of at least \$1 million combined single limit issued by an insurance company authorized in the state of Minnesota. The policy shall provide that no cancellation for any cause may be made by either the insured or the insurer without first giving written notice of such cancellation to the city at least 30 days prior to the effective date of the cancellation. The policy shall further provide that no payment of any claim by the insurance company shall in any manner decrease the coverage provided for in respect to any other claim or claims brought against the insured or the insuring company. The policy shall be subject to approval by the city attorney as to form and execution and shall be issued by companies who are duly licensed to do business in the state of Minnesota. The policy, when approved, shall be deposited with the clerk.

630.15. Term. Licenses expire annually on December 31. Licenses are not transferable. License renewal is subject to the license provisions described in section 1005 Licensing Procedures.

630.17. Zoning compliance. No license shall be granted if the property is not zoned B-3 or B-4.

630.19. Cleanliness. It is unlawful to operate a licensed activity in a filthy, unclean or unsanitary condition.

630.21. Forfeiture of license. The current Hennepin County license and the city of Robbinsdale license must be displayed in the licensed place of business. A licensee convicted of violating law or ordinance, including the Hennepin County Ordinance Number 23, forfeits the license.

630.23. Revocation. Subdivision 1. General. The city council may revoke the license or suspend the license if the licensee submitted false information or omitted material information in the license process required. The city council may suspend or revoke a license for the violation of any provision or condition of this section or any other local law governing the same activity during the license period or any criminal law during the license period which adversely affect on the ability to honestly, safely, or lawfully conduct a tattooing, body piercing, or body art business.

Subd. 2. A revocation or suspension shall be preceded by written notice to the licensee and a hearing before the city council. The notice shall state the charges against the licensee. The notice shall be mailed to the licensee at the most recent address listed on the application.

Section 635 – Provisions of Hennepin County Ordinance Adopted
(Added, Ord. No. 06-05)

The provisions of the Hennepin County Ordinance No. 25, Public Health Nuisance Ordinance, and future amendments, are adopted by reference and made a part of this section.