

TITLE XI: BUSINESS REGULATIONS

Chapter

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CHAPTER 110: MANUFACTURED HOME PARKS; RECREATIONAL CAMPING AREAS

Section

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§ 110.01 PURPOSE.

(A) This chapter shall be applicable to all manufactured home parks and recreational camping areas, as defined in M.S. Ch. 327, as it may be amended from time to time.

(B) The purpose of this chapter is to establish standards for all manufactured home parks and recreational camping areas, and to protect the health, safety and general welfare of the residents of the county, including the following general objectives:

(1) Correct and prevent conditions that may adversely affect persons utilizing manufactured home parks or recreational camping areas;

(2) Provide minimum standards for the design, construction, operation and maintenance of manufactured home parks and recreational camping areas;

(3) Meet consumer expectations of the quality and safety of manufactured home parks and recreational camping areas;

§ 110.02 AUTHORITY.

This chapter is enacted pursuant to M.S. Ch. 145A, § 145A.07, as it may be amended from time to time, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under the provisions of § 145A.03 to perform all or part of the licensing, inspection and enforcement duties authorized under the provisions of these sections.

(Ord. passed 9-20-2016)

§ 110.03 DEFINITIONS.

Unless specifically defined in this section, words or phrases used in this chapter shall have the meaning given in Minn. Rules Ch. 4630, or successor rules, and M.S. § 327.14, or successor statutes, as they may be amended from time to time.

COMMUNITY HEALTH BOARD. The Southwest Health and Human Services Board of Health or designee authorized by the County Board to carry out or enforce any provision of a county public health ordinance; acting under the provisions of M.S. Ch. 145A, as it may be amended from time to time, as the Board of Health.

COUNTY. The County of Redwood.

COUNTY BOARD. The County Board of Commissioners and its authorized representatives.

DEPARTMENT. Southwest Health and Human Services and its Environmental Health Services staff.

DEPENDENT SITE. Recreational camping area sites which do not have sewer connections and are dependent upon a central facility for this utility.

ENVIRONMENTAL HEALTH SPECIALIST. The Southwest Health and Human Services Community Health Board's Environmental Health Specialist and any related staff acting under the Community Health Board's authority.

INDEPENDENT SITE. Recreational camping area sites which are provided with individual sewer connections.

LICENSE. Includes the whole or part of any permit, certificate, approval, registration or similar form of permission or renewal required by a county public health ordinance or state law administered by the county for the operation of any business, service or facility.

LICENSEE. The person who has been given the authority by the issuance of a license by the county to establish, operate and/or maintain a facility or activity regulated by county public health ordinances.

MANUFACTURED HOME PARK. Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation and includes any building, structure, tent vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

MUNICIPALITY. Any city, town or township, village in the county, however organized.

PRIMARY LICENSE. The initial license issued to the first person, firm or corporation to establish and

maintain, conduct or operate a manufactured home park or recreational camping area at any one location.

RECREATIONAL CAMPING AREA. Any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis for the accommodation of five or more tents, or recreational camping vehicles free of charge or for compensation. (Ord. passed 9-20-2016)

§ 110.04 ADMINISTRATION.

(A) (1) The Department shall administer and interpret the provisions of this chapter. In addition to the duties set forth herein, the Department shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved and other official actions.

(2) The Department shall have all powers necessary to administer and enforce the provisions of this chapter.

(3) In addition to the other powers set forth herein, and without limitation, the Department shall be empowered to do the following:

(a) Prepare reports and recommendations regarding any additional measures that he or she deems necessary to affect the purpose of this chapter;

(b) Obtain assistance and cooperation from other state and local health, legal and law enforcement officials in the administration and enforcement of this chapter;

(c) Cooperate with local and state personnel in the enforcement of this chapter and state regulations, rules and requirements relating to manufactured home parks and recreational camping areas;

(d) Arrange for the enforcement of any and all rules, orders, permits and other requirements established herein or issued pursuant to this chapter;

(e) Enter upon the premises of any manufactured home park and/or recreational camping area at any reasonable time for the purpose of administrating and enforcing this chapter;

(f) The Department may impose additional requirements to protect against health hazards related to the conduct of their operation; and

(g) Interpret the provisions and intent of this chapter as may be necessary from time to time.

(B) The guidelines related to licensing, fees and enforcement of licensed establishments of Chapter 30 of this code of ordinances, as amended from time to time, are hereby incorporated in and made part of this chapter.

(Ord. passed 9-20-2016)

§ 110.05 ADOPTION OF STANDARDS.

(A) The standards for manufactured home parks and recreational camping areas outlined in Minn. Rules Ch. 4630 are hereby incorporated in and made part of this chapter. Wherein Minn. Rules Ch. 4630 refers to the Commissioner, **COMMISSIONER** shall mean the Southwest Health and Human Services Community Health Board and its designated agents.

(B) The guidelines related to swimming pools and other artificial recreational bathing facilities of Ch. 116 of this code of ordinances, as amended from time to time, are hereby incorporated in and made part of this chapter.

(C) (1) The requirements of the Safe Drinking Water Act, as outlined in M.S. Ch. 144, §§ 144.381 to 144.387, as they may be amended from time to time, and the standards for public water supplies as outlined in Minn. Rules Ch. 4720 for carrying out the authority to regulate transient water systems and for carrying out the authority related to wellhead protection are hereby incorporated in and made part of this chapter. Wherein Minn. Rules Ch. 4720 refers to the Commissioner, **COMMISSIONER** shall mean the

Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.

(2) Every manufactured home park and recreational camping area shall obtain a safe, adequate supply of water from a public community water supply system, a public non-community water supply system or a source of supply and system which is located, constructed and operated in accordance with the provisions of Minn. Rules Ch. 4725.

(D) The manufactured home parks and recreational camping areas rule and statutes, found in Minn. Rules Ch. 4630, as amended from time to time, contains regulations for the following that must be adhered to:

- (1) Location;
- (2) Spacing;
- (3) Lot size;
- (4) Water supply;
- (5) Toilet, bathing and laundry facilities;
- (6) Plumbing;
- (7) Sewage treatment and disposal;
- (8) Insect and rodent harborage, infestation control;
- (9) Garbage and refuse handling and disposal;
- (10) Night lighting;
- (11) Community kitchen and dining rooms;
- (12) Barbeque pits, fireplaces, stoves and incinerators;
- (13) Domestic animals;

- (14) Fire protection and fire extinguishers;
- (15) Bottled gas;
- (16) Fuel oil supply systems;
- (17) Speed limit;
- (18) Park shelter; and
- (19) Caretaker.

(E) The requirements contained in this chapter are intended to be comparable to the state's Department of Health Rules, and are intended to meet the minimum requirements set forth by the state's Department of Health. Whenever the state's Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this chapter, the rules set by the state's Department of Health shall govern and will be considered in the enforcement procedure as part of this chapter.

(Ord. passed 9-20-2016)

§ 110.06 LICENSING AND COMPLIANCE PROCEDURES.

(A) Licenses needed.

(1) *General.* It shall be unlawful for any person, firm or corporation to operate a manufactured home park and/or recreational camping area within the county without possessing a valid license issued to them by the Department, as required by this chapter. Only those who comply with the requirements of this chapter shall be entitled to receive and retain such a license.

(2) License requirements.

(a) Any person, firm or corporation desiring to operate either a manufactured home park or recreational camping area on the same site in connection with the other, need only obtain one license.

(b) The license shall state the number of manufactured home sites, independent recreational camping sites and dependent recreational camping sites allowed according to the Department's approval.

(c) No renewal license shall be issued if the number of sites specified in the application exceeds those of the original application unless the plans for expansion or the construction for expansion are first approved by the Department.

(d) The license shall be conspicuously displayed in the office of the manufactured home park or recreational camping area.

(e) Licenses shall not be transferable from one establishment, person or location to another establishment, person or location.

(f) Each primary license or renewal license for year-round establishments shall expire on December 31 each year.

(B) Other parks.

(1) *State parks.* Nothing in this chapter shall be construed to include any of the state operated facilities within parks.

(2) *Manufactured home park.* The term "manufactured home park" shall not be construed to include manufactured homes, buildings, tents or other structures temporarily maintained by any individual or company on premises associated with a work project and used exclusively to house labor or other personnel occupied in the work project.

(3) *Special parks.* Recreational camping area does not include youth camps, industrial camps, migrant labor camps, as defined in state statutes and State Commissioner of Health Rules, United States forest service camps, state forest service camps, state wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing.

(4) *Municipal/county parks.* Any manufactured home park or recreational camping area owned or operated by any municipality or political subdivision of the state shall meet all sanitary and safety provisions of this chapter, shall be inspected as herein provided, and make all reports, as herein required of a licensee.

(C) *Application for license.*

(1) Any person desiring to operate a manufactured home park or recreational camping area shall make written application for a license on forms provided by the Department. Each application for a license shall be completed in full, and together with the appropriate license fee, as described herein, shall be submitted to the Department not later than January 31 each year, following expiration of the previous year's license, or in the case of a new manufactured home park or recreational camping area, prior to the opening date of the manufactured home park or recreational camping area. Any person who operates a manufactured home park or recreational camping area without submitting a license application and appropriate fee shall be deemed to have violated this chapter and shall be subject to prosecution as provided for in this chapter.

(2) License renewals shall be obtained on an annual basis. License renewal applications shall be submitted on forms provided by the Department no later than December 31 of the year preceding the year for which application is made.

(3) Proprietors of any manufactured home park or recreational camping area shall pay an annual license fee, at a rate specified by action of the Community Health Board. This annual license fee may be adjusted from time to time as the Community Health Board shall deem appropriate. A penalty fee, at a rate specified by Community Health Board action, shall be added to the amount of the license fee, and paid by the proprietor if the annual license fee has not reached the Department by the dates specified in division (C)(1) above.

(4) From and after October 1 of each year, the license fee for new manufactured home parks or recreational camping areas, or new operators, shall be one-half of the appropriate annual license fees, plus any penalty which may be required.

(5) The fees prescribed by the Community Health Board shall apply to all licenses which become effective on or after January 1 of the licensing year. (Ord. passed 9-20-2016)

§ 110.07 INSPECTIONS.

(A) *Inspections.* The Department shall inspect manufactured home parks and recreational camping areas according to Minn. Rules Ch. 4630.

(1) It shall be the duty of the Department to inspect each licensed or permitted manufactured home park and recreational camping area in accordance with the state's Department of Health requirements. Re-inspections required due to non-compliance with correction orders may be charged an additional fee. The Department shall maintain a written policy for charging re-inspection fees.

(2) The Department, after proper identification, shall be permitted, at any reasonable time, to enter any manufactured home park and recreational camping area for the purpose of making inspections to determine compliance with this chapter. The Department shall be permitted to examine the records of the manufactured home parks and recreational camping areas, to obtain information pertaining to persons employed, and to obtain any other information that may be necessary to determine whether the manufactured home park and recreational camping area is in compliance with this chapter. Any interference with the Department in performance of his or her duties shall be grounds for immediate suspension of the license.

(3) Whenever an inspection of a manufactured home park and recreational camping area is made, the findings shall be recorded on the

inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the establishment. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigations.

(4) The inspection report form shall specify a specific and reasonable period of time for the correction of the violation(s). Correction of the violation(s) shall be accomplished within the period specified.

(5) The frequency of inspections shall be based on the degree of hazard to the public, and to comply with the time frames established in Minn. Rules part 4630.2210.

(B) *Emergency orders.*

(1) Whenever the Department finds that an emergency exists which requires immediate action to protect the public health, it may, without notice or hearings, issue an order reciting the existence of such an emergency and require that the action be taken as it deems necessary to meet the emergency.

(2) Notwithstanding the other provisions of this chapter, the order shall be effective immediately. Any person to whom the order is directed shall comply therewith immediately, but upon petition to the Department, shall be afforded a hearing before the Appeals Board.

(Ord. passed 9-20-2016)

§ 110.08 PLAN REVIEW OF FUTURE CONSTRUCTION.

(A) Whenever a mobile home park or recreational camping area is constructed or expanded, or whenever an existing area is converted for use as a mobile home park or recreational camping area, properly prepared plans and specifications for the construction, expansion or conversion shall be submitted to the Department with applicable fees for

review and approval before construction, expansion or conversion is begun. The plans and specifications shall include a land use permit or statement from the local unit of government granting zoning approval for the use of the land as a mobile home park or recreational camping area, a plot plan showing the boundaries of the entire tract of land upon which the mobile home park or recreational camping area is to be located, and showing land area/acreage, locations of proposed and existing facilities on the site for sanitary community buildings or laundry facilities, location of land forms on the property (lakes, streams, ponds, wetlands and the like), the location of all water and sewer lines and electrical hook-ups, the location of all wells, the location of all on site sewage treatment facilities and distances from all wells and water lines, location and dimensions of all roads and driveways, location of vehicle parking areas, location and type of night lights and any other pertinent information. The plans and specifications shall be drawn to scale and shall be legible and complete in all details, and must be submitted to the Department for review and approval prior to the start of construction.

(B) The Department shall approve the plans and specifications only if they meet the requirements of this chapter, Minn. Rules Ch. 4630 and any other applicable federal state or local laws and regulations.

(C) The establishment shall be constructed and finished in conformance with the approved plans.

(D) Sewage treatment systems must comply with applicable state rules and be designed by a licensed sewage system designer and installed by a licensed installer.

(E) The licensee must obtain an inspection from the Department prior to the start of the operation. Construction must be completed and approved before operation can begin.

(F) The licensee is responsible for obtaining written approval for the proposed construction from any other agency or official that may have authority over elements of the proposed construction, including, but not limited to: the state's Fire Marshal; the state's

Department of Labor and Industry Plumbing Division; or the appropriate county, city or township officials. (Ord. passed 9-20-2016)

including application of injunctive relief, action to compel performance or other appropriate action in court, if necessary, to prevent, restrain, correct or abate the violations or threatened violations. (Ord. passed 9-20-2016)

§ 110.09 LOCAL LICENSES.

(A) *Local licenses prohibited.* No municipality may impose any license:

(1) Upon any licensed manufactured home park or recreational camping area complying with the provisions of this chapter; or

(2) Upon any occupant of a licensed manufactured home park or recreational camping area.

(B) *Local law enforcement.* Any municipality which enacts or has enacted laws or ordinances relating to the safety and protection of persons and property is empowered to enforce the laws or ordinances within any manufactured home park or recreational camping area located in the municipality, notwithstanding the fact that the park or area may constitute private property. (Ord. passed 9-20-2016)

§ 110.99 PENALTY.

(A) Any person, firm or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days, or both. Each day that a violation continues shall constitute a separate offense. The persons may be enjoined from continuing the violations.

(B) In the event of a violation or a threat of violation of this chapter, the County Attorney may take appropriate action to enforce this chapter,

CHAPTER 111: LICENSED DAY CARES AND FOSTER CARE PROVIDERS

Section

Smoking in Facilities

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- 111.02 Applicability
- 111.03 Authority
- 111.04 Administration
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- 111.06 Rules adopted
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SMOKING IN FACILITIES

§ 111.01 PURPOSE.

The purpose of this subchapter is to:

(A) Protect the public health, welfare and safety by better ensuring the ability of the county residents, specifically children, to breathe safe and uncontaminated air;

(B) Affirm that the right to breathe smoke-free air has priority over the desire to smoke;

(C) Protect vulnerable populations, specifically children, from second-hand tobacco smoke as it is a known cause of: Sudden Infant Death Syndrome, potentially fatal respiratory tract infections, such as bronchitis and pneumonia, respiratory symptoms, including cough, phlegm, wheezing, and breathlessness, frequent and severe asthma attacks, and middle ear infections, which are often related to hearing problems; and

(D) Reduce the negative effects of second-hand tobacco smoke exposure because when children are

exposed they are more likely to be at risk for Type 2 diabetes and to experience heart disease, stroke and lung cancer in their lifetimes. They tend to experience more learning and behavioral problems than children in non-smoking households and are more likely to become smokers in adolescence or adulthood.
(Ord. passed 9-4-2012)

§ 111.02 APPLICABILITY.

This subchapter applies to all day care and foster care providers licensed in the county.
(Ord. passed 9-4-2012)

§ 111.03 AUTHORITY.

Through 12-31-2012, County Human Services (RCHS) will inspect and license regulated establishments and enforce the applicable laws according to M.S. Ch. 145A, as it may be amended from time to time. Southwest Health and Human Services (SWHHS) will assume these responsibilities beginning 1-1-2013.
(Ord. passed 9-4-2012)

§ 111.04 ADMINISTRATION.

(A) County Human Services will administer this subchapter through 12-31-2012. Southwest Health and Human Services will administer this subchapter beginning 1-1-2013.

(B) This subchapter will be administered through educating prospective providers with written materials to be included in informational packets and through further education in-person or otherwise about this

subchapter. This is not a day care or foster care licensing issue. This is a child placement preference and disclosure ordinance adopted by the county. (Ord. passed 9-4-2012)

§ 111.05 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COUNTY. The County of Redwood.

INDOOR AREA. Defined under the Freedom to Breathe Act of 2007, being M.S. §§ 144.411 through 144.417, as they may be amended from time to time, the space between a floor and a ceiling that is bounded by walls, doorways or windows, covering more than 50% of the perimeter of the area. Temporary physical barriers, such as retractable dividers or garage doors, are considered walls, but not certain window screens.

PERSON/PROVIDER. Those individuals or agencies licensed to provide day care or foster care for children.

SMOKING. Inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. **SMOKING** also includes the use of an e-cigarette that creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Ord. passed 9-4-2012)

§ 111.06 RULES ADOPTED.

The county recognizes the documented hazards and negative health effects of second-hand tobacco smoke exposure and is effective 11-1-2012, prohibiting tobacco smoking in indoor areas of

licensed foster care and day cares and any vehicle used to transport foster care and day care children. Day care or foster care providers may smoke outdoors away from the children in their care, but not in their presence. In addition, licensed providers will keep their grounds free of tobacco product litter, including cigarette butts. (Ord. passed 9-4-2012)

§ 111.07 ENFORCEMENT.

(A) (1) If it is determined anyone is smoking in an indoor area of a licensed day care or foster care home or in a vehicle used to transport day care or foster care children, through a complaint or inspection, County Human Services prior to 1-1-2013 and Southwest Health and Human Services after 1-1-2013, will make a home visit to review this subchapter with the provider and provide education/educational materials. Upon the provider's refusal to comply with this subchapter or a second complaint or failed inspection, RCHS/SWHHS will send a written notice of this chapter violation to the licensed provider. The provider must post this notice by his or her license for two years from the date of the notice. If the provider is still non-compliant, if RCHS/SWHHS receives a third complaint or if a licensed day care, foster home or vehicle fails inspection a third time:

(a) Foster care: no further placements will be made until the home and/or vehicle meet the smoke-free requirements; and

(b) Day care: RCHS/SWHHS will send a letter to the parents of the children under the provider's care explaining the provider is in violation of this chapter.

(2) Each violation will be reviewed individually by RCHS/SWHHS.

(B) Under the Freedom to Breathe Act of 2007, being M.S. §§ 144.411 through 144.417, as they may be amended from time to time, smoking is not allowed anywhere within the indoor areas of a state-licensed

day care center, family home day care or group family day care provider home during hours of operation. Therefore, smoking in a licensed day care home during business hours violates the Freedom to Breathe Act, and may be punishable by fines or other penalties as detailed in M.S. § 144.417, subd. 2, as it may be amended from time to time. Smoking in a licensed day care home outside of business hours will be handled as outlined in division (A) above.
(Ord. passed 9-4-2012)

CHAPTER 112: TOBACCO

Section

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GENERAL PROVISIONS

§ 112.01 PURPOSE.

Because the county recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess and use tobacco, tobacco products and tobacco-related devices, and the sales, possession and use are violations of both state and federal laws; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this chapter mandated by M.S. § 461.12, as it may be amended from time to time, shall be intended to regulate the access, sale, possession and use of tobacco, tobacco products and tobacco-related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products and tobacco-related devices, and to further the official public policy of the state in regard to preventing young people from starting to smoke as stated in M.S. § 144.391, as it may be amended from time to time.

(Ord. passed 12-30-2008)

§ 112.02 DEFINITIONS AND INTERPRETATIONS.

The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice-versa. The term “shall” means mandatory and the term “may” means permissive. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. A person, as defined herein, who seeks to hold a new or renewed license to sell or to offer to sell any tobacco, tobacco product or tobacco-related device.

APPLICATION. A document which an applicant shall complete and submit to the County Auditor-Treasurer in seeking to hold a new or renewed license.

COMPLIANCE CHECKS. The system that the county or a political subdivision of the county uses to investigate and ensure that those authorized to sell tobacco, tobacco products or tobacco-related devices are following and complying with the requirements of this chapter. **COMPLIANCE CHECKS** shall involve the use of minors as authorized by this chapter. **COMPLIANCE CHECKS** shall also mean the use of minors who attempt to purchase tobacco, tobacco products or tobacco-related devices for educational, research and training purposes as authorized by state and federal laws. **COMPLIANCE CHECKS** may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to tobacco, tobacco products or tobacco-related devices.

INDIVIDUALLY PACKAGED.

(1) The practice of selling any tobacco or tobacco product wrapped individually for sale. **INDIVIDUALLY WRAPPED TOBACCO AND TOBACCO PRODUCTS** shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco.

(2) Cartons or other packaging containing more than a single pack or other container as described in this section shall not be considered **INDIVIDUALLY PACKAGED**.

LICENSE. A document evidencing a grant of permission by the county to an applicant lawfully to sell or to offer to sell any tobacco, tobacco product or tobacco-related device.

LICENSEE. A person, as defined herein, who holds or held a license to sell or to offer to sell any tobacco, tobacco product or tobacco-related device.

LOOSIES. The common term used to refer to a single or individually packaged cigarette.

MINOR. Any natural person who has not yet reached the age of 18 years.

MOVEABLE PLACE OF BUSINESS. Any form of business operated out of a truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

OFFENSE. The commission of an act, or the omission of a required act, in contravention of a provision of this chapter.

PERMISSION. A privilege which the county may grant, deny, suspend or revoke pursuant to this chapter. **PERMISSION** shall not mean or create a contract or entitlement.

PERSON. A natural person, city, township, firm, corporation, unincorporated association, partnership, proprietorship or other entity.

POLITICAL SUBDIVISION OF REDWOOD COUNTY. A body politic commonly defined as a township or city within the territorial jurisdiction of the county.

POSSESSION. The care, custody, dominion and control over any tobacco, tobacco product or tobacco-related device. **POSSESSION** shall not mean the intermediate and temporary exchange of any tobacco, tobacco product or tobacco-related device by a licensee's employee to a customer during the course of a sale at a licensed retail establishment.

RETAIL ESTABLISHMENT. Any place of business where tobacco, tobacco products or tobacco-related devices are available for sale to the general public. **RETAIL ESTABLISHMENTS** shall include,

but not be limited to, grocery stores, convenience stores, liquor stores, gas stations, golf courses, bowling alleys, taverns and restaurants.

SALE. Any transfer of goods for money, trade, barter or other consideration.

SELF-SERVICE MERCHANDISING. Open displays of tobacco, tobacco products or tobacco-related devices in any manner where any person shall have access to the tobacco, tobacco products or tobacco-related devices, without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco products or tobacco-related device between the customer and the licensee or employee. **SELF-SERVICE MERCHANDISING** shall not include vending machines.

SMOKING. Inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product, or inhaling or exhaling aerosol or vapor from any electronic delivery device. **SMOKING** also includes being in possession of a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.

TOBACCO or **TOBACCO PRODUCTS.** 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 cigarettes; 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.

TOBACCO-RELATED DEVICES. Any pipe, rolling papers, or other device 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.

VENDING MACHINES. Any mechanical, electrical or electronic, or other type of device which dispenses tobacco, tobacco products or tobacco-related devices upon the insertion of money, tokens or other forms of payment directly into the machine by the person seeking to purchase the tobacco, tobacco products or tobacco-related device.

VIOLATION. The commission of an act, or the omission of a required act, in contravention of a provision of this chapter.
(Ord. passed 12-30-2008)

§ 112.03 PROHIBITED SALES.

It shall be a violation of this chapter for any person to sell or offer to sell any tobacco, tobacco product or tobacco-related device:

- (A) To a person under the age of 18 years;
- (B) By means of any type of vending machine as defined in § 112.02 of this chapter;
- (C) By means of self-service merchandising methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premises in order to receive the tobacco, tobacco product or tobacco-related device and whereby there is not a physical exchange of the tobacco, tobacco product or tobacco-related device between the licensee or the licensee's employee, and the customer;
- (D) By means of loosies, as defined in § 112.02 of this chapter;

(E) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana or other deleterious, hallucinogenic, toxic or controlled substances, except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process;

(F) Without having first obtained a valid license to sell tobacco, tobacco products or tobacco-related products in accordance with this chapter; and

(G) From a moveable place of business as defined in § 112.02 of this chapter.
(Ord. passed 12-30-2008) Penalty, see § 112.99

§ 112.04 SMOKING PROHIBITED IN TOBACCO RETAIL ESTABLISHMENTS.

Smoking shall not be permitted and no person shall smoke indoors at any location with a tobacco retailer license. Smoking for the purposes of sampling tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products shall be prohibited.

§ 112.05 VENDING MACHINES.

It shall be unlawful for any person or licensee to sell or allow the sale of tobacco, tobacco products or tobacco-related devices by means of a vending machine, as defined in § 112.02 of this chapter, unless minors are at all times prohibited from entering the licensed retail establishment. A person or licensee who directly or tacitly permits the operation of a vending machine, even if the vending machine is maintained by a third-party vendor, in his or her retail establishment where entry to minors is not at all times prohibited, allows the sale of tobacco, tobacco products or tobacco-related devices in violation of this section.

(Ord. passed 12-30-2008) Penalty, see § 112.99

§ 112.06 SELF-SERVICE SALES.

(A) (1) It shall be unlawful for a licensee under this chapter to allow the sale of tobacco, tobacco

products or tobacco-related devices by any means whereby the customer may have access to the items without having to request them from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco products or tobacco-related device between the licensee or his or her clerk and the customer.

(2) All tobacco, tobacco products or tobacco-related devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco, tobacco products or tobacco-related devices at the time this chapter is adopted shall comply with this section by 1-31-1998.

(B) Exemption: this section and § 112.03 of this chapter shall not apply to retail stores which derive at least 90% of their revenue from tobacco and tobacco-related products and which cannot be entered at any time by persons younger than 18 years of age.
(Ord. passed 12-30-2008) Penalty, see § 112.99

§ 112.07 RESPONSIBILITY.

All licensees under this chapter shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products or tobacco-related devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the county or a political subdivision of the county from also subjecting the clerk to whatever penalties are appropriate under this chapter, state or federal law, or other applicable law or ordinance.

(Ord. passed 12-30-2008)

§ 112.08 COMPLIANCE CHECKS AND INSPECTIONS.

All licensed premises shall be open to inspection by the designated law enforcement agent of the county during regular business hours.

(A) *Procedure.* From time to time, but at least once per year, the county shall conduct compliance checks of each licensed retail establishment. This shall be accomplished by engaging, with written consent of their parents or legal guardians, minors who are the age of 16 years or 17 years, to enter the licensed retail establishments to attempt to purchase tobacco, tobacco products or tobacco-related devices. Minors used for the purpose of compliance checks shall be supervised by the designated law enforcement agent of the county. Minors used for compliance checks shall not be guilty of the unlawful purchase or attempted purchase, nor the unlawful possession of tobacco, tobacco products or tobacco-related devices when the items are obtained or attempted to be obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age. All minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee truthfully, and shall produce any identification, if any exists, for which he or she is asked.

(B) *Enforcement by political subdivisions of the county.* Political subdivisions of the county that elect to self-regulate as provided in § 112.29 of this chapter may contract with the County Sheriff's office to conduct compliance checks.

(C) *Non-exclusion.* Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research or training purposes, or required for the enforcement of a particular state or federal law.
(Ord. passed 12-30-2008)

§ 112.09 ILLEGAL ACTS.

Unless otherwise provided, the following acts shall be a violation of this chapter.

(A) *Illegal sales.* It shall be a violation of this chapter for any person to sell or otherwise provide any tobacco, tobacco products or tobacco-related device to any minor.

(B) *Illegal possession.* It shall be a violation of this chapter for any minor to have in his or her possession any tobacco, tobacco products or tobacco-related device. This division (B) shall not apply to minors lawfully involved in a compliance check.

(C) *Illegal use.* It shall be a violation of this chapter for any minor to smoke, chew, sniff or otherwise use any tobacco, tobacco products or tobacco-related device.

(D) *Illegal procurement.* It shall be a violation of this chapter for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco products or tobacco-related device, and it shall be a violation of this chapter for any person to purchase or otherwise obtain the items on behalf of a minor. It shall further be a violation of this chapter for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco products or tobacco-related device. This division (D) shall not apply to minors lawfully involved in a compliance check.

(E) *Use of false identification.* It shall be a violation of this chapter for any minor to attempt to disguise his or her true age by the use of a false form of identification for the purpose of purchasing or obtaining by any other means any tobacco, tobacco products or tobacco-related devices, whether the identification is that of another person or one which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

(F) *Failure to post and display license.* It shall be a violation of this chapter for a licensee to fail to post and display a license as required by § 112.27 of this chapter.

(G) *Liquid packaging.* It shall be a violation of this chapter for a licensee to allow the sale of any liquid, whether or not such liquid contains nicotine, intended for human consumption and use in an electronic delivery device, in packaging that is not child-resistant. Upon request, a licensee shall provide

a copy of the certificate for compliance or full laboratory testing report for the packaging used.
(Ord. passed 12-30-2008) Penalty, see § 112.99

LICENSING PROCEDURES

§ 112.20 LICENSE REQUIRED.

No person shall sell or offer to sell any tobacco, tobacco product or tobacco-related device without first having obtained a license to do so from the county or the appropriate political subdivision of the county, if the entity elects to self-regulate as provided in § 112.07 of this chapter.
(Ord. passed 12-30-2008) Penalty, see § 112.99

§ 112.21 APPLICATION.

(A) An application for a license to sell tobacco, tobacco products or tobacco-related devices shall be made on a form provided by the county. Applications shall be made available to the general public at the office of the County Auditor-Treasurer.

(B) The application shall contain the full name of the applicant, the date of birth of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought and an affirmation by the applicant that he or she shall abide by this chapter. The applicant shall declare whether or not he or she has been convicted or administratively penalized within the previous five years for a violation of a federal, state or local law, ordinance provision or other regulation relating to tobacco. The applicant shall also declare whether or not there exists any pending criminal or administrative proceeding, at the time the application is submitted, regarding his or her alleged violation of a federal, state or local law, ordinance provision or other regulation relating to tobacco.

(C) Upon receipt of a completed application, the County Auditor-Treasurer shall forward the

application to the County Board of Commissioners for action at its next regularly scheduled meeting. If the County Auditor-Treasurer shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

(Ord. passed 12-30-2008)

§ 112.22 ACTION.

The County Board of Commissioners may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the County Board of Commissioners shall approve the license, the County Auditor-Treasurer shall issue the license to the applicant after payment of the license fee. If the County Board of Commissioners denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the decision in county's District Court.

(Ord. passed 12-30-2008)

§ 112.23 TERM.

All licenses issued under this chapter shall be valid one calendar year beginning January 1 and ending December 31 of the applicable year. Licenses applied for after January 1 shall be charged a prorated fee. A portion of a month shall be considered a whole month for the purpose of calculating the prorated fee; provided, however, that, in no case shall a license fee be prorated below an amount equal to one-half of the original fee. There shall be no refunds for portions of unused tobacco licenses.

(Ord. passed 12-30-2008)

§ 112.24 REVOCATION OR SUSPENSION.

Any license issued under this chapter may be revoked or suspended as provided in § 112.99 of this chapter.

(Ord. passed 12-30-2008)

§ 112.25 TRANSFERS.

All licenses issued under this chapter shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the County Board of Commissioners.
(Ord. passed 12-30-2008)

§ 112.26 MOVEABLE PLACE OF BUSINESS.

No license shall be issued to a moveable place of business. Only fixed location business shall be eligible to be licensed under this chapter.
(Ord. passed 12-30-2008)

§ 112.27 DISPLAY OF LICENSE.

All licenses shall be posted and displayed in plain view of the general public on the licensed premises.
(Ord. passed 12-30-2008)

§ 112.28 LICENSE RENEWAL.

The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days, but no more than 60 days, before the expiration of the current license. The issuance of a license under this chapter shall be considered a privilege and not an absolute right, contract or entitlement of the applicant and shall not entitle the holder to an automatic renewal of the license.
(Ord. passed 12-30-2008)

§ 112.29 ELECTION TO SELF-REGULATE.

A political subdivision of the county may elect to self-regulate by enacting a tobacco licensing ordinance that complies with at least the minimum requirements of state laws, including without limitation the

requirements of M.S. § 461.12, as it may be amended from time to time. A political subdivision of the county that does so elect shall also enforce its ordinance through a method of compliance checks as required by state law, and may recover its anticipated costs through license fees and administrative fees. Retail establishments that obtain a license from a political subdivision of the county shall not be required to obtain an additional license from the county, unless the political subdivision of the county fails to enforce its ordinance in conformity with state laws, in which case the county may require an additional license under this chapter.
(Ord. passed 12-30-2008)

§ 112.30 FEE SCHEDULE.

(A) *Cost recovery.* M.S. § 461.12, as it may be amended from time to time, specifically authorizes the recovery of the estimated cost of enforcing this chapter. The costs which the county anticipates recovery through its fee schedule include, without limitation: the time of the Auditor-Treasurer in reviewing the application for completeness and notifying applicants of the outcomes of their applications; the time of the county's Board of Commissioners in reviewing and investigating applicants and their applications, and in deciding alleged violations at due process hearings; the time of the County Attorney's office in drafting amendments to this chapter, in advising the county's Board of Commissioners during the application process, and in litigating this chapter and/or violations during the appellate process; the time and travel expenses of the law enforcement agents who recruit minors and conduct compliance checks; and the time of the minors who participate in compliance checks.

(B) *Procedure.* No license shall be issued under this chapter until the appropriate license fee is paid in full. The fee for a license under this chapter shall be set forth in a fee schedule adopted and approved by the county's Board of Commissioners. The County Auditor-Treasurer shall be authorized to accept payment of this license fee. If an applicant elects to

pay the appropriate license fee by check or money order, the check or money order shall be made payable to "Redwood County Auditor-Treasurer". (Ord. passed 12-30-2008)

§ 112.31 BASIS FOR LICENSE DENIAL.

(A) The following shall be grounds for denying the issuance or renewal of a license under this chapter; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not require the county to deny an application for the issuance of a license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this section.

(B) The following is a non-exclusive list of bases for denial of a license under this chapter:

(1) *Age of applicant.* The applicant is under the age of 18 years;

(2) *Prior conviction or administrative penalty.* The applicant has been convicted or administratively penalized within the past five years of any violation of a federal, state or local law, ordinance provision or other regulation relating to tobacco, tobacco products or tobacco-related devices;

(3) *Prior license revocation.* The applicant has had a license to sell tobacco, tobacco products or tobacco-related devices revoked within the preceding 12 months of the date of application;

(4) *Incomplete information.* The applicant fails to provide any information required on the application as indicated in § 112.21 of this chapter;

(5) *Misleading information/material misrepresentation.* The applicant provides false or misleading information, or misrepresents a material fact necessary to the determination of his or her application;

(6) *Prohibition.* The applicant is prohibited by federal, state or other local law, ordinance or other regulation, from holding such a license; and

(7) *Non-payment of license fee.* The applicant fails to pay the appropriate license fee. (Ord. passed 12-30-2008) Penalty, see § 112.99

ADMINISTRATION AND ENFORCEMENT

§ 112.45 NOTICE.

Upon discovery of a suspected violation, the alleged licensee shall be issued an administrative citation, that describes the alleged violation and sets forth the administrative penalty as provided herein. (Ord. passed 12-30-2008)

§ 112.46 DUE PROCESS HEARINGS.

(A) A person accused of violating this chapter may challenge the administrative citation by making a written request to the county's Board of Commissioners within ten days of receiving notice of the alleged violation.

(B) Upon receipt of this request, the county's Board of Commissioners shall schedule a due process hearing within 30 days of date of the request. The accused violator shall be informed in writing of the time and place of the due process hearing. (Ord. passed 12-30-2008)

§ 112.47 HEARING OFFICER.

(A) The county's Board of Commissioners shall appoint an individual or individuals to serve as the hearing panel to hear the facts surrounding the alleged violation.

(B) The hearing panel may admit, consider and rely upon reliable hearsay evidence. The hearing panel shall be charged with the responsibility of eliciting the facts surrounding the alleged violation.

(C) In making its determination of whether or not a violation has occurred, the hearing panel shall

consider only the facts obtained at the due process hearing.

(Ord. passed 12-30-2008)

§ 112.48 DECISION.

(A) If the hearing panel determines that a violation of this chapter did occur, that decision, along with the hearing panel's reasons for finding a violation and the administrative penalty, shall be recorded in a writing, a copy of which shall be provided to the accused violator.

(B) Likewise, if the hearing panel finds that no violation occurred or finds grounds for not imposing any penalty, the findings shall be recorded in writing and a copy shall be provided to the exonerated accused violator.

(Ord. passed 12-30-2008)

§ 112.49 APPEALS.

Appeals of any decision made by the hearing panel shall be filed in County District Court within 30 days of written notice of the hearing panel's decision.

(Ord. passed 12-30-2008)

§ 112.50 EXCEPTIONS AND AFFIRMATIVE DEFENSES.

(A) Nothing in this chapter shall prevent the provision of tobacco, tobacco products or tobacco-related devices to a minor as part of a lawfully recognized religious, spiritual or cultural ceremony. Lack of jurisdiction shall be an affirmative defense to the violation of this chapter if the alleged behavioral incident occurred exclusively within the recognized territorial boundaries of the Lower Sioux Indian Community.

(B) It shall also be an affirmative defense to the violation of this chapter for a person to have reasonably relied on proof of age as described by state law.

(Ord. passed 12-30-2008)

§ 112.99 PENALTY.

(A) Any licensee found to have violated this chapter, or whose employee shall have violated this chapter, shall be charged an administrative penalty of \$100 for a first violation of this chapter; \$200 for a second offense at the same licensed premises within a five-year period; and \$250 for a third or subsequent offense as the same location within a five-year period. In addition, a third or subsequent offense shall carry an automatic suspension of license for a period of not less than 30 days. Administrative fine monies shall be used by these departments to offset the costs of compliance checks.

(B) (1) Nothing in §§ 112.45 through 112.50 of this chapter shall prohibit the state from seeking prosecution as a misdemeanor or gross misdemeanor for any alleged violation of state statutes.

(2) Each violation, and every day in which a violation occurs or continues, shall constitute an individual offense.

(C) (1) The administrative penalties set forth in this division (C) shall be paid within 30 days of:

(a) The receipt of a citation for a violation of this chapter;

(b) The final decision under § 112.48 of this chapter; or

(c) The exhaustion of appellate review under § 112.49 of this chapter, whichever occurs last in time.

(2) Non-payment of any administrative penalty assessed within the specified 30 days shall result in a suspension of the retail tobacco license for the location at which the violation occurred. A new license shall not be issued until a renewal application is made and the license fee is paid. Payment of all administrative penalties shall be made to the County Auditor-Treasurer by either cash, check or money order. If payment is made by check or money order, the check or money order shall be made payable to "Redwood County Auditor-Treasurer".

(D) *Minors.* Minors found in unlawful possession of or who unlawfully purchase or attempt to purchase, tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products, shall be subject to an administrative fine, or may be subject to tobacco-related education classes, diversion programs, community services, or another penalty that the county believes will be appropriate and effective. The administrative fine or other penalty shall be established by the County Board chapter upon the County Board's consultation with interested parties of the courts, educators, parents and children to determine an appropriate penalty for minors in the county. This administrative fine or other penalty may also be established from time to time by chapter and may be amended from time to time.

(Ord. passed 12-30-2008)

CHAPTER 113: FOOD AND BEVERAGE ESTABLISHMENTS

Section

- 113.01 Purpose
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(B) The purpose of this chapter is to establish standards for all food and beverage establishments, and to protect the health, safety and general welfare of the residents of the county, including the following general objectives:

- (1) Prevent food-borne illness;
- (2) Correct and prevent conditions that may adversely affect persons utilizing food and beverage service establishments;
- (3) Provide minimum standards for the design, construction, operation and maintenance of food and beverage service establishments;
- (4) Meet consumer expectations of the quality and safety of food and beverage establishments;
- (5) Establish inspection requirements and associated procedures involved with administering and enforcing this chapter; and
- (6) Comply with the delegation agreement that Southwest Health and Human Services has entered into with the state's Department of Health. (Ord. passed 9-20-2016)

§ 113.01 PURPOSE.

(A) (1) This chapter shall be applicable to all food and beverage establishments such as restaurants, boarding houses and places of refreshment as defined in M.S. Ch. 157, as it may be amended from time to time, and shall include temporary and push cart commissaries, drive-ins, bars, taverns, drive-in cafés, clubs, lodges, eating facilities at resorts, schools, public buildings and churches, except as exempted by M.S. § 157.22, as it may be amended from time to time, and all other businesses and establishments where meals, lunches or drinks are served.

(2) In addition, this chapter shall serve as the criteria for evaluation of food and beverage service facilities in youth camps, as defined in M.S. § 144.71, subd. 2, as it may be amended from time to time.

§ 113.02 AUTHORITY.

This chapter is enacted pursuant to M.S. Ch. 145A, § 145A.07, as it may be amended from time to time, which authorizes the Commissioner of Health to

enter into an agreement with counties or cities organized under the provisions of § 145A.03 to perform all or part of the licensing, inspection and enforcement duties authorized under the provisions of these sections.

(Ord. passed 9-20-2016)

§ 113.03 DEFINITIONS.

Unless specifically defined in this section, words or phrases used in this chapter shall have the meaning given in Minn. Rules Ch. 4626, or successor rules, and M.S. § 157.15, or successor statutes, as they may be amended from time to time.

COMMUNITY HEALTH BOARD. The Southwest Health and Human Services Community Health Board or designee authorized by the County Board to carry out or enforce any provision of a county public health ordinance; acting under provisions of M.S. Ch. 145A, as it may be amended from time to time, as the Board of Health.

COUNTY. The County of Redwood.

COUNTY BOARD. The County Board of Commissioners and its authorized representatives.

DEPARTMENT. Southwest Health and Human Services and its Environmental Health Services staff.

ENVIRONMENTAL HEALTH SPECIALIST. Southwest Health and Human Services Community Health Board's Environmental Health Specialist and any related staff acting under the Community Health Board's authority.

FOOD AND BEVERAGE ESTABLISHMENT. Any building, structure, enclosure or any part thereof used as, maintained as, advertised as or held out to be an operation that prepares serves, or otherwise provides food or beverages, or both, for human consumption.

LICENSE. Includes the whole or part of any permit, certificate, approval, registration or similar

form of permission or renewal required by a county public health ordinance or state law administered by the County for the operation of any business, service or facility.

LICENSEE. The person who has been given the authority by the issuance of a license by the county to establish, operate and/or maintain a facility or activity regulated by county public health ordinances.

(Ord. passed 9-20-2016)

§ 113.04 ADMINISTRATION.

(A) (1) The Department shall administer and interpret the provisions of this chapter. In addition to the duties set forth herein, the Department shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved and other official actions.

(2) The Department shall have all powers necessary to administer and enforce the provisions of this chapter. In addition to the other powers set forth herein, and without limitation, the Department shall be empowered to do the following:

(a) Prepare reports and recommendations regarding any additional measures that he or she deems necessary to affect the purpose of this chapter;

(b) Obtain assistance and cooperation from other state and local health, legal and law enforcement officials in the administration and enforcement of this chapter;

(c) Cooperate with local and state personnel in the enforcement of this chapter and state regulations, rules and requirements relating to food and beverage establishments;

(d) Arrange for the enforcement of any and all rules, orders, permits and other requirements established herein or issued pursuant to this chapter;

(e) Enter upon the premises of any food or beverage establishment at any reasonable time

for the purpose of administrating and enforcing this chapter;

(f) The Department may impose additional requirements to protect against health hazards related to the conduct of their operation, and may prohibit the sale or distribution of any or all foods; and

(g) Interpret the provisions and intent of this chapter as may be necessary from time to time.

(B) The guidelines related to licensing, fees and enforcement of licensed establishments of Ch. 30 of this code of ordinances, as amended from time to time, are hereby incorporated in and made part of this chapter.

(Ord. passed 9-20-2016)

§ 113.05 ADOPTION OF STANDARDS.

(A) The standards for food and beverage establishments outlined in the state’s Food Code in Minn. Rules Ch. 4626 and the certified food protection manager requirements for food establishments in Minn. Rules parts 4626.0033A-F are hereby incorporated in and made part of this chapter. Minnesota Rules 4626.0033G-O are enforced by the Minnesota Department of Health and not delegated to Southwest Health and Human Services. Wherein Minn. Rules Ch. 4626 refers to the Commissioner, **COMMISSIONER** shall mean Southwest Health and Human Services Community Health Board and its designated agents.

(B) (1) The requirements of the Safe Drinking Water Act as outlined in M.S. Ch. 144, §§ 144.381 to 144.387, as they may be amended from time to time, and the standards for public water supplies as outlined in Minn. Rules Ch. 4720 for carrying out the authority to regulate transient water systems and for carrying out the authority related to wellhead protection are hereby incorporated in and made part of this chapter. Wherein Minn. Rules Ch. 4720 refers to the Commissioner, **COMMISSIONER** shall mean

Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.

(2) Every food and beverage establishment shall obtain a safe, adequate supply of water from a public community water supply system, a public non-community water supply system or a source of supply and system which is located, constructed and operated in accordance with the provisions of Minn. Rules Ch. 4725.

(Ord. passed 9-20-2016)

§ 113.06 EMBARGO, CONDEMNATION AND TAGGING.

The Environmental Health Specialist may condemn and cause to be removed, embargo and/or tag any item deemed to be in violation of Minn. Rules Ch. 4626, in accordance with parts 4626.1805 through 4626.1815.

(Ord. passed 9-20-2016)

§ 113.07 PLAN REVIEW OF FUTURE CONSTRUCTION.

(A) Whenever a food and/or beverage service establishment is constructed or remodeled, or whenever an existing structure is converted to use as a food or beverage service establishment, properly prepared plans and specifications for the food service area construction, remodeling or conversion shall be submitted to the Department with applicable fees for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed equipment layout, room finish materials, plumbing specifications, kitchen exhaust ventilation and make-up air specifications, construction materials of work areas and the manufacturer’s name and model number of proposed equipment and facilities. The plans and specifications shall be drawn to scale and shall be legible and complete in all details, and must be submitted to the Department for review and approval prior to the start of construction.

(B) The Department shall approve the plans and specifications only if they meet the requirements of this chapter, the state's Food Code, Minn. Rules Ch. 4626, and any other applicable federal, state or local laws and regulations.

(C) The establishment shall be constructed and finished in conformance with the approved plans.

(D) The licensee must obtain an inspection from the Department prior to the start of the operation. Construction must be completed and approved before operation can begin.

(E) The licensee is responsible for obtaining written approval for the proposed construction from any other agency or official that may have authority over elements of the proposed construction, including, but not limited to: the state's Fire Marshal; the state's Department of Labor and Industry Plumbing Division; or the appropriate county, city or township officials. (Ord. passed 9-20-2016)

§ 113.08 LICENSING AND COMPLIANCE PROCEDURES.

(A) *Licenses needed.*

(1) It shall be unlawful for any person to operate a food and beverage service establishment within the county who does not possess a valid license issued to them by the Department, as required by this chapter. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a license.

(2) Licenses shall not be transferable from one establishment, person or location to another establishment, person or location. All licenses expire as of December 31 each year.

(B) *Application for license.*

(1) Any person desiring to operate a food and beverage service establishment shall make written

application for a license on forms provided by the Department. Each application for a license shall be completed in full, and together with the appropriate license fee, as described herein, shall be submitted to the Department not later than January 31 each year, following expiration of the previous year's license, or in the case of a new food and beverage service establishment, prior to the opening date of the food and beverage service establishment. Any person who operates a food and beverage service establishment without submitting a license application and appropriate fee shall be deemed to have violated this chapter and shall be subject to prosecution as provided for in this chapter.

(2) License renewals shall be obtained on an annual basis. License renewal applications shall be submitted on forms provided by the Department no later than December 31 of the year preceding the year for which application is made.

(3) Proprietors of any food and beverage service establishment shall pay an annual license fee, at a rate specified by action of the county's Community Health Board. This annual license fee may be adjusted from time to time as the Community Health Board shall deem appropriate. A penalty fee, at a rate specified by Community Health Board action, shall be added to the amount of the license fee, and paid by the proprietor if the annual license fee has not reached the Department by the dates specified in division (B)(1) above.

(4) From and after October 1 of each year, the license fee for new food and beverage establishments, or new operators, shall be one-half of the appropriate annual license fees plus any penalty which may be required.

(5) The fees prescribed by the Community Health Board shall apply to all licenses which become effective on or after January 1 of the licensing year. (Ord. passed 9-20-2016) Penalty, see § 113.99

§ 113.09 INSPECTIONS.

(A) The Department shall inspect food and beverage establishments according to M.S. Ch. 157, as it may be amended from time to time, and rules adopted under M.S. Ch. 157, as it may be amended from time to time.

(B) It shall be the duty of the Department to inspect each licensed or permitted food and beverage establishment in accordance with the state's Department of Health requirements. Re-inspections required due to non-compliance with correction orders may be charged an additional fee. The Department shall maintain a written policy for charging re-inspection fees.

(C) The Department, after proper identification, shall be permitted, at any reasonable time, to enter any food or beverage establishment for the purpose of making inspections to determine compliance with this chapter or the state's Food Code. The Department shall be permitted to examine the records of the food and beverage establishment, to obtain information pertaining to food and equipment purchased, received or used, and persons employed, and to obtain any other information that may be necessary to determine whether the establishment is in compliance with this chapter or the state's Food Code. Any interference with the Department in performance of his or her duties shall be grounds for immediate suspension of the license.

(D) Whenever an inspection of a food service establishment is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the establishment. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigations.

(E) The inspection report form shall specify a specific and reasonable period of time for the correction of the violation(s). Correction of the violation(s) shall be accomplished within the period specified.

(F) The frequency of inspections shall be based on the degree of hazard to the public, and to comply with the time frames established in M.S. § 157.20, as it may be amended from time to time, or successor statutes.

(Ord. passed 9-20-2016)

§ 113.10 EMERGENCY CLOSURE.

(A) (1) Notwithstanding the other provisions of this chapter, whenever the Department finds an imminent health hazard to exist, the establishment shall immediately cease food service operations according to the procedures outlined in this section.

(2) The licensee shall not resume operations until authorized by the Department.

(B) An imminent health hazard may include, but is not limited to, the following:

(1) Lack of any utilities such as water, electricity or sewer;

(2) Evidence of a sewer backup in the food preparation or food storage areas;

(3) The licensee fails to comply with the orders of the Department;

(4) The presence of a food service worker with a communicable disease or infected wound who refuses to comply with the orders of the Department;

(5) An infestation of rodents or insects; or

(6) Evidence of a food-borne illness associated with the operation of the establishment.

(Ord. passed 9-20-2016)

§ 113.11 PROCEDURE WHEN INFECTION IS SUSPECTED.

(A) When the Department has reasonable cause to suspect the possibility of disease transmission from

any food establishment or employee, the Department shall make such investigation as may be indicated, and take appropriate action to protect the health and safety of the employees, customers or the general public.

(B) The Department may require any or all of the following measures:

(1) The immediate exclusion of the employee from any and all food service operations until such time as the Department gives clearance for the employee to return to work;

(2) The immediate closure of the food service establishment until, in the opinion of the Department, no further danger of disease outbreak exists;

(3) Every person engaged in the operation of a food establishment, as herein defined, shall upon request; furnish suspect food and/or beverage samples free of charge to the Department for laboratory analysis;

(4) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; and

(5) Conduct medical and laboratory examinations of the employee, or other employees, and their bodily discharges.
(Ord. passed 9-20-2016)

§ 113.12 STATE DEPARTMENT REGULATIONS.

(A) The requirements contained in this chapter are intended to be comparable to the state's Department of Health rules and are intended to meet the minimum requirements set forth by the state's Department of Health.

(B) Whenever the state's Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this chapter, the rules set by the state's Department

of Health shall govern and will be considered in the enforcement procedure as part of this chapter.
(Ord. passed 9-20-2016)

§ 113.99 PENALTY.

(A) Any person, firm or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days, or both. Each day that a violation continues shall constitute a separate offense. The persons may be enjoined from continuing the violations.

(B) In the event of a violation or a threat of violation of this chapter, the County Attorney may take appropriate action to enforce this chapter, including application of injunctive relief, action to compel performance or other appropriate action in court, if necessary, to prevent, restrain, correct or abate the violations or threatened violations.
(Ord. passed 9-20-2016)

CHAPTER 114: LODGING FACILITIES

Section

- | | | |
|--------|-------------------------------------|---|
| 114.01 | Purpose | (4) Establish inspection requirements and associated procedures involved with administering and enforcing this chapter; and |
| 114.02 | Authority | |
| 114.03 | Definitions | |
| 114.04 | Administration | |
| 114.05 | Adoption of standards | (5) Comply with the delegation agreement that Southwest Health and Human Services has entered into with the state's Department of Health. (Ord. passed 9-20-2016) |
| 114.06 | Lodging rule and statute | |
| 114.07 | Licensing and compliance procedures | |
| 114.08 | Inspections | |
| 114.09 | Plan review of future construction | |

114.99 Penalty

§ 114.02 AUTHORITY.

This chapter is enacted pursuant to M.S. Ch. 145A, § 145A.07, as it may be amended from time to time, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under the provisions of § 145A.03 to perform all or part of the licensing, inspection and enforcement duties authorized under the provisions of these sections.
(Ord. passed 9-20-2016)

§ 114.01 PURPOSE.

(A) This chapter shall be applicable to all lodging facilities such as hotels, motels, lodging establishments, bed and breakfasts and resorts as defined in M.S. Ch. 157 and Ch. 327, as they may be amended from time to time.

(B) The purpose of this chapter is to establish standards for all lodging facilities, and to protect the health, safety and general welfare of the residents of the county, including the following general objectives:

- (1) Correct and prevent conditions that may adversely affect persons utilizing lodging facilities;
- (2) Provide minimum standards for the design, construction, operation and maintenance of lodging facilities;
- (3) Meet consumer expectations of the quality and safety of lodging facilities;

§ 114.03 DEFINITIONS.

Unless specifically defined in this section, words or phrases used in this chapter shall have the meaning given in Minn. Rules Ch. 4625, or successor rules, and M.S. § 157.15, or successor statutes, as they may be amended from time to time.

COMMUNITY HEALTH BOARD. The Southwest Health and Human Services Board of Health or designee authorized by the County Board to carry out or enforce any provision of a county public health ordinance; acting under the provisions of M.S.

Ch. 145A, as it may be amended from time to time, as the Board of Health.

COUNTY. The County of Redwood.

COUNTY BOARD. The County Board of Commissioners and its authorized representatives.

DEPARTMENT. Southwest Health and Human Services and its Environmental Health Services staff.

ENVIRONMENTAL HEALTH SPECIALIST. The Southwest Health and Human Services Community Health Board's Environmental Health Specialist and any related staff acting under the Community Health Board's authority.

LICENSE. Includes the whole or part of any permit, certificate, approval, registration or similar form of permission or renewal required by a county public health ordinance or state law administered by the county for the operation of any business, service or facility.

LICENSEE. The person who has been given the authority by the issuance of a license by the county to establish, operate and/or maintain a facility or activity regulated by county public health ordinances.

LODGING FACILITY. A hotel or motel, lodging establishment, resort or similar facility where sleeping facilities are offered to the public, or as given the meaning in M.S. § 157.15, as it may be amended from time to time, or successor statutes. (Ord. passed 9-20-2016)

§ 114.04 ADMINISTRATION.

(A) (1) The Department shall administer and interpret the provisions of this chapter. In addition to the duties set forth herein, the Department shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved and other official actions.

(2) The Department shall have all powers necessary to administer and enforce the provisions of this chapter. In addition to the other powers set forth herein, and without limitation, the Department shall be empowered to do the following:

(a) Prepare reports and recommendations regarding any additional measures that he or she deems necessary to affect the purpose of this chapter;

(b) Obtain assistance and cooperation from other state and local health, legal and law enforcement officials in the administration and enforcement of this chapter;

(c) Cooperate with local and state personnel in the enforcement of this chapter and state regulations, rules and requirements relating to lodging facilities;

(d) Arrange for the enforcement of any and all rules, orders, permits and other requirements established herein or issued pursuant to this chapter;

(e) Enter upon the premises of any lodging facility at any reasonable time for the purpose of administering and enforcing this chapter;

(f) The Department may impose additional requirements to protect against health hazards related to the conduct of their operation; and

(g) Interpret the provisions and intent of this chapter as may be necessary from time to time.

(B) The guidelines related to licensing, fees and enforcement of licensed establishments of Chapter 30 of this code of ordinances, as amended from time to time, are hereby incorporated in and made part of this chapter.

(C) The requirements contained in this chapter are intended to be comparable to the state's Department of Health Rules, and are intended to meet the minimum requirements set forth by the state's

Department of Health. Whenever the state’s Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this chapter, the rules set by the state’s Department of Health shall govern and will be considered in the enforcement procedure as part of this chapter.

(Ord. passed 9-20-2016)

§ 114.05 ADOPTION OF STANDARDS.

(A) The standards for lodging facilities outlined in Minn. Rules Ch. 4625 are hereby incorporated in and made part of this chapter. Wherein Minn. Rules Ch. 4625 refers to the Commissioner, **COMMISSIONER** shall mean the Southwest Health and Human Services Community Health Board and its designated agents.

(B) The guidelines related to swimming pools and other artificial recreational bathing facilities of Chapter 116 of this code of ordinances, as amended from time to time, are hereby incorporated in and made part of this chapter.

(C) (1) The requirements of the Safe Drinking Water Act, as outlined in M.S. Ch. 144, §§ 144.381 to 144.387, as they may be amended from time to time, and the standards for public water supplies as outlined in Minn. Rules Ch. 4720 for carrying out the authority to regulate transient water systems and for carrying out the authority related to wellhead protection are hereby incorporated in and made part of this chapter. Wherein Minn. Rules Ch. 4720 refers to the Commissioner, **COMMISSIONER** shall mean the Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.

(2) Every lodging facility shall obtain a safe, adequate supply of water from a public community water supply system, a public non-community water supply system or a source of supply and system which is located, constructed and operated in accordance with the provisions of Minn. Rules Ch. 4725.

(Ord. passed 9-20-2016)

§ 114.06 LODGING RULE AND STATUTE.

The following lodging rule and statute, found in Minn. Rules Ch. 4625, as amended from time to time, contains regulations for the following that must be adhered to:

- (A) Building requirements;
- (B) Floor requirements;
- (C) Wall and ceiling requirements;
- (D) Screening requirements;
- (E) Lighting and ventilation requirements;
- (F) Space requirements;
- (G) Bedding and linen requirements;
- (H) Room furnishing requirements;
- (I) Toilets requirements;
- (J) Water supply;
- (K) Handwashing requirements;
- (L) Eating utensils and drinking vessels provided in guest rooms;
- (M) Waste disposal;
- (N) Insect and rodent control;
- (O) Personnel health and cleanliness;
- (P) Cleanliness of premises;
- (Q) Fire protection;
- (R) Plumbing and swimming pools; and
- (S) Sanitary dispensing of ice.

(Ord. passed 9-20-2016)

§ 114.07 LICENSING AND COMPLIANCE PROCEDURES.

(A) *Licenses needed.* It shall be unlawful for any person to operate a lodging facility within the county who does not possess a valid license issued to them by the Department, as required by this chapter. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment, person or location to another establishment, person or location. All licenses expire as of December 31 each year.

(B) *Application for license.*

(1) Any person desiring to operate a lodging facility shall make written application for a license on forms provided by the Department. Each application for a license shall be completed in full, and together with the appropriate license fee, as described herein, shall be submitted to the Department not later than January 31 each year, following expiration of the previous year's license, or in the case of a new lodging facility, prior to the opening date of the lodging facility. Any person who operates a lodging facility without submitting a license application and appropriate fee shall be deemed to have violated this chapter and shall be subject to prosecution as provided for in this chapter.

(2) License renewals shall be obtained in an annual basis. License renewal applications shall be submitted on forms provided by the Department no later than December 31 of the year preceding the year for which application is made.

(3) Proprietors of any lodging facility shall pay an annual license fee, at a rate specified by action of the Community Health Board. This annual license fee may be adjusted from time to time as the Community Health Board shall deem appropriate. A penalty fee, at a rate specified by Community Health Board action, shall be added to the amount of the license fee, and paid by the proprietor if the annual license fee has not reached the Department by the dates specified in division (A)(1) above.

(4) From and after October 1 of each year, the license fee for new lodging facilities, or new operators, shall be one-half of the appropriate annual license fees, plus any penalty which may be required.

(5) The fees prescribed by the Community Health Board shall apply to all licenses which become effective on or after January 1 of the licensing year. (Ord. passed 9-20-2016)

§ 114.08 INSPECTIONS.

(A) (1) The Department shall inspect lodging facilities according to M.S. Ch. 157, as it may be amended from time to time, and rules adopted under M.S. Ch. 157, as it may be amended from time to time.

(2) It shall be the duty of the Department to inspect each licensed or permitted lodging facility in accordance with state's Department of Health requirements. Re-inspections required due to non-compliance with correction orders may be charged an additional fee. The Department shall maintain a written policy for charging re-inspection fees.

(3) The Department, after proper identification, shall be permitted, at any reasonable time, to enter any lodging facility for the purpose of making inspections to determine compliance with this chapter. The Department shall be permitted to examine the records of the lodging facility, to obtain information pertaining to persons employed and to obtain any other information that may be necessary to determine whether the establishment is in compliance with this chapter. Any interference with the Department in performance of his or her duties shall be grounds for immediate suspension of the license.

(4) Whenever an inspection of a lodging facility is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the establishment. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it,

except when report forms are a part of pending litigations.

(5) The inspection report form shall specify a specific and reasonable period of time for the correction of the violation(s). Correction of the violation(s) shall be accomplished within the period specified.

(6) The frequency of inspections shall be based on the degree of hazard to the public, and to comply with the time frames established in M.S. § 157.20, as it may be amended from time to time, or successor statutes.

(B) Whenever the Department finds that an emergency exists which requires immediate action to protect the public health, it may, without notice or hearings, issue an order reciting the existence of such an emergency and require that the action be taken as it deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, the order shall be effective immediately. Any person to whom the order is directed shall comply therewith immediately, but upon petition to the Department, shall be afforded a hearing before the Appeals Board. (Ord. passed 9-20-2016)

§ 114.09 PLAN REVIEW OF FUTURE CONSTRUCTION.

(A) Whenever a lodging facility is constructed or remodeled, or whenever an existing structure is converted to use as a lodging facility, properly prepared plans and specifications for the lodging construction, remodeling or conversion shall be submitted to the Department with applicable fees for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall show layout, mechanical, plumbing and electrical specifications, construction materials and location and type of equipment and facilities and shall be filed by its owner in the office of the Department. The plans and specifications shall be drawn to scale and shall be legible and complete in all details, and must be submitted to the Department for review and approval prior to the start of construction.

(B) The Department shall approve the plans and specifications only if they meet the requirements of this chapter, Minn. Rules Ch. 4625 and any other applicable federal, state or local laws and regulations.

(C) The establishment shall be constructed and finished in conformance with the approved plans.

(D) The licensee must obtain an inspection from the Department prior to the start of the operation. Construction must be completed and approved before operation can begin.

(E) The licensee is responsible for obtaining written approval for the proposed construction from any other agency or official that may have authority over elements of the proposed construction, including, but not limited to: the state’s Fire Marshal; the state’s Department of Labor and Industry Plumbing Division; or the appropriate county, city or township officials. (Ord. passed 9-20-2016)

§ 114.99 PENALTY.

(A) Any person, firm or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days, or both. Each day that a violation continues shall constitute a separate offense. The person may be enjoined from continuing the violations.

(B) In the event of a violation or a threat of violation of this chapter, the County Attorney may take appropriate action to enforce this chapter, including application of injunctive relief, action to compel performance or other appropriate action in court, if necessary, to prevent, restrain, correct or abate the violations or threatened violations. (Ord. passed 9-20-2016)

CHAPTER 115: YOUTH CAMPS

Section

115.01 Purpose	(4) Meet consumer expectations of the quality and safety of youth camps;
115.02 Authority	
115.03 Definitions	
115.04 Administration	(5) Establish inspection requirements and associated procedures involved with administering and enforcing this chapter; and
115.05 Adoption of standards	
115.06 Licensing and compliance procedures	
115.07 Inspections	
115.08 Plan review of future construction	(6) Comply with the delegation agreement that Southwest Health and Human Services has entered into with the state's Department of Health. (Ord. passed 9-20-2016)
115.99 Penalty	

§ 115.01 PURPOSE.

(A) This chapter shall be applicable to all youth camps, as defined in M.S. § 144.71, subd. 2, as it may be amended from time to time, or successor statutes. These regulations do not apply to those camps defined in M.S. § 144.71, subd. 3, as it may be amended from time to time, or successor statutes.

(B) The purpose of this chapter is to establish standards for all youth camps and to protect the health, safety and general welfare of the residents of the county, including the following general objectives:

- (1) Protect the public from unhealthy and unsanitary youth camps;
- (2) Correct and prevent conditions that may adversely affect persons attending youth camps;
- (3) Provide minimum standards for the design, construction, operation and maintenance of youth camps;

§ 115.02 AUTHORITY.

This chapter is enacted pursuant to M.S. Ch. 145A, § 145A.07, as it may be amended from time to time, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under the provisions of § 145A.03 to perform all or part of the licensing, inspection and enforcement duties authorized under the provisions of these sections. (Ord. passed 9-20-2016)

§ 115.03 DEFINITIONS.

Unless specifically defined in this section, words or phrases used in this chapter shall have the meaning given in Minn. Rules Ch. 4630, or successor rules, and M.S. § 157.15, or successor statutes, as they may be amended from time to time.

COMMUNITY HEALTH BOARD. The Southwest Health and Human Services Community

Health Board or designee authorized by the County Board to carry out or enforce any provision of a county public health ordinance; acting under the provisions of M.S. Ch. 145A, as it may be amended from time to time, as the Board of Health.

COUNTY. The County of Redwood.

COUNTY BOARD. The County Board of Commissioners and its authorized representatives.

DEPARTMENT. Southwest Health and Human Services and its Environmental Health Services staff.

ENVIRONMENTAL HEALTH SPECIALIST. The Southwest Health and Human Services Community Health Board's Environmental Health Specialist and any related staff acting under the Community Health Board's authority.

LICENSE. Includes the whole or part of any permit, certificate, approval, registration or similar form of permission or renewal required by a county public health ordinance or state law administered by the county for the operation of any business, service or facility.

LICENSEE. The person who has been given the authority by the issuance of a license by the county to establish, operate and/or maintain a facility or activity regulated by county public health ordinances.

YOUTH CAMP. A parcel or parcels of land with permanent buildings, tents or other structures, together with appurtenances thereon, established or maintained as living quarters, where both food and lodging, or the facilities therefore are provided for ten or more people, operated continuously for a period of five days or more each year for educational, recreational or vacation purposes, and the use of the camp is offered to minors free of charge or for payment of a fee. This definition does not include cabin and trailer camps, fishing and hunting camps, resorts, penal and correctional camps, industrial and construction camps, nor does it include homes operated for care or treatment of children, and for the operation of which a license is required under the

provisions of M.S. Ch. 257, as it may be amended from time to time.

(Ord. passed 9-20-2016)

§ 115.04 ADMINISTRATION.

(A) (1) The Department shall administer and interpret the provisions of this chapter. In addition to the duties set forth herein, the Department shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved and other official actions.

(2) The Department shall have all powers necessary to administer and enforce the provisions of this chapter. In addition to the other powers set forth herein, and without limitation, the Department shall be empowered to do the following:

(a) Prepare reports and recommendations regarding any additional measures that he or she deems necessary to affect the purpose of this chapter;

(b) Obtain assistance and cooperation from other state and local health, legal and law enforcement officials in the administration and enforcement of this chapter;

(c) Cooperate with local and state personnel in the enforcement of this chapter and state regulations, rules and requirements relating to youth camps;

(d) Arrange for the enforcement of any and all rules, orders, permits and other requirements established herein or issued pursuant to this chapter;

(e) Enter upon the premises of any youth camp at any reasonable time for the purpose of administering and enforcing this chapter;

(f) The Department may impose additional requirements to protect against health hazards related to the conduct of their operation; and

(g) Interpret the provisions and intent of this chapter as may be necessary from time to time.

(B) The requirements contained in this chapter are intended to be comparable to the state’s Department of Health rules, and are intended to meet the minimum requirements set forth by the state’s Department of Health. Whenever the state’s Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this chapter, the rules set by the state’s Department of Health shall govern and will be considered in the enforcement procedure as part of this chapter.

(C) The guidelines related to licensing, fees and enforcement of licensed establishments of Chapter 30 of this code of ordinances, as amended from time to time, are hereby incorporated in and made part of this chapter.

(Ord. passed 9-20-2016)

§ 115.05 ADOPTION OF STANDARDS.

(A) The standards for youth camps outlined in the Minn. Rules parts 4630.2300 to 4630.4700 are hereby incorporated in and made part of this chapter. Wherein Minn. Rules Ch. 4626 refers to the Commissioner, **COMMISSIONER** shall mean the Southwest Health and Human Services Community Health Board and its designated agents.

(B) (1) The guidelines related to food and beverage establishments of Chapter 113 of this code of ordinances, as amended from time to time, are hereby incorporated in and made part of this chapter.

(2) The guidelines related to lodging establishments of Chapter 114 of this code of ordinances as amended from time to time, are hereby incorporated in and made part of this chapter.

(3) The guidelines related to Chapter 110 of this code of ordinances, as amended from time to time, are hereby incorporated in and made part of this chapter.

(C) The guidelines related to swimming pools and other artificial recreational bathing facilities of Chapter 116 of this code of ordinances, as amended from time to time, are hereby incorporated in and made part of this chapter.

(D) (1) The requirements of the Safe Drinking Water Act, as outlined in M.S. Ch. 144, §§ 144.381 to 144.387, as they may be amended from time to time, and the standards for public water supplies as outlined in Minn. Rules Ch. 4720 for carrying out the authority to regulate transient water systems and for carrying out the authority related to wellhead protection are hereby incorporated in and made part of this chapter. Wherein Minn. Rules Ch. 4720 refers to the Commissioner, **COMMISSIONER** shall mean the Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.

(2) Every youth camp shall obtain a safe, adequate supply of water from a public community water supply system, a public non-community water supply system or a source of supply and system which is located, constructed and operated in accordance with the provisions of Minn. Rules Ch. 4725.

(Ord. passed 9-20-2016)

§ 115.06 LICENSING AND COMPLIANCE PROCEDURES.

(A) *Licenses needed.*

(1) It shall be unlawful for any person to operate a youth camp within the county who does not possess a valid license issued to them by the Department, as required by this chapter.

(2) Only a person, who complies with the requirements of this chapter, and all other applicable county public health ordinances, shall be entitled to receive and retain such a license.

(3) Licenses shall not be transferable from one establishment, person or location to another establishment, person or location.

(4) All licenses expire as of December 31 each year.

(B) *Application for license.*

(1) Any person desiring to operate a youth camp shall make written application for a license on forms provided by the Department. Each application for a license shall be completed in full, and together with the appropriate license fee, as described herein, shall be submitted to the Department not later than January 31 each year, following expiration of the previous year's license, or in the case of a new youth camp, prior to the opening date of the youth camp. Any person who operates a youth camp without submitting a license application and appropriate fee shall be deemed to have violated this chapter and shall be subject to prosecution as provided for in this chapter.

(2) License renewals shall be obtained on an annual basis. License renewal applications shall be submitted on forms provided by the Department no later than December 31 of the year preceding the year for which application is made.

(3) Proprietors of any youth camp shall pay an annual license fee at a rate specified by action of the Community Health Board. This annual license fee may be adjusted from time to time as the Board shall deem appropriate. A penalty fee, at a rate specified by Community Health Board action, shall be added to the amount of the license fee and paid by the proprietor, if the annual license fee has not reached the Department office by the dates specified in division (B)(1) above.

(4) From and after October 1 of each year, the license fee for new youth camps or new operators shall be one-half of the appropriate annual license fees, plus any penalty which may be required.

(5) The fees prescribed by the Community Health Board shall apply to all licenses which become effective on or after January 1 of the licensing year. (Ord. passed 9-20-2016) Penalty, see § 115.99

§ 115.07 INSPECTIONS.

(A) The Department shall inspect youth camps according to M.S. §§ 144.71 to 144.74, as they may be amended from time to time, and rules adopted under M.S. §§ 144.71 to 144.74, as they may be amended from time to time.

(B) It shall be the duty of the Department to inspect each licensed or permitted youth camp in accordance with the state's Department of Health requirements. Re-inspections required, due to non-compliance with correction orders, may be charged an additional fee. The Department shall maintain a written policy for charging re-inspection fees.

(C) The Department, after proper identification, shall be permitted at any reasonable time, to enter any youth camp for the purpose of making inspections to determine compliance with this chapter, and all other applicable county public health ordinances. The Department shall be permitted to examine the records of the youth camp to obtain information pertaining to food and equipment purchased, received or used, persons employed, and to obtain any other information that may be necessary to determine whether the establishment is in compliance with this chapter, and all other applicable county public health ordinances. Any interference with the Department in performance of his or her duties shall be grounds for immediate suspension of the license.

(D) Whenever an inspection of a youth camp is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the youth camp. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigations.

(E) The inspection report form shall specify a specific and reasonable period of time for the correction of the violations. Correction of the violations shall be accomplished within the period specified.

(F) The frequency of inspections shall be based on the degree of hazard to the public and comply with the time frames established in M.S. § 157.20, as it may be amended from time to time, or successor statutes.

(G) Whenever the Department finds that an emergency exists which requires immediate action to protect the public health, the Department may issue an order reciting the existence of such an emergency and require the action be taken as the Department deems necessary to meet the emergency. Any person to whom the order is directed shall comply therewith immediately, but upon filing a written petition with the Department, shall be afforded a hearing prescribed in § 30.24 of this chapter.

(Ord. passed 9-20-2016)

§ 115.08 PLAN REVIEW OF FUTURE CONSTRUCTION.

(A) *General.* Whenever a youth camp is constructed or remodeled, or whenever an existing structure is converted to be used as a youth camp establishment, properly prepared plans and specifications for the youth camp area construction, remodeling, or conversion shall be submitted to the Department with applicable fees for review and approval before construction, remodeling or conversion is begun. The plans and specifications must include, but are not limited to:

(1) Completed plan review applications on forms provided by the Department;

(2) A legal description of the site, lot, field or tract of land upon which the applicant proposes to operate and maintain a youth camp;

(3) The source of all the following:

- (a) Water supplies;
- (b) Sewage treatment methods;
- (c) Disposal of garbage and refuse;

and

(d) The method of fire and storm protection.

(4) Drawings for new construction or alteration, including food service facilities, lodging facilities, MHP/RCA facilities, buildings, wells, plumbing and sewage treatment systems;

(5) Drawings must show the layout of sleeping rooms, room size, maximum occupancy, exits to hallways or outdoors, fire escapes, window locations and describing ventilation and heating equipment, and floor and wall finishes, and must receive approval by the Department before the work may begun; and

(6) The plans and specifications shall be drawn to scale and shall be legible and complete in all details, and must be submitted to the Department for review and approval prior to the start of construction.

(B) *Approval.*

(1) The Department shall approve the plans and specifications only if they meet the requirements of this chapter, Minn. Rules Ch. 4626 (state’s Food Code), Minn. Rules Ch. 4625, Minn. Rules Ch. 4630 and any other applicable federal, state or local laws and regulations.

(2) The establishment shall be constructed and finished in conformance with the approved plans.

(3) The licensee must obtain an inspection from the Department prior to the start of the operation. Construction must be completed and approved before operation can begin.

(4) The licensee is responsible for obtaining written approval for the proposed construction from any other agency or official that may have authority over elements of the proposed construction, including, but not limited to: the state’s Fire Marshal; the state’s Department of Labor and Industry Plumbing Division; or the appropriate county, city or township officials. (Ord. passed 9-20-2016)

§ 115.99 PENALTY.

(A) Any person, firm or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days, or both. Each day that a violation continues shall constitute a separate offense. The persons may be enjoined from continuing the violations.

(B) In the event of a violation or a threat of violation of this chapter, the County Attorney may take appropriate action to enforce this chapter, including application of injunctive relief, action to compel performance or other appropriate action in court, if necessary, to prevent, restrain, correct or abate the violations or threatened violations.

(Ord. passed 9-20-2016)

CHAPTER 116: SWIMMING POOLS

Section

- 116.01 Purpose
- 116.02 Authority
- 116.03 Definitions
- 116.04 Administration
- 116.05 Adoption of standards
- 116.06 Plan review of future construction
- 116.07 Licensing and compliance procedures
- 116.08 Inspection and correction
- 116.09 State department regulations

- 116.99 Penalty

§ 116.01 PURPOSE.

(A) This chapter shall be applicable to all public pools as defined in Minn. Rules parts 4717.0150 through 4717.3970.

(B) The purpose of this chapter is to establish standards for all public swimming pools and to protect the health, safety and general welfare of the residents of the county, including the following general objectives:

(1) Provide a minimum standard for the design, construction, operation and maintenance of public swimming pools;

(2) Correct and prevent conditions that may adversely affect persons utilizing public swimming pools;

(3) Meet consumer expectations for the quality and safety of public swimming pools; and

(4) Comply with the delegation agreement that Southwest Health and Human Services has entered into with the state's Department of Health. (Ord. passed 9-20-2016)

§ 116.02 AUTHORITY.

This chapter is enacted pursuant to M.S. Ch. 145A, § 145A.07, as it may be amended from time to time, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under the provisions of § 145A.03, to perform all or part of the licensing, inspection and enforcement duties authorized under the provisions of these sections. (Ord. passed 9-20-2016)

§ 116.03 DEFINITIONS.

Unless specifically defined in this section, words or phrases used in this chapter shall have the meaning given in Minn. Rules Ch. 4717, or successor rules, and M.S. § 144.1222, or successors statutes, as they may be amended from time to time. The following definitions shall apply in the interpretation and the enforcement of this chapter.

COMMUNITY HEALTH BOARD. The Southwest Health and Human Services Community Health Board or designee authorized by the County Board to carry out or enforce any provision of a county public health ordinance; acting under the provisions of M.S. Ch. 145A as it may be amended from time to time, as the Board of Health.

COUNTY. The County of Redwood.

COUNTY BOARD. The County Board of Commissioners and its authorized representatives.

DEPARTMENT. Southwest Health and Human Services and its Environmental Health Services staff.

ENVIRONMENTAL HEALTH SPECIALIST. The Southwest Health and Human Services Community Health Board's Environmental Health Specialist and any related staff acting under the Community Health Board's authority.

LICENSE. Includes the whole or part of any permit, certificate, approval, registration or similar form of permission or renewal required by a county public health ordinance of state law administered by the county for the operation of any business, service or facility.

LICENSEE. The person who has been given the authority by the issuance of a license by the county to establish, operate and/or maintain a facility or activity regulated by county public health ordinances.

PUBLIC POOL. Any pool, other than a private residential pool, that is:

(1) Open to the public generally, whether for a fee or free of charge; and

(2) Has the meaning given in M.S. § 144.1222, subd. 4, para. (d), as it may be amended from time to time, with the exception of swimming pools at family day care homes licensed under M.S. § 245A.14, subd. 11, para. (a), as it may be amended from time to time.

(Ord. passed 9-20-2016)

§ 116.04 ADMINISTRATION.

(A) (1) This chapter shall provide for the: licensing and inspection of all public swimming pools; regulation of the design, construction, operation and maintenance of the pools; and the enforcement of violations of this chapter.

(2) This chapter shall be applicable to all public swimming pools as defined in Minn. Rules Ch. 4717.

(3) The Department shall administer and interpret the provisions of this chapter. In addition to the duties set forth herein, the Department shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved and other official actions.

(4) The Department shall have all powers necessary to administer and enforce the provisions of this chapter. In addition to the other powers set forth herein, and without limitation, the Department shall be empowered to do the following:

(a) Prepare reports and recommendations regarding any additional measures that he or she deems necessary to affect the purpose of this chapter;

(b) Obtain assistance and cooperation from other state and local health, legal and law enforcement officials in the administration and enforcement of this chapter;

(c) Cooperate with local and state personnel in the enforcement of this chapter and state regulations, rules and requirements relating to public swimming pools;

(d) Arrange for the enforcement of any and all rules, orders, permits and other requirements established herein or issued pursuant to this chapter;

(e) Enter upon the premises of any public swimming pool at any reasonable time for the purpose of administrating and enforcing this chapter;

(f) The Department may impose additional requirements to protect against health hazards related to the conduct of the operation of a public swimming pool; and

(g) Interpret the provisions and intent of this chapter as may be necessary from time to time.

(B) The guidelines related to licensing, fees and enforcement of licensed establishments of Chapter 30 of this code of ordinances, as amended from time to time, are hereby incorporated in and made part of this chapter.

(Ord. passed 9-20-2016)

§ 116.05 ADOPTION OF STANDARDS.

(A) (1) The standards for public pools outlined in Minn. Rules parts 4717.0150 through 4717.3970 and the Abigail Taylor Pool Safety Act, M.S. § 144.1222, as they may be amended from time to time, are hereby incorporated in and made part of this chapter.

(2) Wherein Minn. Rules Ch. 4717 refers to the Commissioner, **COMMISSIONER** shall mean the Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.

(B) (1) The requirements of the Safe Drinking Water Act as outlined in M.S. Ch. 144, §§ 144.381 to 144.387, as they may be amended from time to time, and the standards for public water supplies as outlined in Minn. Rules Ch. 4720 for carrying out the authority to regulate transient water systems and for carrying out the authority related to wellhead protection are hereby incorporated in and made part of this chapter. Wherein Minn. Rules Ch. 4720 refers to the Commissioner, **COMMISSIONER** shall mean the Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.

(2) Every pool shall obtain a safe, adequate supply of water from a public community water supply system, a public non-community water supply system, or a source of supply and system which is located, constructed and operated in accordance with the provisions of Minn. Rules Ch. 4725.

(Ord. passed 9-20-2016)

§ 116.06 PLAN REVIEW OF FUTURE CONSTRUCTION.

When a public pool in the county, licensed or to be licensed under the provisions of Minn. Rules Ch. 4717, is constructed, installed or materially altered, complete plans and specifications shall be submitted to the state's Department of Health as specified in Minn. Rules part 4717.0450, along with the required fee as specified in Minn. Rules 4717.0310.

(Ord. passed 9-20-2016)

§ 116.07 LICENSING AND COMPLIANCE PROCEDURES.

(A) *Licenses needed.* It shall be unlawful for any person to operate a public pool within the county who does not possess a valid license issued to them by the Department as required by this chapter. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment, person or location to another establishment, person or location. All licenses expire as of December 31 each year.

(B) *Application for license.*

(1) Any person desiring to operate a public pool shall make written application for a license on forms provided by the Department. Each application for a license shall be completed in full, and together with the appropriate license fee, as described herein, shall be submitted to the Department not later than January 31 each year, following expiration of the previous year's license, or in the case of a new pool, prior to the opening date of the pool. Any person, who operates a public pool without submitting a license application and appropriate fee, shall be deemed to have violated this chapter and shall be subject to prosecution as provided for in this chapter.

(2) License renewals shall be obtained on an annual basis. License Renewal applications shall be

submitted on forms provided by the Department no later than December 31, of the year preceding the year for which application is made.

(3) Proprietors of any public pool shall pay an annual license fee at a rate specified by action of the Community Health Board. This annual license fee may be adjusted from time to time as the Community Health Board shall deem appropriate. A penalty fee, at a rate specified by Community Health Board action, shall be added to the amount of the license fee, and paid by the proprietor if the annual license fee has not reached the Department by the dates specified in division (B)(1) above.

(4) From and after October 1 of each year, the license fee for new establishments or new operators shall be one-half of the appropriate annual license fees, plus any penalty which may be required.

(5) The fees prescribed by the Community Health Board shall apply to all licenses which become effective on or after January 1 of the licensing year. (Ord. passed 9-20-2016)

§ 116.08 INSPECTION AND CORRECTION.

(A) Pursuant to Minn. Rules part 4717.0375, the Department shall have the right to enter and have access to the public pool at any time during the conduct of business. No persons shall interfere with or hinder the Department in the performance of its duties or refuse to permit the Department to make the inspections.

(B) The person operating a public pool shall, upon request of the Department and after proper identification, permit access to all parts of the pool at any reasonable time for purpose of inspection, and shall exhibit, and allow, copying of any records necessary to ascertain compliance with the provisions of this chapter.

(C) When any of the conditions in divisions (C)(1) to (C)(6) below are found, a public pool must

be immediately closed to use when so ordered by the Department. The owner of the pool, or the owner's agent, must place a sign at the entrance to the pool indicating that the pool is closed. The pool must remain closed until the condition is corrected and approval to reopen is granted by the Department. A pool must be closed when:

(1) The units of lifesaving equipment specified in Minn. Rules part 4717.1450 are not provided;

(2) The water clarity standard specified in Minn. Rules part 4717.1750, subpart 7, is not met;

(3) The disinfection residual specified in Minn. Rules part 4717.1750 subpart 3, is not met;

(4) The pool has been constructed or physically altered without approval of plans as required by Minn. Rules part 4717.0450; or

(5) All drain covers are not properly secured using the screw or attachment recommended by the manufacturer; or

(6) There is any condition that endangers the health or safety of the public.

(D) Whenever an inspection of a public pool is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the pool. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigations.

(E) The inspection report form shall specify a specific and reasonable period of time for the correction of the violation(s). Correction of the violation(s) shall be accomplished within the period specified.

(Ord. passed 9-20-2016)

§ 116.09 STATE DEPARTMENT REGULATIONS.

The requirements contained in this chapter are intended to be comparable to the state's Department of Health Rules, and are intended to meet the minimum requirements set forth by the state's Department of Health. Whenever the state's Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this chapter, the rules set by the state's Department of Health shall govern and will be considered in the enforcement procedure as part of this chapter.
(Ord. passed 9-20-2016)

§ 116.99 PENALTY.

(A) Any person, firm or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days, or both. Each day that a violation continues shall constitute a separate offense. The persons may be enjoined from continuing the violations.

(B) In the event of a violation or a threat of violation of this chapter, the County Attorney may take appropriate action to enforce this chapter, including application of injunctive relief, action to compel performance or other appropriate action in court, if necessary, to prevent, restrain, correct or abate the violations or threatened violations.
(Ord. passed 9-20-2016)

CHAPTER 117: ADULT ENTERTAINMENT USES

Section

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GENERAL PROVISIONS

§ 117.01 FINDINGS.

(A) Studies conducted by the state's Attorney General, the American Planning Association and cities such as: St. Paul, Minnesota; Indianapolis, Indiana; Hopkins, Minnesota; Ramsey, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington; have studied the impacts that adult establishments have in those communities. These studies have concluded that adult establishments have adverse impacts on the surrounding neighborhoods. These impacts include

increased crime rates, lower property values, increased transiency, neighborhood blight and potential health risks.

(B) Based on these studies and findings, the County Board concludes:

(1) Adult establishments have adverse secondary impacts of the types set forth above;

(2) The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by geographic, licensing and health requirements;

(3) It is not the intent of the County Board to prohibit adult establishments from having a reasonable opportunity to locate in the county;

(4) M.S. Ch. 394, as it may be amended from time to time, allows the county to adopt regulations to promote the public health, safety, morals and general welfare; and

(5) The public health, safety, morals and general welfare will be promoted by the county adopting regulations governing adult establishments. (Ord. passed 12-13-2005)

§ 117.02 GENERAL PROVISIONS.

Adult establishments, as defined herein, shall be subject to the following general provisions.

(A) *Zoning.* Adult establishments shall be permitted in the following zones: B-1 (General

Business) and I-1 (Industrial) pursuant to §§ 153.200 through 153.205 and 153.220 through 153.224 of this code of ordinances, subject to the conditions stated herein.

(B) *Location.*

(1) Adult establishments shall be located at least 750 feet away from the following land uses:

- (a) Residence;
- (b) A licensed daycare center;
- (c) Any school;
- (d) Any church;
- (e) Any casino;
- (f) Any hotel or motel;
- (g) Any public park;
- (h) Any cemetery;
- (i) Any hospital;
- (j) Any nursing home;
- (k) Any youth facility; and
- (l) Another adult establishment.

(2) For the purpose of measuring the 750-foot setback, adult establishment shall include the main public entrance of the adult use or adult establishment.

(C) *Signage.* Adult establishments shall adhere to the following signing regulations.

(1) Signs shall be generic in nature and shall only identify the type of business which is being conducted. Signs shall not be pictorial.

(2) Signs messages shall comply with the requirements of size and number for the district in which they are located and shall otherwise comply with § 153.307 of this code of ordinances.

(D) *Separate use.* Each adult establishment is a separate use and no two adult establishments shall be located in the same building or upon the same property.

(E) *Alcohol.* Adult establishments shall be prohibited in establishments where alcoholic beverages are served.

(F) *Minors.* Adult establishments shall be prohibited at any place or event where minors are permitted.
(Ord. passed 12-13-2005) Penalty, see § 117.99

§ 117.03 HOURS OF OPERATION.

An adult establishment may not be open between the hours of 3:00 a.m. and 4:00 p.m.
(Ord. passed 12-13-2005) Penalty, see § 117.99

§ 117.04 REGULATIONS AND CONDITIONS.

(A) No person, firm, partnership, corporation or other entity shall advertise, or cause to be advertised, an adult establishment without a valid license.

(B) An adult establishment licensee shall maintain, and retain for a period of two years, the names, addresses and ages of all persons engaged, hired or employed as dancers or performers by the licensee.

(C) An adult use shall be prohibited in establishments where alcoholic beverages are served or allowed to be consumed.

(D) No owner, operator or manager of an adult establishment shall permit or allow any dancer or other live entertainer to perform nude.

(E) No dancer, live entertainer, performer, patron or any other person shall be nude in an adult establishment.

(F) No dancer, live entertainer or performer shall be under 18 years old.

(G) All dancing shall occur on a platform intended for that purpose which is raised at least two feet from the level of the floor.

(H) No dancer or performer shall perform or dance closer than ten feet to any patron.

(I) No dancer or performer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer.

(J) No patron shall directly pay or give any gratuity to any dancer or performer.

(K) No dancer or performer shall solicit any pay or gratuity from any patron.

(L) No person under the age of 18 years shall be admitted to an adult establishment.
(Ord. passed 12-13-2005) Penalty, see § 117.99

LICENSE REQUIREMENTS

§ 117.15 LICENSE REQUIRED.

No person shall own or operate an adult establishment without having first secured a license.
(Ord. passed 12-13-2005) Penalty, see § 117.99

§ 117.16 LICENSE APPLICATIONS.

The application for an adult establishment license shall be submitted by the owner of the real property intended to be used for adult uses and on a form provided by the county and shall include:

(A) If the applicant is an individual, the name, residence, phone number and birth date of the applicant. If the applicant is a partnership, the name, residence, phone number, and birth date of each general and limited partner. If the applicant is a corporation, the names, residences, phone numbers and birth dates of all those persons holding more than 5% of the issued outstanding stock of the corporation;

(B) The name, address, phone number and birth date of the operator and manager of the operation, if different from the owners;

(C) The address and legal description of the premises where the adult establishment is to be located;

(D) A statement detailing any gross misdemeanor or felony convictions relating to sex offenses, obscenity or the operation of an adult establishment or any adult use by the applicant, operator or manager and whether or not the applicant, operator or manager has ever applied for or held a license to operate a similar type of business in other communities. In the case of a corporation, a statement detailing any felony convictions by the owners of more than 5% of the issued and outstanding stock of the corporation, and whether or not those owners have ever applied for or held a license to operate a similar type of business in other communities;

(E) The activities and types of business to be conducted;

(F) The hours of operation;

(G) The provisions made to restrict access by minors;

(H) A building plan of the premises detailing all internal operations and activities; and

(I) The license shall expire on December 31 of the year it is issued.
(Ord. passed 12-13-2005)

§ 117.17 LICENSE FEES.

(A) Each application for a license shall be submitted to the County Auditor-Treasurer. Each application for a license shall be accompanied by payment in full of the required fee for the license. Upon rejection of any application for a license, the county shall refund the license fee.

(B) All licenses shall expire on December 31 in each year. Each license shall be issued for a period of one year; except that, if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a prorated fee. In computing the fee, any unexpired fraction of a month shall be counted as one month.

(C) The annual fee for an adult establishment license shall be set annually by the County Board.

(D) No part of the fee paid for any license issued under this chapter shall be refunded, except in the following instances upon application to the County Auditor-Treasurer within 30 days from the happening of the event. There shall be refunded a pro rata portion of the fee for the unexpired period of the license, computed on a monthly basis, when operation of the licensed business ceases no less than one month before expiration of the license because of:

- (1) Destruction or damage of the licensed premises by fire or other catastrophe;
 - (2) The licensee's disabling illness;
 - (3) The licensee's death; or
 - (4) A change in the legal status making unlawful for a licensed business to continue.
- (Ord. passed 12-13-2005)

§ 117.18 GRANTING OR DENYING A LICENSE.

(A) The County Sheriff shall investigate all facts set out in the application and the Planning Commission

shall hold a public hearing and report their findings to the Board within 30 days after the County Auditor-Treasurer receives an application. Opportunity shall be given to any person to be heard for or against the granting of the license.

(B) After the investigation and hearing, the County Board shall grant or refuse the application. The County Board shall grant or refuse the application within 30 days after the public hearing has closed.

(C) (1) Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another premise without the approval of the County Board.

(2) If the licensee is a partnership or corporation, a change in the partnership or corporation, a change in the identity of any of the principals of the partnership or corporation shall be deemed a transfer of the license.

(Ord. passed 12-13-2005)

§ 117.19 PERSONS INELIGIBLE FOR LICENSE.

No license shall be granted to or held by any person:

- (A) Under 21 years of age;
- (B) Who is overdue in payments to a city, county, state or federal government of taxes, fees, fines or penalties, or charges or liens for municipal services and utilities assessed against them or imposed upon them;
- (C) Who has been convicted of a gross misdemeanor or felony or of violating any federal or state law or local ordinance relating to sex offenses, obscenity offenses or adult establishments;

(D) Who is not the proprietor of the establishment for which the license is issued; and

(E) Who is residing with a person who has been denied a license by any other state jurisdiction to operate an adult establishment, or residing with a person whose license to operate an adult establishment has been suspended or revoked within the preceding 12 months.

(Ord. passed 12-13-2005)

§ 117.20 PLACES INELIGIBLE FOR LICENSE.

No license shall be granted for adult establishments on any premises:

(A) Which is not in compliance with the county’s zoning regulations, or fire, building and health and safety codes and all provisions of federal and state law; or

(B) Where the licensee has been convicted of a violation of this chapter, or where any license hereunder has been revoked for cause, until five years have elapsed after the conviction or revocation.

(Ord. passed 12-13-2005)

§ 117.21 CONDITIONS OF LICENSE.

(A) All licensed premises shall have the license posted in a conspicuous place at all times.

(B) No minor shall be permitted on the licensed premises.

(C) Any designated inspection officer of the county shall have the right to enter, inspect and search the premises of a licensee during business hours.

(D) No adult goods or material services shall be offered, sold, transferred, conveyed, given, displayed or bartered to any minor.

(E) In granting a license for an adult establishment, the County Board may impose additional conditions to protect the best interest of the surrounding area or the county as a whole.

(F) The licensee must cover or otherwise arrange all windows, doors, and apertures to prevent any person outside the licensed premises from viewing any items or merchandise inside the premises depicting specified sexual activities or specified anatomical areas.

(Ord. passed 12-13-2005) Penalty, see § 117.99

§ 117.22 RIGHT OF APPEAL.

Any applicant whose application for an adult establishment license is denied, or any licensee whose license is revoked or suspended, may appeal the denial, revocation or suspension to a court of competent jurisdiction within 30 days after the denial, revocation or suspension of the license.

(Ord. passed 12-13-2005)

§ 117.99 PENALTY.

(A) Any person violating any provision of this chapter is guilty of a misdemeanor and, upon conviction, shall be punished not more than the maximum penalty of a misdemeanor as prescribed by state law.

(B) Any violation of this chapter shall be a basis for the suspension or revocation of any license granted hereunder. In the event that the County Board proposes to revoke or suspend the license, the licensee shall be notified in writing of the basis for the proposed revocation or suspension. The County Board shall hold a public hearing for the purpose of determining whether to revoke or suspend the license, which public hearing shall be within 45 days of the date of the notice. The County Board shall determine whether to suspend or revoke the license within 45 days after the close of the hearing and shall notify the licensee of its decision within that 45-day period.

(Ord. passed 12-13-2005)

