

CHAPTER VI

PUBLIC HEALTH

Section 601 - Garbage, Refuse, Yard Waste,
and Recyclables Preparation, Collection, and
Disposal; Scavenging; Air Pollution
(Repealed Sec. 600, Bill No. 1989-6;
Added Sec. 601, Bill No. 1989-6)

601.01. Definitions. Subdivision 1. The following terms, as used in this section, shall have the meanings stated:

Subd. 2. "Garbage" means animal and vegetable matter resulting from the preparation, cooking, service, consumption or display of meat, fish, fowl, fruit, grains or vegetables. The term does not include organic materials that are composted according to subsection 601.35. (Amended, Bill No. 1990-18)

Subd. 3. "Refuse" means wastes which normally result from the operation of a household, excluding body wastes, garbage, and designated recyclables. Refuse includes but is not limited to rubbish, tin cans, paper, cardboard, glass jars, bottles, wood, ashes, sod, dirt, tires, rocks, household appliances and furniture or any other household refuse or material. The term does not include construction material or other waste or debris resulting from construction or reconstruction of buildings and other improvements by contractors or trees in excess of six inches in diameter. (Amended, Bill No. 1990-18)

Subd. 4. "Unacceptable waste" includes, but is not limited to, hazardous waste as defined in Minnesota Statutes, Section 116.06, Subd. 13 (1988), and the Resource Conservation and Recovery Act, 42 U.S.C. 6903(5); hazardous waste of any kind or nature, such as explosives, radioactive materials, cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, or other material that would be likely to pose a threat to health or public safety; pathological and biological wastes; hot ashes, foundry sand; sanitary sewage and other highly diluted water-carried materials or substances; all sludges, including sewage sludge and septic and cesspool pumpouts; human and large animal remains; large quantities of non-burnable demolition debris; street sweepings; mining waste; construction debris, trees, agricultural waste (manure) and tires; and waste which was generated outside of the city.

Subd. 5. "Recyclables" means materials which may be recycled or reused through recycling processes. This term includes "designated recyclables".

Subd. 6. "Designated recyclables" means properly prepared and packaged metal beverage and food containers, glass bottles and jars, newsprint, corrugated cardboard, and any other materials as may be defined by the city manager or through state, county, or municipal mandates.

Subd. 7. "Yard waste" means leaves, grass clippings or other organic materials as may be defined by the city manager. The term does not include organic materials that are composted according to subsection 601.35. (Amended, Bill No. 1990-18)

Subd. 8. "Residential dwelling unit" means a single building consisting of two or fewer separate dwelling units with individual kitchen facilities for each unit. The term includes boarding houses in residential districts.

Subd. 9. "Commercial establishment" means any premises where a commercial or industrial enterprise is conducted; the term includes clubs, churches, schools and establishments of nonprofit organizations where food is prepared or served or goods are sold.

Subd. 10. "Incineration" means any device used for the burning of refuse, rubbish, or other waste materials.

Subd. 11. "Licensed private garbage and refuse collector" means a person holding a license from the city for the collection of garbage and refuse.

601.03. Disposal of garbage and refuse. The tenant, owner, or occupant of a private dwelling, house, multiple residence, store, restaurant, and other types of property in the city which accumulate garbage and/or refuse on such premises shall dispose of such garbage and refuse as provided in this section. Garbage and refuse must be disposed of at least once each week and as often as once each business day if necessary to protect the public health. The tenant, owner, or occupant of a private dwelling, house, multiple residence, store, restaurant, or commercial property must contract with a licensed refuse hauler to provide garbage collection or must provide an environmentally sound alternative. Examples of environmentally sound alternatives include self-hauling of garbage to a licensed disposal facility or shared garbage service with a neighbor or other party. No person may accumulate or permit to accumulate any refuse on any property in the city which might constitute a nuisance by reason of appearance, odor, sanitation, littering of the property on which the refuse is accumulated, or an adjacent property, or a fire hazard. (Amended, Bill No. 1992-4)

601.05. Disposal of unacceptable waste. Each generator shall dispose of or arrange for the disposal of its own unacceptable wastes as defined in section 600.01, Subd. 4. "Generator" means any person who generates waste. No person may accumulate or permit to accumulate any unacceptable waste on any property in the city which might constitute a nuisance by reason of appearance, odor, sanitation, littering of the property on which the unacceptable waste is accumulated or an adjacent property, or a fire hazard.

601.07. Collection, supervision and control. The city manager may make regulations concerning the days of collection, type and location of waste containers, designation, preparation, and packaging of recyclables and yard waste, and such other matters pertaining to the collection, transport, and disposal as the manager deems necessary. A person aggrieved by a regulation of the city manager may appeal the regulation to the city council which may confirm, modify, or revoke the regulation.

601.09. Pre-collection practices. Subdivision 1. Preparation of garbage and refuse. All garbage must be wrapped, bagged, or otherwise packaged prior to placement into a container. All garbage and refuse as accumulated on any premises must be placed and maintained in containers and must have drained from it all free liquids before being deposited for collection.

Subd. 2. Preparation of yard wastes. Yard wastes must be bagged separately from garbage, refuse, and other wastes, and must be placed three to six feet from garbage and refuse on collection day.

Subd. 3. Contagious disease refuse. Refuse such as, but not limited to bedding, wearing apparel, or utensils from residential dwelling units or other units where highly infectious or contagious diseases are present, may not be deposited for regular collection but must be disposed of as directed by the director of public safety at the expenses of the owner or possessor thereof.

Subd. 4. Duty to provide and maintain containers in sanitary condition. Garbage, refuse, and yard waste containers must be provided by the owner, tenant, lessee, or occupant of the premises or the waste hauler servicing the premises and must be located in such a manner so as to prevent them from being overturned. Containers for designated recyclables may be provided by the owner, tenant, lessee, or occupant of the premises, the waste hauler servicing the premises, or the city. All containers must be kept in a clean, safe, and sanitary condition and kept free from any substance which will attract or breed flies, mosquitoes, or other insects. No container may have sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof. Containers not complying with the requirements of this subdivision must be promptly replaced.

Subd. 5. Garbage containers. Garbage containers must be made of metal, or other suitable material, which is rodent-proof, and waterproof and which will not easily corrode. Garbage containers must be equipped with suitable handles and tight-fitting covers and must be kept tightly covered when there is garbage therein.

Subd. 6. Refuse and yard waste containers. Refuse and yard waste containers must be of a kind suitable for collection purposes and must be kept tightly covered or securely fastened when there is refuse or yard waste therein.

Subd. 7. Residential dwelling units; placement of garbage, refuse, yard waste, and designated recyclables. Garbage, refuse, yard wastes, and designated recyclables must be deposited for pickup adjacent to the street or alley from which the pickup is to be made, unless the licensed residential hauler agrees to pick up such materials from some other allowable location on the premises. Material deposited adjacent to a street or alley for pickup must be deposited off the traveled roadway at ground level. No material may be deposited next to the traveled roadway of any street or alley before sunset of the day before the day of collection. Garbage, refuse, designated recyclables, yard waste, and disposable bags and wrappings must be picked up by the licensed residential hauler so that after pick up no such items are left adjacent to the street or alley. The owner or occupant of the premises must remove all containers and any materials not picked up by the licensed residential hauler from their location next to the street or alley by the end of the collection day.

Subd. 8. Multiple residential units. Multiple residence units having more than two family units and which require garbage and refuse pickup more frequently than once each week must either be equipped with containers and provided with pickup service as provided in this subsection or be equipped with a commercial incinerator complying with the requirements of the Minnesota Pollution Control Agency and licensed by the city as provided in this section. Containers provided as an alternative to or in addition to such incineration must be at least one cubic yard in capacity, must be conveniently located in relationship to the residence units for which they are provided, must be watertight and rodent-proof with self-closing lids and be kept in an enclosing structure concealing them from public view. Property owners of multiple residential units must provide apartment dwellers at their units an opportunity to recycle materials defined as designated recyclables. Containers for designated recyclables must be conveniently located in relationship to the residence units for which they are provided, must be watertight and rodent-proof with lids and be kept in an enclosing structure concealing them from public view.

The structure must have a concrete floor and must be kept in a state of good repair at all times. All containers must be located so that their contents are inaccessible to at least three feet above the base of the enclosing structure. The owner or operator of multiple residence property must provide for pickup from the containers. Refuse, debris, garbage, recyclables and other waste materials may not be permitted to be accumulated in or near the enclosing structures except in the containers. There shall be daily cleanup in and around each enclosing structure. (Amended, Bill No. 1991-6)

Subd. 9. Commercial property. The owner or occupant of commercial establishments or any other property which produces a volume of garbage or refuse or both, which requires garbage or refuse pickup more frequently than once each week, must also comply with the provisions of subdivision 8.

Subd. 10. Preparation of designated recyclables. Residents in singlefamily through eight unit apartment dwellings must separate designated recyclables from garbage, refuse, and other wastes. Designated recyclables should be prepared for collection according to city specifications, and placed in the recycling bin on garbage collection day. Designated recyclables may also be taken to a drop-off site, sold to a buy-back center, or given to volunteer groups. (Added, Bill No. 1992-3)

601.11. Air pollution control regulations. Air Pollution Controls and Regulations pursuant to Minnesota Rules, Chapter 7005 (M.P.C.A.), are hereby adopted by reference.

601.13. Vehicles for hauling garbage and refuse. Persons hauling or conveying garbage or refuse over the streets of the city must use a vehicle provided with a tight cover. The vehicle must be operated and maintained so as to prevent offensive odors from escaping or garbage or refuse from being blown, dropped or spilled from the vehicle. Vehicles must be kept clean and as free from offensive odors as possible and, if customarily used for the hauling of garbage or refuse, may not be allowed to stand in any street, alley, or other place longer than is reasonably necessary to collect garbage and refuse. Vehicles customarily used for such purposes must be kept in a clean and sanitary condition and thoroughly disinfected at least once each week unless the same has not been used since the last disinfection thereof.

601.15. Licensing of garbage and refuse collectors. Subdivision 1. License required. No person may engage in the business of garbage or refuse collection in the city without a license from the city to do so. There are two license classifications:

- (1) Residential license. A residential license is required for collecting garbage or refuse from a residential dwelling unit.
- (2) Commercial license. A commercial license is required for collecting garbage or refuse from any premises other than a residential dwelling unit.

Unless otherwise indicated, the provisions of this subsection apply to both license classifications.

Subd. 2. License application. A person desiring a license must make application to the Department of Public Safety. The application must accurately state:

- (1) the name of the owner or the licensee,
- (2) the proposed charges for hauling,
- (3) a description of the kind of services to be rendered including separate collection of yard waste;
- (4) a description of each motor vehicle to be used for hauling including the license number thereof;
- (5) a record of household recycling participation rates consistent with Hennepin County requirements;
- (6) verifiable volume or tonnage summaries of yard wastes collected in Richfield during the previous year; and
- (7) verifiable tonnage summaries of designated recyclables collected in the city during the previous year; and
- (8) previously unlicensed haulers will have requirements in the above paragraphs (5), (6), and (7) waived for their first year of operation in the city but must comply with paragraphs (1), (2), (3), and (4) of this subdivision. (Amended, Bill No. 1991-14; Bill No. 1993-4)

Subd. 3. Request for progress reports regarding designated recyclables and yard waste collection. Residential haulers, and commercial haulers collecting at apartment buildings of eight-plex or less in the city, are required to provide verifiable volume and/or tonnage summaries of separately collected yard wastes and designated recyclables. Such reports will be due to the city on a quarterly basis (April 20 for January, February, March; July 20 for April, May, June; October 20 for July, August, September; and January 20 for October, November, December). (Amended, Bill No. 1991-14; Bill No. 1993-4)

Residential haulers, and commercial haulers collecting at apartment buildings of eight-plex or less in the city, are required to provide participation rates regarding total number of possible household recycling stops and number of actual recycling stops. Such reports will be due to the city in May and October. (Added, Bill No. 1993-4)

Upon reasonable notice at any time during the license term, the city may request and the hauler must provide verifiable volume and/or tonnage summaries of separately collected yard wastes and designated recyclables. This is necessary in order to track recycling and yard waste collection performance and to comply with Hennepin County reporting requirements.

Subd. 4. Insurance required. The applicant must file with the Department of Public Safety a current policy of insurance covering all vehicles to be used in the applicant's business. The minimum limits of coverage for insurance are:

- (A) \$200,000 for any person injured;
- (B) \$300,000 for any property damage; and
- (C) \$600,000 for any number of claims arising out of a single occurrence.

The insurance must be kept in force during the license and must provide for notification of the city prior to termination or cancellation. Licenses issued will be revoked automatically at the time of termination or cancellation of the insurance unless other insurance is provided.

Subd. 5. Bond. The applicant must furnish to the city and deposit with the Department of Public Safety a certified bond in the sum of \$1,000 for each vehicle licensed, to be conditioned upon the faithful performance by the licensee for all work entered into or contracted for by the licensee and conditioned upon compliance with all the provisions and requirements of this section and all applicable sanitary rules and regulations.

Subd. 6. License fee. The annual fees for residential and commercial licenses are set in appendix D.

Subd. 7. Temporary substitute vehicle. If a licensed vehicle becomes temporarily inoperable, the hauler may substitute in its place an unlicensed vehicle for a period not to exceed one week. Unlicensed substitute vehicles must conform in all respects to the requirements other than licensing contained in this subsection. The hauler must notify the city engineer of the substitution within 36 hours.

Subd. 8. Inspection. Licensed vehicles must have the name of the licensee clearly printed on both sides. The license clearly printed on both sides. The license must be kept in the vehicle at all times while the vehicle is being used for the Licensed purpose.

Subd. 9. No vested right. A person licensed under this section does not have a vested right in the license. The city may, upon finding that public necessity requires, determine to establish another means of garbage, refuse, yard waste or designated recyclables collection.

Subd. 10. Obligation of licensed collectors. A licensed garbage and refuse collector must pick up garbage, refuse, and yard waste in the manner provided by this section. A licensed residential garbage and refuse collector must also pick up designated recyclables as follows:

- (a) Recycling pick up must be provided on a weekly basis if the capacity of the provided container is 32 gallons or less. Or
- (b) Recycling pick up must be provided on a weekly or bi-weekly basis if the capacity of the provided container is 32 gallons or greater.
(Amended, Bill No. 2003-13)

601.17. Scavenging. It is unlawful for any person or business to scavenge or otherwise collect garbage, refuse, yard wastes, or designated recyclables (excluding newspaper) at the curb or from recycling containers) without a license from the city and an account relationship with the owner of the premises. (Correction, 12-22-89)

601.19. Disposal of starbage and refuse: approved sites. It is unlawful for any person to dispose of garbage or refuse from any source in any place other than in a sanitary landfill or at a county designated facility.

601.21. Disposal of yard wastes; approved sites. Yard wastes collected by haulers must be delivered to a compost site approved by the city manager or designated by Hennepin County where the materials must be weighed (or volume determined). Verifiable tonnage or volume of yard waste must be reported to the Department of Public Safety as required in the license application.

601.23. Disposal of designated recyclables; approved sites. Designated recyclables collected by haulers must be delivered to a processing facility or end market where the material must be weighed and processed for later reuse. Verifiable tonnages of designated recyclables must be reported to the Department of Public Safety as required in the license application.

601.25. Storage of garbage, refuse, and recyclables containers. Garbage cans, refuse, and recyclables containers must be located alongside or behind the house or garage of a residential dwelling unit.

601.27. Burning. Subdivision 1. Permit. No person may willfully burn or set fire to any grass, weeds, or other natural ground cover, or any building,

fixture, or appurtenance of real property unless a permit has been secured from the Director of Public Safety.

Subd. 2. Grass fires. No person may negligently or carelessly set on fire or cause to be set on fire any woods, prairie, grass or other combustible material, whether on the person's own land or not, by means whereof the property of another will be endangered. No person shall willfully allow any fire on the person's own land, or land occupied by the person, to extend beyond the limits thereof.

Subd. 3. Conditions of permit. If a burning permit is required, the Director of Public Safety may condition the granting of the permit in such manner as the director deems appropriate. A violation of the conditions is a violation of this subsection. Permits shall be issued only under such circumstances as may be allowed by the air pollution regulations adopted in this subsection and as may be allowed by the other provisions of this code.

601.29. Incinerators. Subdivision 1. License required. No person may operate an incinerator within the city for the burning of garbage or refuse unless the incinerator complies with the requirements of the Minnesota Pollution Control Agency. No incinerator, except an incinerator for a residential dwelling unit, may be operated within the city unless the operation of incinerator has been licensed by the city as provided in this subsection.

Subd. 2. Application. Application for a license shall be made to the city clerk. The application shall state (i) the name and address of the owner of the property on which the incinerator is located, (ii) a description of the type of incinerator, and (iii) except in renewal applications, a plan showing that the incinerator will comply with applicable rules and regulations.

Subd. 3. License fee. The annual license fee is set by appendix D.

Subd. 4. License standards. Applications for incinerator licenses may be granted by the city clerk if the clerk finds that the incinerator meets the requirements of the Minnesota Pollution Control Agency and this code. The clerk may, however, refer any application to the city council. In the event of a referral to the city council, the city council may grant or deny the application. It is grounds for denial of the application if the applicant or other persons occupying the premises at which the incinerator is or would be located have not complied with regulations of the city relating to health, safety, building, or zoning or any regulations applicable to the incinerator.

601.31. Incinerators serving residential dwelling units. Subdivision 1. General Rule. Incinerators installed to serve residential dwelling units shall comply with the provisions of this subsection.

Subd. 2. Permit required. A permit is required for the installation of any incinerator serving a residential dwelling unit.

Subd. 3. Installation. An incinerator must be installed in accordance with Chapter IV and shall meet the requirements of the Minnesota Pollution Control Agency.

Subd. 4. Standards; outdoor incinerators. An outdoor incinerator must be constructed as follows:

- (a) it shall be at least six feet from any property line, except that if it is screened on three sides by a fence or barrier wall it may be located within two feet of the property from which it is screened;
- (b) it shall be at least ten feet from the dwelling on the lot on which it is located;
- (c) it shall be at least 12 feet from any dwelling on any adjacent lot;
- (d) it shall be at least one foot from any combustible building, fence or other structure or material or any trees or shrubs;
- (e) if it is protected or screened it shall be at least one foot from any part of such protective barrier or screen;
- (f) it shall be to the rear of the front building line of the residential lot on which it is located and it shall be to the rear of the front building line of an abutting lot.

601.33. Regulation of scavengers. Subdivision 1. License required. No person may follow or practice the occupation of scavenger, or act as a scavenger within the city without first having obtained a license. No person may empty the contents of any privy, privy box, vault, sink, septic tank or cesspool into any manhole or other outdoor sewer installation in the city unless being so licensed.

Subd. 2. Transportation of facilities. No part of the contents of any such facility may be removed therefrom, nor may any of the contents from any such facility be transported into, within or through the city unless it is removed or transported by means of some airtight apparatus, whether pneumatic or some other process, so as to prevent the contents from being agitated or exposed in the open air during the process of removal or transportation.

Subd. 3. Fumes. Any tank, vehicle and apparatus must be maintained and operated in such manner as to avoid the omission of offensive fumes or the spill or loss of any unsanitary or offensive substance.

Subd. 4. Disposition of contents. No part of the contents of any privy, privy box, or vault may be emptied into any manhole or other outdoor sewer installation in this city.

Subd. 5. Permit for dumping. In the event that a cesspool must be opened in order to remove the contents of the same, or the contents thereof dumped in a city sewer, a permit must first be secured from the director of community services, and the fee as provided in appendix D shall be paid for the permit.

Subd. 6. Scavenging work limited to licensees. No person other than a properly licensed scavenger may clean any sanitary or plumbing facility listed in subdivision 1, nor may anyone deposit the contents thereof in any unauthorized place within the city.

Subd. 7. Application for license. Application for a scavenger's license shall be made to the city clerk, be signed by the applicant and contain the name and address of the proposed license and of the owner and license numbers of the vehicle or vehicles to be used and equipment to be used. The application shall be filed with the clerk who shall forthwith transmit the same to the Director of Public Safety for approval. Each vehicle used shall have a separate license. Upon approval by the director of public safety the application shall be submitted to the city manager for consideration.

Subd. 8. License fee. The license fee is fixed by appendix D. Licenses expire on December 31 next following the date when they become effective.

Subd. 9. Equipment licensed. The license shall constitute a registration of the vehicle licensed and of the tanks, containers and equipment to be used therewith. No other vehicle, tank or equipment may be used without first obtaining written approval of the substituted vehicle, tank or equipment from the Director of Public Safety.

Subd. 10. Identification of equipment. The name of the licensee or his registered name shall be printed in plain letters, along with the license number, on each side of the cab of the licensed vehicle.

Subd. 11. Use of vehicle. No person may cause or permit any vehicle used for scavenger hauling to stand or remain at or near any public building or residence or upon any street, alley, lot or other public place, for a longer time than is actually required in the loading, conveying and unloading thereof.

Subd. 12. Bond requirements. No license may be issued until the applicant first files with the city clerk a corporate surety bond in the principal amount of \$2,000, conditioned upon the faithful performance by the applicant of all things required by this code and is further conditioned so as to guarantee that the applicant restores all streets, alleys, or other public grounds, or sewers, manholes or appurtenances thereto to their former good condition to the satisfaction of the city manager, if public property is damaged by applicant in the course of operating as a scavenger.

Subd. 13. Insurance requirements. No license may be issued unless and until the applicant first files with the clerk a policy or policies of insurance insuring the applicant and the city against loss for each licensed vehicle in the sum of at least \$100,000 against liability imposed on account of damage to or destruction of property by reason of the ownership or operation of the vehicle. The policy shall provide that it may not be cancelled by the insurer except upon notice to the city. In case of cancellation of the insurance, the license is suspended until the insurance has been replaced.

Subd. 14. Dumping of contents. Dumping of the contents of a licensed vehicle in the city sanitary sewer system shall be limited to contents removed from installations within this city unless the council, by resolution, permits dumping from other designated municipalities. No dumping shall be permitted except at manholes designated by the Director of Community Services and specifically equipped for such dumping, and only if the person doing the dumping has obtained a permit as required. Emergency dumping by licensed scavengers may be made at authorized manholes on weekends and holidays when city offices are not open, the person doing the dumping shall obtain a permit on or before noon the next following secular day. The dumping may be done only on week days, Monday through Friday, between the hours of 8:00 a.m. and 6:00 p.m. and on Saturdays, Sundays and holidays during the hours only in emergency cases. Vehicles used for dumping into the city sanitary sewer system shall be equipped with a gate valve and hose to control the flow of contents into the sewer.

Subd. 15. Revocation. Violation of any of the provisions of this subsection is grounds for an automatic revocation of the license.

601.35. Composting. Private composting is permitted if the following conditions are met.

- (a) Only organic materials, such as grass clippings, leaves, flowers, dried weeds, sawdust, wood ash and plant trimmings, lake plants, straw, raw vegetable and fruit scraps, coffee grounds, egg shells, and commercially available compost ingredients, may be placed in the compost container.
- (b) Composting shall be conducted within an enclosed structure, not to exceed 100 cubic feet (for example, 5'x5'x4') in volume for individual structures, or 300 cubic feet (approximately 15'x5'x4') for "three bin" containers. Compost structures must be of a durable material such as wood, brick, concrete block, or sturdy metal fencing material, and must be neat in appearance and capable of securing composting materials. The three bin and barrel composter methods may also be utilized.
- (c) The following materials are not permitted in compost containers: meat, bones, fat, oils, whole eggs, dairy products, whole branches or logs, plastics, synthetic fibers, human or pet wastes, diseased plants, or paper.
- (d) The compost container shall be located in the rear yard of the property, at least three feet from any property line. If a rear yard location is unavailable or impractical, the compost container may be placed in another location approved by the public safety director or authorized designee.
- (e) At no time shall composting create a health hazard or a nuisance to adjoining properties. (Added, Bill No. 1990-18)

Section 605 - Commercial Adult-Oriented Services

605.01. Regulation of various commercial adult-oriented services. Subdivision 1. Policy statement. In order to protect the public health, safety and welfare and to guard against the inception and transmission of disease, the city council deems it necessary to provide for the special and express regulation of businesses or commercial enterprises which operate as massage parlors, saunas, rap parlors, conversation parlors, adult sensitivity groups, adult encounter groups, personal escort services, dancing services, hostess services and similar adult oriented services operating under different names. The city council further finds that commercial enterprises such as the type described above, and all other similar establishments whose services include sessions offered to adults, conducted in private by members of the same or the opposite sex, and employing personnel with no specialized training, are susceptible to operation in a manner contravening, subverting or endangering the morals of the community by being the sites of acts of prostitution, illicit sex and occasions of violent crimes, thus requiring close inspection, licensing and regulation.

Subd. 2. Current licenses. In the case of commercial enterprises such as those described above which are currently licensed, such establishments may be allowed to retain their licenses but not beyond March 1, 1986, provided that the establishments do not violate the provisions of this section and that the city council determines that it is in the city's best interest to renew the licenses annually pursuant to the procedures set forth in this section.

605.03. Definitions. Subdivision 1. "Massage" means the rubbing, stroking, kneading, tapping or rolling of the body of another with the hands or objects for the exclusive purpose of physical fitness, relaxation, beautification and for no other purpose.

Subd. 2. "Masseur" means a male person who practices or administers a massage.

Subd. 3. "Masseuse" means a female person who practices or administers a massage.

Subd. 4. "Massage parlor" means any establishment or place providing to the public at large massage services, other than a hospital, sanitarium, rest home, nursing home, boarding home, or other institution for the hospitalization or care of human beings duly licensed under the provisions of Minnesota Statutes, sections 114.50 through 144.69, and other than a health and fitness club as described in subsection 605.37 of this section.

Subd. 5. "Massage services" means a business offering or providing massages to others where a fee is charged, whether or not the massage services are rendered at the licensed location.

Subd. 6. "Sauna" means a public facility used for the purpose of bathing, reducing or relaxing, which utilizes steam as a cleaning, reducing or relaxing agent.

Subd. 7. "Rap parlor", "conversation parlor", "adult encounter group" and "adult sensitivity group" mean any person establishment or business advertising, offering, selling, trading or bartering the services of itself, or its employees or agents as nonprofessional counselors, or teachers or therapists who may talk to, discuss or have conversation with patrons or who deal in any way with a patron's physical senses, whether or not other goods or services are simultaneously advertised, offered, sold, traded or bartered and regardless of whether said goods or services are also required to be licensed.

Subd. 8. "Personal escort service", "model service", "dancing service" and "hostess service" mean any person, establishment or business advertising, offering, selling, trading or bartering the services of itself or its employees or agents as hostesses, models, dancers, escorts, dates or companions whether or not goods or services are simultaneously advertised, offered, sold, traded or bartered and regardless of whether said goods or services are also required to be licensed.

Subd. 9. "Similar adult-oriented services" is meant to include all other services which fall within the definitions of subsection 605.03 but are operated under different names.

Subd. 10. "Certificate" means a certificate issued by the city authorizing the holder thereof to practice or administer massage in the city.

605.05. License required. No person shall engage in the business of operating an enterprise as defined in subsection 605.03, either exclusively or in connection with any other business enterprise, or hold himself or herself out as being a masseur or masseuse or engaged in or offering services as a model, hostess, dancer, escort or counselor in a rap parlor, conversation parlor, adult sensitivity group or adult encounter group without a license. Whenever any establishment ceases to be licensed as a massage parlor, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group or model service, personal escort service, dancing service, hostess service or similar adult oriented service, whether through the suspension, cancellation, revocation, nonrenewal or lapse of its license, its owners shall immediately remove from public view any sign or display which identifies the establishment as being an enterprise as defined in subsection 603.03.

605.07. Contents of application for license. Subdivision 1. Forms. Application for a license shall on y on the forms provided by the city manager. four complete copies of the application must be submitted to the city manager's office.

Subd. 2. Application. The application shall contain the following:

- (a) address and legal description of the property to be used.
- (b) the name, address and telephone number of two residents of Hennepin County who may be called upon to attest to the applicant's, manager's or operator's character.

(c) Whether the applicant, manager or operator has ever been convicted of a crime or offense and, if so, complete and accurate information as to the time, place, and nature of such crime or offense, including the disposition thereof.

(d) The names and addresses of all creditors of the applicant, owner, lessee or manager insofar as and regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating, furnishing or acquiring the premises, personal effects, equipment or anything incidental to the establishment, maintenance and operation of a massage parlor, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group, personal escort service, model service, dancing service, hostess service or similar adult-oriented service.

(e) If the application is made on behalf of a joint business venture, partnership or any legally constituted business association other than a corporation, it shall submit, along with the application, accurate and complete business records showing the names and addresses of all partners, officers and owners and, in the case of a corporation, the names and addresses of all officers, general managers and members of the board of directors.

(f) If the application is made on behalf of a joint business venture, partnership, legally constituted business association or corporation, the applicant shall also submit the names and addresses of any and all creditors who have extended credit for the acquisition, maintenance, operation or furnishing of the establishment.

(g) All applicants shall furnish to the city, along with their applications, complete and accurate documentation establishing the interest of the applicant and any other person having an interest in the premises upon which the enterprise is proposed to be located or in the furnishings thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage, credit arrangement, loan agreement, security agreement and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise offering services as defined in subsection 605.03.

(h) The application shall also contain blueprints, diagrams, plans, layouts and the like, showing the construction, revision, remodeling, alteration or additions of or to the premises and specifically showing the layout, design and arrangement of the bathing and restroom facilities and the size and type of equipment and facilities to be used.

(i) All applicants shall state whether they are licensed in other communities, and if so, where.

(j) All applicants shall state any other licenses for which they have applied within the last ten years and any denial, suspension or revocation of a license along with an explanation of any denial, suspension or revocation.

605.09. License fee, license investigation and license year. The annual license fee is \$1,500 and the annual fee for the investigation for the purposes of issuing a license is \$1,500. The license fee and fee for the investigation of the license shall be paid when the application is filed. In the event that the license is denied upon application, the license fee shall be refunded; however, no part of the license investigation fee shall be returned to the applicant. In the event that the license, once issued, is revoked, cancelled or surrendered, no part of the annual license fee or fee for the investigation for the issuance of a license shall be returned to the applicant unless by express action of the city council. A separate license shall be obtained each calendar year for each place of business. The licensee shall display the license in a prominent place in the licensed premises at all times. A license, unless revoked, is for the calendar year or a part thereof for which it has been issued. The fee for the investigation for issuance of a license must be tendered with each new application for a license if: (i) the establishment has violated the provisions of this section or (ii) the department of public safety has received an inordinate number of complaints concerning the establishment or, (iii) the council should act requiring that the investigation fee be paid, or (iv) there is a proposed change of ownership or reapplication for a license wherein additional or different parties other than the original licensee and parties are proposing to be licensed. All licenses granted herein are nontransferable.

605.11. Conditions governing issuance of a license. Subdivision 1. Applicant. Licenses shall be issued only if the applicant and all of its owners, managers, employees, agents or interested parties are persons of good moral character and repute.

Subd. 2. Prior offenses. Licenses may be issued only if the applicant and all of its owners, managers, agents, employees or interested parties are free of convictions for offenses which involve moral turpitude or which relate directly to such person's ability, capacity or fitness to perform the duties and discharge the responsibilities of the licensed activity.

Subd. 3. Prior revocation. Licenses shall be issued only to applicants who have not, within three years prior to the date of application, had a license of this type revoked or suspended in or by any community or political entity and whose owners, managers, or any interested parties have not been similarly revoked or suspended.

Subd. 4. Cooperation of applicant. Licenses shall be issued only to applicants who have answered fully and truthfully all of the information requested in the application, who have paid the full license fee and investigation fee, and who have cooperated fully and truthfully with the city in the review of the application.

Subd. 5. Age. If the applicant is a natural person, a license shall be granted only if such person is 18 years of age or older.

Subd. 6. Zoning. Licenses may only be granted when the premises involved are in complete conformity with the zoning code of the city.

Subd. 7. Other code Provisions. Licenses shall be granted only to establishments which meet the safety, sanitary, and building code requirements of the city.

Subd. 8. Planning considerations. A license shall not be granted if granting the license (i) would be inconsistent with the comprehensive development plans of the city of Richfield or (ii) would otherwise have a detrimental effect upon other property or properties in the vicinity.

605.13. Certificate required. No person shall engage in or hold himself or herself out as being engaged in the practice of massage nor shall any person administer or practice massage commercially or for hire, or for the exchange of any valuable consideration without first having obtained a certificate as herein provided, except that a certificate shall not be required for any person who is currently registered by the State Board of Medical Examiners or except as elsewhere provided in this section.

605.15. Contents of the application or certificate. Subdivision 1. Forms. Application shall be made on forms provided by the city manager.

Subd. 2. Application. The application shall contain the following information together with any other information which the manager may require:

- (a) evidence of the applicant's educational qualifications, including originals or certified copies of degrees, diplomas or certificates, if any;
- (b) evidence of applicant's practical qualifications to practice massage;
- (c) evidence that the applicant is of good moral character;
- (d) the names and addresses of two persons who are residents of Hennepin County and who can attest to the applicant's character;
- (e) statement disclosing whether the applicant has ever been convicted of a crime or offense and, if so, information as to the time, place and nature of such crime or offense;
- (f) evidence in the form of a current certificate from a licensed physician practicing in Minnesota indicating (i) that within the past 30 days he has examined the applicant, and (ii) that such examination was for the purpose of determining whether applicant had any communicable disease and (iii) that as a result of such examination he believes that applicant is not suffering from a communicable disease; and
- (g) evidence that the applicant is at least 18 years of age.

Subd. 3. Certificate fee, certificate investigation fee and certificate year. The annual certificate fee shall be \$50 and an investigation fee for the purposes of issuing a certificate is \$100. The certificate fee and fee for the investigation of the certificate shall be paid when the application is filed. In the event that the certificate is denied upon application, the certificate fee shall be refunded; however, no part of the certificate investigation fee shall be returned to the applicant. In the event that the certificate, once issued, is revoked, cancelled or surrendered, no part of the annual certificate fee or fee for the investigation for the issuance of a certificate shall be returned to the applicant unless by express action of the council. A separate certificate shall be obtained each calendar year. The certificate holder shall display the certificate in a prominent place on the premises of the certificate holder at all times. A certificate, unless revoked, is for the calendar year or a part thereof for which it has been issued. The fee for the investigation for issuance of a certificate must be tendered with each new application for a certificate if the applicant has violated the provisions of this section. A certificate permitting the holder thereof to practice massage is nontransferable.

605.19. Conditions governing issuance of the certificate. Subdivision 1. Applicant. Certificates shall be issued only to persons of good moral character and repute and persons who are in good health and free from any communicable disease.

Subd. 2. Prior offenses. Certificates may be issued only to persons free of convictions offenses which involve moral turpitude or which relate directly to the person's ability, capacity or fitness to perform the duties and discharge the responsibility of the occupation.

Subd. 3. Prior revocation. Certificates may not be issued to persons who, within one year prior to the date of application, have been denied certification licensing or who have had their certificate or license revoked or suspended by any community political entity or by the State of Minnesota.

Subd. 4. Cooperation of applicant. Certificates may be issued only to persons who have fully and truthfully answered all of the information requested in the application and have paid the full certification fee and certification investigation fee.

Subd. 5. Age. Certificates may be issued only to persons 18 years of age or older.

605.21. Granting or denial of licenses and certificates. Subdivision 1.

Application review. License applications and certificate applications shall be reviewed by the department of public safety, planning department, and such other departments as the manager shall deem necessary. The review of license applications shall include an inspection of the premises covered by the application to determine whether the premises conform to applicable code requirements. Licenses shall be issued upon the approval of the city council only after a public hearing has been conducted.

Subd. 2. Term of license. The general provisions of chapter X of this code relating to the issuance of licenses shall govern except as they are inconsistent or in conflict with the provisions of this section. A license permitting the conduct of an establishment offering services as a massage parlor, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group, personal escort service, model service, dancing service, hostess service or other similar adult-oriented service is nontransferable and nonrenewable, and application must be made each year for a license permitting and allowing the conduct of such business for the succeeding year.

Subd. 3. Term of certificate. A certificate permitting the holder thereof to practice or administer massage commercially is nonrenewable and nontransferable and application must be made each year for a certificate permitting and allowing the holder thereof to administer or practice massage for the succeeding year.

605.23. Restrictions and regulations. Subdivision 1. Compliance with law. The licensee and any persons in his or her employ or agents or officers thereof and any and all persons with an interest in said business shall comply with applicable ordinances, regulations and laws of the city of Richfield, the state of Minnesota, and the United States.

Subd. 2. Person in charge. If the licensee is a partnership or corporation, the applicant shall designate a person to be manager and in responsible charge of the business and employees. Such person shall remain responsible for the conduct of the business and employees until another suitable person has been designated in writing by the licensee. The licensee shall promptly notify the department of public safety in writing of any such change, indicating the name, address and telephone number of the new manager and the effective date of such change.

Subd. 3. Inspections. Every licensee shall allow an examination and inspection of every part of the premises by any police, fire or health authority of the city during normal business hours four times each year. Refusal to allow such inspection or to answer the request of city police, fire or health authority to be admitted to a licensed premises shall be grounds for suspension or revocation of all licenses.

Subd. 4. Hours. The licensed premises shall not be open for business nor shall patrons be permitted on the premises between the hours of 9:00 p.m. and 8:00 a.m. on any day.

Subd. 5. Identification. Upon demand of any police officer, a person employed in a licensed premises must identify himself by giving his true legal name and his correct address.

Subd. 6. Age. No person under 18 years of age may be employed in an establishment requiring a license under the provisions of this subsection.

Subd. 7. List of employees. The licensee shall furnish the department of public safety with a list of current employees, indicating their names and addresses and designating the names and duties of the employees within the licensed premises. The licensee shall promptly notify the department of public safety of any additions to or deletions from the list of employees or changes in their job descriptions or duties.

Subd. 8. Cleanliness. The licensed premises must be kept and maintained in a sanitary condition defined as being free from the vegetative cells of pathogenic microorganisms and all equipment, personal property, tables, beds, towels, clothing and the like used in or for the licensed premises shall also be maintained in a sanitary condition as defined herein.

Subd. 9. Certificates for practice of massage. No licensee shall employ any person as a masseur or masseuse without first insuring that the employee possesses a valid certificate for the administration or practice of massage, except as otherwise provided in this section.

Subd. 10. Photographs certificates. Every person to whom a certificate is issued shall appear personally at the department of public safety to receive delivery of the certificate and upon such appearance, shall be photographed for identification purposes. One copy of the photograph shall be permanently affixed to the certificate and a second copy thereof shall be kept in the files of the department of public safety.

Subd. 11. Display of Certificates. Except as otherwise provided in this section, any person acting as a masseur or masseuse shall have his or her certificate displayed in a prominent place at his or her place of employment and upon demand by any police officer or other authorized officer or agent of the city, any person engaged in practicing massage shall identify himself or herself giving his or her true legal name, correct address and phone number.

Subd. 12. Location change. Except as otherwise provided in this section, any person practicing massage within the city shall initially advise the city of his or her address and telephone number and shall further advise the city of any changes in address or telephone number within 30 days of such change.

Subd. 13. Clients. Except as otherwise provided in this ordinance, it is unlawful for a masseur to practice massage upon any person except a male and for a masseuse to practice massage on any person except a female.

Subd. 14. Clothing. Any masseur or masseuse practicing massage shall remain fully clothed in a nontransparent uniform or clothing at all times. At all times during the operation of any enterprise as defined in subsection 605.03, both employees and customers must be and remain fully clothed in nontransparent clothing.

605.25. Construction and maintenance requirements. Subdivision 1. Locker rooms. Each licensed premises shall have a separate restroom and separate locker room for members of each sex.

Subd. 2. Materials. All massage rooms, locker rooms, restrooms and bathrooms used in connection therewith shall be constructed of materials, including ceramic tile, quarry tile, glazed-finish cement block or other similar material, which are impervious to moisture, bacteria, mold or fungus growth and shall be maintained in a sanitary condition defined as being completely free from the vegetative cells of pathogenic microorganisms. The floor-to-wall joints shall be constructed to provide a sanitary cove with a minimum radius of one inch. All equipment, personal property, beds, towels, clothing and the like used in the massage parlor shall be of a sanitary design and kept in a sanitary condition.

Subd. 3. Restrooms. All restrooms shall be provided with mechanical ventilation with 2 cfm per square feet of floor area, a hand washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.

Subd. 4. Lighting. All rooms in the licensed premises including, but not limited to, massage rooms, sauna rooms, restrooms, bathrooms, rap rooms, conversation rooms, modeling rooms, dancing rooms, janitor's closets, hallways and reception areas shall be illuminated with not less than 30 foot candles of illumination, measured 30 inches from the floor.

Subd. 5. Janitors closets. Each licensed premises shall have a janitor's closet which shall provide for the storage of cleaning supplies. The closet shall have mechanical ventilation with 2 cfm per square foot of floor area. Such closet shall include a mop sink.

Subd. 6. Repair and sanitation. Floors, walls and equipment in massage rooms, sauna rooms, restrooms, bathrooms, rap rooms, conversation rooms, modeling rooms and dancing rooms must be kept in a state of good repair and sanitary at all times. Linen and other materials shall be stored at least 12 inches off the floor. Clean towels, washcloths and linens must be available for each customer.

Subd. 7. Lockers. Individual lockers shall be made available for use by patrons. Such lockers shall have separate keys for locking.

Subd. 8. Refuse. Such establishments shall provide adequate refuse receptacles which shall be emptied as required.

605.27. Health and disease control. No person while afflicted with any disease in a communicable form or while a carrier of such disease or while afflicted with boils, infected wounds, sores or any acute respiratory infection may work in or use the services of any licensed premises. No person known or suspected of being afflicted with any such disease or condition shall be employed or permitted in such area or capacity.

605.29. Revocation, suspension or nonrenewal of license. The license may be revoked, suspended or not renewed by the city council upon recommendation of the city manager by showing that the licensee, its owners, manager, employees, agents or any other interested parties have engaged in any of the following conduct:

- (a) Fraud, deception or misrepresentation in connection with the securing of the license.
- (b) Habitual drunkenness or intemperance in the use of drugs including, but not limited to, the use of drugs defined in either 26 U.S.C. section 4731 or Minnesota Statutes, section 152.02, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, dexedrine or other sedatives, depressants, stimulants or tranquilizers.
- (c) Engage in conduct involving moral turpitude or permitting or allowing others within their employ or agency to engage in conduct involving moral turpitude or failing to prevent agents, officers, or employees from engaging in conduct involving moral turpitude.
- (d) Failure to fully comply with any requirements of the ordinances of the city regarding sanitary and safety conditions, zoning requirements, building code requirements or ordinances, the violation of which involves moral turpitude, or failure to comply fully with any requirements of this section.
- (e) Conviction of an offense involving moral turpitude by any court of competent jurisdiction.
- (f) Operation of the establishment without a valid license or during periods in which the license has been suspended or revoked.
- (g) Engaging in any conduct which would constitute grounds for refusal to issue a license herein.

605.31. Appeal. Subdivision 1. Procedure. The licensee may appeal such suspension, revocation or nonrenewal to the city council. The council shall consider the appeal pursuant to the procedures set forth in section 1005.21 of this code. The council may appoint a committee of the council or an independent hearing officer to hear the matter, report findings of fact and a recommendation for disposition to the council. Hearings on the appeal shall be open to the public and the licensee shall have the right to appear and be represented by legal counsel and to offer evidence in its behalf. At the conclusion of the hearing, the council may order:

- (a) that the revocation, suspension or nonrenewal be affirmed; or
- (b) that the revocation suspension or nonrenewal be lifted and that the license be returned to the license holder.

Subd. 2. Additional requirements. The city council may base either suspension or issuance of the certificate upon any additional terms, conditions and stipulations which they may, in their sole discretion, impose.

605.33. Revocation, suspension or nonrenewal of certificate. Certification may be revoked or suspended by the city manager or not renewed by the city council for any of the following:

- (a) Fraud, deception or misrepresentation in connection with the securing of certification.
- (b) Habitual drunkenness or intemperance in the use of drugs including, but not limited to, the use of drugs defined in either 26 U.S.C. section 4731 or Minnesota Statutes, section 152.02, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, dexedrine or other sedatives, depressants, stimulants or tranquilizers.
- (c) Conduct inimical to the interests of the public health, safety, welfare or morals.
- (d) Engaging in conduct involving moral turpitude.
- (e) Failure to fully comply with the requirements of this section.
- (f) Conviction of an offense involving moral turpitude.

605.35. Appeals. Subdivision 1. Procedure. The certificate holder may appeal such suspension, revocation or nonrenewal to the city council. The council shall consider the appeal pursuant to the procedures set forth in 1005.21 of this code. The council may appoint a committee of the council or an independent hearing officer to hear the matter and report findings of fact and a recommendation for disposition to the council. Hearings on the appeal shall be open to the public and the certificate holder shall have the right to appear and be represented by legal counsel and to offer evidence in behalf of the certification. At the conclusion of the hearing, the council may order:

- (a) that the revocation, suspension or nonrenewal be affirmed;
- (b) that the revocation, suspension or nonrenewal be lifted and that the certificate be returned to the certificate holder.

Subd. 2. Additional requirements. The city council may base either suspension or issuance of the certificate upon any additional terms, conditions and stipulations which they may, in their sole discretion, impose.

605.37. Prohibited acts. Except as provided elsewhere in this section, no employer shall employ a person to practice or administer massage nor permit, suffer or allow a person to practice or administer massage unless that person has been granted a valid certificate pursuant to this section and every employer shall require that the certification be prominently and openly displayed on the premises in plain view.

605.39. Massage distinguished. The practice of massage is hereby declared to be distinct from the practice of medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, and persons duly licensed in this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, nurses who work solely under the direction of any such persons, athletic directors and trainers are hereby expressly excluded from the provisions of this section. Beauty culturists and barbers who do not give, or hold themselves out to give, massage treatments, as defined herein, other than are customarily given in such shops or places of business for the purpose of beautification only, shall be exempt from the provisions of this section.

605.41. Exceptions. Subdivision 1. Criteria. This ordinance does not apply to bona fide health/sports establishments which meet the following criteria:

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

Subd. 2. Fee waived. Establishments which meet the above provisions shall not be required to pay the annual license fee or investigation fee, unless specifically ordered by the city council. Masseurs and masseuses employed by such establishments are not required to be certified under this section.

Subd. 3. Additional exceptions. In addition, this section does not apply to nor include:

- (a) bona fide legal, medical, psychiatric, psychological, family or marriage counseling services by a person, persons or businesses appropriately licensed by the state of Minnesota or by local units of government or any other appropriate licensing authority;
- (b) bona fide financial counseling services or bona fide educational institutions completely complying with state and local regulations or the regulation of any licensing authorities;
- (c) bona fide non-profit organizations or institutions, including those organized in compliance with section 501(c)(3) of the Internal Revenue Code of 1986, or to seminars, panel discussions or group classes sponsored by such bona fide non-profit organizations or institutions.

605.43. Liability for the crimes of another. Every person who commits or attempts to commit, conspires to commit or aids and abets in the commission of any act constituting a violation of this section or any act, which constitutes an omission and, therefore, a violation of this section, whether individually or in connection with one or more persons or as principal, agent or accessory, shall be guilty of such offense and every person who falsely, fraudulently, forcibly or willfully, induces, causes, coerces, requires, permits or directs another to violate any of the provisions of this section is likewise guilty of such offense.

Section 610 - Public Baths

610.01. Regulation of public baths. Subdivision 1. Definitions. For the purpose of this section the terms defined have the meanings given them.

Subd. 2. "Bath" means a container or receptacle designed to hold water and in which the human body may be entirely or partially immersed for the purpose of bathing, cleaning, or relaxing. The term does not include a sauna as defined in subsection 605.01 of this code. The term does not include any device which is used under the direction of a doctor, chiropractor, nurse or licensed physical therapist for the purpose of physical therapy.

Subd. 3. "Public bath" means a facility open to the public or operated as a club where, for a consideration one may use a bath. The term public bath does not include baths located at primary or secondary schools.

610.03. License required. No person may operate or engage in the business of operating a public bath exclusively or as a substantial part of a business enterprise without being licensed as provided in this subsection. No person may hold out any establishment as providing public bath services unless such establishment is licensed as provided in this subsection.

610.05. Application and license fee. Subdivision 1. Contents of application. Application for a license may be made only on forms provided by the city manager. The application shall contain a description of the property to be used, the names and addresses of the owner, lessee, if any, and the operator or manager, the names, residences and addresses of two persons, residents of Hennepin County, who may be referenced to as the applicant's, the Manager's or operator's character, whether the applicant, manager or operator has ever been convicted of a crime or offense other than a traffic offense, and if so, information as to the time, place and nature of the crime or offense; and such other information as the city manager may require. If the application is made on behalf of a corporation or a partnership, it shall submit along with its applications, its business records showing the names and addresses of all individuals having an interest in the business, and, in the case of a corporation, the names and addresses of the officers. The application shall describe the manner in which the premises will be furnished and the equipment available for use by patrons. Applicants shall furnish to the city, along with their application, documents establishing the applicant's interest in the premises on which the business will be located. Documentation shall be in the form of a lease, a deed, a contract for deed or any other document which establishes the applicant's interest.

Subd. 2. License fees and license year. The annual license fee is set by appendix D. The license fee shall be paid when the application is filed. In the event that the application is denied or in the event that the license once issued is revoked, canceled, suspended or surrendered, no part of the annual fee shall be returned to the applicant unless by council action.

Subd. 3. Investigation fee. At the time of each original application for a license, the applicant shall also pay a minimum investigating fee. The minimum fee is as fixed in appendix D. If the expenses of the investigation relating to any application exceed the minimum investigating fee, the city shall notify the applicant of this fact and shall require the applicant to pay the additional investigation fees as the city manager deems necessary to complete its investigation of the applicant. The applicant shall pay the additional investigating fee within five days of being so notified. If the additional investigating fee is not paid within such five day period, the city shall discontinue consideration of the application.

Subd. 4. Separate license. A separate license shall be obtained for each place of business. The licensee shall display the license in a prominent place in the licensed business at all times. A license, unless revoked or surrendered, is for the calendar year or part thereof, for which it has been issued.

Subd. 5. Granting or denial of licenses. License applications shall be reviewed by the public safety department, community development department, and such other departments as the city manager shall deem necessary. The review shall include any inspection of the premises covered by the application by the inspection division and fire division to determine whether the premises conforms to all applicable code requirements. Recommendations shall be made in writing to the city manager. Thereafter, licenses shall be granted or denied by the city manager subject to the provisions of this section. The applicant may appeal to the city council from the manager's decision.

610.07. Conditions governing issuance. Subdivision 1. Reputation. No license may be issue if the applicant or any of its owners, managers, employees or agents is a person of bad repute.

Subd. 2. Former conviction. Licenses may be issued only if the applicant and all of its owners, managers, employees and agents are free of convictions for offenses which involve moral turpitude or which relate directly to the person's ability, capacity or fitness to perform the duties and discharge the responsibilities of the licensed activity.

Subd. 3. License denial. Licenses may be issued only to applicants who have not, within one year prior to the date of application, been denied licensure; or who have not within such period had their license revoked.

Subd. 4. Full information. Licenses may be issued only to applicants who have provided, fully, all of the information requested in the application, have paid the full license fee, together with all other fees required, and have cooperated with the city in review of the application.

Subd. 5. Age. If the applicant is a natural person, a license may be granted only if the person is 18 years of age or older.

Subd. 6. Location. Licenses may be granted only for locations in the general commercial districts. A license may not be granted for any property which abuts upon property located within a residential district. Properties shall be deemed to abut if they are separated only by a public alley, but not if they are separated by a public street.

Subd. 7. Compliance with law. Licenses may be granted only to establishments which meet all applicable code requirements of the city and which have obtained a conditional use permit pursuant to the zoning code.

Subd. 8. City plan. A license may not be granted if granting the license (i) would be inconsistent with the comprehensive development plans of the city, or (ii) would otherwise have a detrimental effect upon other property or properties in the vicinity.

610.09. Restrictions and regulations. Subdivision 1. Compliance with law. The licensee and the persons in its employ shall comply with all applicable regulations and laws of the city and state relating to safety and morals.

Subd. 2. Manager designated. If the licensee is a partnership or a corporation, the applicant shall designate a person to be manager and in responsible charge of the business. That person shall remain responsible for the conduct of the business until another suitable person has been designated in writing by the licensee. The licensee shall promptly notify the public safety department in writing of any change indicating the name and address of the new manager and the effective date of the change.

Subd. 3. List of employees. The licensee shall furnish the public safety department with a list of current employees indicating their names, addresses and dates of birth. The licensee shall promptly notify the public safety department of any change in the list.

Subd. 4. Hours. The licensed premises shall be closed at 10:00 p.m. each day and shall not open until 9:00 a.m. on week days or until 12:00 noon on Sundays.

Subd. 5. Inspection. The licensee shall permit and allow the inspection of the premises during business hours by all appropriate city employees.

Subd. 6. Identification. Upon demand by any police officer any person employed in any licensed premises shall give his true legal name, date of birth and his correct address.

Subd. 7. Age. No person under 18 years of age may be employed in an establishment requiring a license under the provisions of this subsection.

Subd. 8. Alcoholic beverages. The licensee shall take all necessary steps to prevent the consumption or possession of alcoholic beverages and controlled substances on any part of the premises by either customers or employees.

Subd. 9. Drugs and alcohol. The licensee shall refuse to accept as a customer any person obviously under the influence of alcohol or drugs.

Subd. 10. Bathing. No person may be permitted to bathe nude or in a bath or in a room which is also occupied by a person of the opposite sex, including employees of the licensee.

Subd. 11. Contact. No employee of the licensee may be permitted to scrub, massage, wash, or apply lotion to any customer.

Subd. 12. Not sauna. No part of the licensed premises may be used for sauna or massage activities as those terms are defined in subsection 605.01.

Subd. 13. CPR qualification. The licensee shall have at least one person on the premises during business hours who holds a currently valid CPR certificate from the American Red Cross or comparable organization.

Subd. 14. Change in furnishings. The furnishings to be located on the premises or the equipment available for patrons may not be modified from the descriptions contained in the application without the prior approval of the city.

610.11. Construction and maintenance requirements. Subdivision 1. Construction. All bathing rooms and all restrooms and bathrooms used in connection therewith shall be constructed of materials which are impervious to moisture, bacteria, mold or fungus growth. The floor to wall and wall joints shall be constructed to provide a sanitary cove with a minimum radius of one inch.

Subd. 2. Ventilation. All restrooms shall be provided with mechanical ventilation with two cfm per square feet of floor area, a hand washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.

Subd. 3. Light. All rooms in the licensed premises including, but not limited to bathing rooms, restrooms, bathrooms, janitor's closet, hallways, and reception area shall be illuminated with not less than 30 foot candles of illumination.

Subd. 4. Cleaning supplies. Each establishment shall have a janitor's closet which shall provide for the storage of cleaning supplies. The closet shall have mechanical ventilation with two cfm per square foot of floor area. The closet shall include a mop sink.

Subd. 5. Storage. Floors, walls and equipment in bathing rooms and in restrooms and in bathrooms used in connection therewith must be kept in a state of good repair and clean at all times. Linens and other materials shall be stored at least 12 inches off the floor. Clean towels and wash cloths must be made available for each customer.

Subd. 6. Lockers. Individual lockers shall be made available for use by patrons. The lockers shall have separate keys for locking.

Subd. 7. Refuse. Establishments shall provide adequate refuse receptacles which shall be emptied as required.

Subd. 8. Doors. The doors to the individual dressing and bathing rooms may not be equipped with any locking device and may not be blocked or obstructed from either side.

Subd. 9. Water supply. Baths shall be completely drained and cleaned after each use. The water supply shall be from the city water system and shall be protected from cross-connections.

Subd. 10. Fixtures. Materials used for the baths and bath shell shall be kept light colored, smooth, easily cleanable, and shall not be capable of cutting, pinching, puncturing or abrading the user. The shell shall be at all times maintained in a safe and sanitary manner.

Subd. 11. Depth. The maximum bath depth shall be four feet measured from the water line.

Subd. 12. Benches. The maximum depth of any seat or sitting bench in the bath shall be two feet measured from the water line.

Subd. 13. Handrails. Each bath shall have at least one handrail. Steps or stairs shall be provided when depths are greater than two feet.

Subd. 14. Decks. A deck shall extend around the bath at least four feet in width on at least two sides. The deck shall be slip resistant, free from hazards and drain properly.

Subd. 15. Inlets and outlets. The inlets and outlets must be designed to allow for uniform circulation. Outlets except skimmers, on pump suction shall be covered with suitable anti-vortex grates provides one of the following alternatives:

(a) two outlets whose pipe diameter sizes are equal (this may be two outlet drains or an outlet drain and a skimmer). The system shall be designed so that neither one of the two outlets can be cut out of the suction line by valve or other means;

(b) provide a grate of at least one square foot;

(c) provide other approved means that guard against outlet entrapment.

Subd. 16. Pumping system. Both outlets shall be designed so that each pumping system in the bath, include filter and boosting systems.

Subd. 17. Overflows. All overflows shall be handled in a sanitary and safe manner.

Subd. 18. Ph. The ph of the bath water shall be kept between 7.2 and 7.8.

Subd. 19. Temperature. The maximum temperature of the bath water shall be 105 degrees Fahrenheit. A thermostatic control for the water shall be required.

Subd. 20. Safety. A sign containing the following precautions shall be permanently located so as to be clearly visible from any bath:

CAUTION

1. elderly persons and persons suffering from heart disease, diabetes, high or low blood pressure, may not enter the bath;
2. unsupervised use by children is prohibited;
3. do not use while under the influence of alcohol, anticoagulants, antihistamines, vasoconstrictors, vasodilators, stimulants, hypnotics, narcotics or tranquilizers; and
4. observe a reasonable time limit, then shower, cool down, and if you wish, return for another brief stay. Long exposure may result in nausea, dizziness or fainting.

Subd. 21. Sleeping furnishings. No furniture which is designed for sleeping purposes may be allowed on the licensed premises except a single first-aid and emergency cot.

610.13. Liability insurance. Prior to the issuance of a public bathhouse license, the applicant shall file with the clerk a liability insurance policy providing coverage of at least \$200,000 and \$500,000. The policy shall provide that no cancellation for any cause may be made by either the insured or the insurer without first giving written notice of such cancellation to the city at least 30 days prior to the effective date of the cancellation. The policy shall further provide that no payment of any claim by the insurance company shall in any manner decrease the coverage provided for in respect to any other claim or claims brought against the insured or the insuring company. The policy shall be subject to approval by the city attorney as to form and execution and shall be issued by companies who are duly licensed to do business in the State of Minnesota. The policy, when approved, shall be deposited with the clerk.

610.15. Revocation and suspension of license. The license may be revoked, suspended or not renewed by the city manager upon a showing that the licensee, its owners, managers, employees or agents have engaged in any of the following conduct:

- (a) fraud, deception or misrepresentation in connection with the securing of the license;

- (b) habitual drunkenness or intemperance in the use of drugs including, but not limited to, the use of drugs defined in either 26 USC section 4731 or Minnesota Statutes, section 618.01, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, dexedrine, or other sedatives, depressants, stimulants or tranquilizers;
- (c) conduct inimical to the interests of the public health, safety, welfare or morals;
- (d) engaging in conduct involving moral turpitude;
- (e) failure to fully comply with the requirements of subsections 610.09 and 610.11;
- (f) conviction of an offense involving moral turpitude by any court of competent jurisdiction;
- (g) engaging in any conduct which would constitute grounds for refusal to issue a license under this section; or
- (h) failure to keep the insurance required by subsection 610.13 in full force and effect.

610.17. Appeal process. The licensee may appeal a suspension, revocation, or nonrenewal to the council. The council shall consider the appeal at the next regularly scheduled council meeting on or after ten days from service of the notice of appeal upon the city clerk by the licensee. Hearing on the appeal shall be open to the public and the licensee has the right to appear and be represented by legal counsel and to offer evidence in behalf of licensee. At the conclusion of the hearing the council may order:

- (a) the revocation, suspension or nonrenewal of the license; or
- (b) that the revocation, suspension or nonrenewal by the city manager be lifted and that the license be returned to the license holder.

The council may base either suspension or issuance of the license upon any additional terms, conditions and stipulations which it may in its sole discretion impose.

610.19. Violation. Every person who commits or attempts to commit, conspires to commit, or aids or abets in the commission of, any act constituting a violation of this section, whether individually or in connection with one or more other persons or as principal, agent, or accessory, is guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any of the provisions of this section, is also guilty of such offense.

Section 615 - Food establishments.

615.01. Restaurants, food establishments and food vending machines: scope of section. This section governs the operation and maintenance of all restaurants, food establishments and food vending in the city. The regulations contained in this section supercede any other provisions of this code adopted by reference covering the same subject matter.

615.03. Definitions. Subdivision 1. For purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. "Adulterated food" means any food which (i) bears or contains any poisonous or deleterious substance which may be injurious to health, provided, however, if such food bears or contains any substance added thereto or found therein for which a safe tolerance or standard has been established by lawful regulation or law, the food shall not be adulterated food if the substance is not in excess of such tolerance or standard; or (ii) consists in whole or in part of any filthy, putrid, decayed or decomposed substance, or consists in whole or in part of the product of a diseased animal, or an animal which has died by accident, disease, or otherwise than by slaughter; or (iii) is contained in an immediate package which is composed of any poisonous or deleterious substance which may render the contents injurious to health.

Subd. 3. "Bactericidal treatment" means the application of a method or substance for the destruction of all pathogens and to reduce all other micro-organisms to meet the required bacteriological standards of this subsection, and which does not adversely affect the utensils and equipment of the food or the health of the consumer.

Subd. 4. "Bakery food vehicle" means any food vehicle used to transport bakery goods about the streets for the purpose of sale of such foods from door to door.

Subd. 5. "Catering food vehicle" means any food vehicle used to transport any food from its point of preparation to a point where the food is served from the vehicle to the consumer, or any food vehicle wherein food is prepared for sale or service to the consumer.

Subd. 6. "Clean" means free from physical, chemical, and microbial substance discernible by ordinary sight or touch, by ultraviolet light, or by artificial light and the saffranine-o dye test, and free from insects, vermin, and debris.

Subd. 7. "Employee" means any person who renders personal service, with or without compensation, within a food establishment.

Subd. 8. "Family" means an individual living alone or two or more persons related by blood, marriage or adoption, living together in a single residence unit.

Subd. 9. "Food" means any raw, cooked or processed substance, beverage or ingredient used or intended for use in whole or in part for human consumption. The term "food" further includes ice and water.

Subd. 10. "Food contact surfaces" means those surfaces of the equipment and utensils with which food normally comes into contact or may come into contact.

Subd. 11. "Food establishment" means any building, room, stand, enclosure vehicle, space, area, or other place wherein food is stored, prepared, manufactured, processed, wrapped, canned, packed, bottled, transported, distributed, or served as a business, whether or not the food is consumed on the premises.

Subd. 12. "Food vehicle" means any food establishment consisting of a mobile vehicle which hauls any food for the purpose of delivery or sale.

Subd. 13. "Enforcement officer" means the director of public safety.

Subd. 14. "Home prepared food" means any food which has been processed or prepared in a place other than a licensed food establishment or a food establishment exempted from licensing requirements under subsection 615.05, subdivision 5.

Subd. 15. "Itinerant food establishment" means a food establishment operating for a temporary period, including but not limited to a fair, carnival, circus, church supper, or public exhibition.

Subd. 16. "Misbranding" means the use of any written, printed, or graphic matter upon or accompanying products or containers of food, including signs, or placards, displayed in relation to such products so dispensed which is false or misleading, or which violates any local, state or federal labeling requirements.

Subd. 17. "Perishable food" means food consisting of fresh fruits, such as apples, bananas, oranges and grapefruit or consisting of fresh vegetables, such as lettuce, corn, carrots, beans, radishes, onions and potatoes. The enumeration herein of specified items is only for purposes of illustration and shall not be deemed to be a limitation upon the meaning of the term illustrated thereby.

Subd. 18. "Person" includes employees and licensees.

Subd. 19. "Prepackaged" means wholesome food packaged in a substantial, clean container or wrapped in a licensed and inspected food establishment meeting all of the requirements of this subsection.

Subd. 20. "Readily-perishable food" means any food consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry or any other food capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxication; the term does not include packaged food in hermetically sealed containers, dehydrated packaged food, and dry or powdered packaged food so low in moisture content as to preclude development of micro-organisms.

Subd. 21. "Readily-perishable food vehicle" means any food vehicle, except catering food vehicles and bakery food vehicles, which is used to transport readily-perishable foods as herein defined within or into the city for delivery therein.

Subd. 22. "Retail candy shop" means a food establishment where unwrapped candy, not manufactured therein, is sold or offered for sale to the consumer.

Subd. 23. "Safe water" means water which is not adulterated and which is free from pathogens and coliform organisms.

Subd. 24. "Safe water supply" means a source of safe water from either the municipal water system or a source of water, the operation, location and construction of which have been approved by the Minnesota State Board of Health.

Subd. 25. "Single-service utensils" means all utensils which are used only once and then destroyed.

Subd. 26. "Smooth" means having an even surface, free of cracks, chips, uneven seams, rust, corrosion, breaks, pits, checks, and ridges.

Subd. 27. "Smooth" (with reference to equipment and utensil surfaces) in addition to the definition of smooth herein, means a surface which, in the case of stainless steel, nickel alloy or other corrosion-resistant metal, has at least a mill finish; or, in the case of cast and forged steel and cast nickel alloy, has roughness not exceeding American Standard No. 125; or, in the case of other non-corrosion-resistant alloys, is at least as smooth as commercial grade rolled steel and is free of loose scale.

Subd. 28. "Utensils" means all kitchenware, flatware, tableware, dishes, glassware, cutlery, pots, pans, containers, implements or other equipment with which food comes in contact during storage, cooking, preparation, display or serving.

Subd. 29. "Vending machine" means any type of mechanical device which operates by the insertion of a coin, or other token, and which delivers, or permits the removal, from such machine of any food. "Vending machine" also includes any type of machine or containers such as a locker or freezer, from which prepackaged ice may be removed and sold to the public, whether or not such container is coin-operated.

Subd. 30. "Wholesome" means sound, healthful, clean and in all ways fit for human consumption.

615.05. Licenses required. Subdivision 1. General rule. No person may operate a food establishment, catering food vehicle, bakery food vehicle, readily-perishable food vehicle, retail candy shop, itinerant food establishment or vending machine in the city without first procuring a license from the enforcement officer. The license shall be posted in a conspicuous place. Only persons who comply with the requirements of this section may be issued a license.

Subd. 2. Contents of application for license. The applicant shall state the following in the application for a license:

- (a) name of applicant;
- (b) business address, if any, and home address of applicant;
- (c) the address of the premises to be licensed, or the address of the premises where the vending machine is to be located or the food vehicle is to be kept;
- (d) the type of business to be conducted on the premises, or the kind of food to be sold by the vending machine, or the use to be made of the food vehicle and the general area where it is to be operated.
- (e) a general physical description of the premises, vending machine and food vehicle;
- (f) the identifying serial number of the vending machine or food vehicle;
- (g) the supplier of the articles to be sold in the vending machine, and the address of the premises where the articles to be sold by the machines are placed in the machine, unless the machine is to be filled where it is located; and
- (h) a list of all food licenses or permits held by the applicant at the time of application in any municipality in any state, or issued to him during the preceding three years, with a statement of the facts concerning the suspension or revocation of any of such licenses or permits during said period.

Subd. 3. Food establishment license: when not necessary. Where the business consists only of a catering food vehicle, bakery food vehicle, readily-perishable food vehicle, retail candy shop, itinerant food establishment, or vending machine, a food establishment license is not additionally required.

Subd. 4. License fees. Fees for licenses are set by in appendix D.

Subd. 5. License fee exemptions. Vending machines operated by the insertion of a coin or token having a value of less than ten cents are exempt from the licensing requirements of this section. Food services in governmental subdivisions, charitable institutions, houses of worship, homes for the aged, child-care homes, schools, charitable and nonprofit hospitals, and employee coffee shops are required to apply for and obtain a license, but are not charged a fee therefor, are subject to all other requirements of this subsection; provided that any food vending machine located in any such establishment must be owned by the establishment in order for any license fee thereon to be issued. License fees shall not be waived, as to any institution or organization of the type mentioned herein, unless it is a nonprofit organization or institution. Any licensing provision charging a fee that is prohibited by state law is exempt from the licensing provisions of this subsection.

Subd. 6. Suspension and revocation. The city manager or enforcement officer or both, acting concurrently, may suspend the license of any food establishment or other type of operation requiring a license under the provisions of this section, if the operator of such establishment or business is found to be in violation of the provisions of this section. Such suspension shall be effective until the next regular meeting of the council, at which time the council shall consider whether such license shall be permanently revoked or reinstated. At the council meeting at which such revocation or reinstatement is considered, the licensee shall be given an opportunity to be heard.

615.07. Identification of food vehicles. Food vehicles shall be identified with the name and location of the processor in letters at least four inches high on each side of the trailer or box. When deliveries are made by anyone other than the processor, the phrase "readily-perishable foods" four inches in height shall appear on each side of the vehicle in addition to the name of the delivering agent.

615.09. Inspection and correction. Subdivision 1. Inspections outside the corporate limits of the city. The enforcement officer, upon prior authorization by the city manager, shall inspect food establishments situated outside the corporate limits of the city which sell or offer for sale, or distribute any food to persons licensed under this subsection. The fee for the inspections shall be equal to the total of the actual cost of salary paid the enforcement officer by the city for the number of hours necessarily spent in each inspection, and the cost of transportation incurred or expended by the enforcement officer for mileage at the rate of nine cents per mile actually traveled from the city hall or last place of inspection, whichever is less, and returning to the city hall. The enforcement officer shall report the cost of the inspections to the director of administrative services, who shall render statements for the inspection costs to the licensee who obtains food from the source outside the city limits, and the licensee shall pay within ten days the amount claimed in the statement to the city. The enforcement officer may also accept the reports of other governmental food inspection agencies, if he deems them satisfactory.

Subd. 2. Inspection of food establishments. The enforcement officer shall inspect every food establishment as frequently as he deems necessary to insure compliance with this subsection.

Subd. 3. Corrections of violations. All owners or operators of food establishments served with a report giving notification of one or more violations of this subsection are to remove or correct the violation so listed within not more than three days after receiving such report.

615.11. Seizure, tagging and condemnation of food, equipment and utensils. Subdivision 1. General rule. Samples of food and other substances may be taken at any food establishment and examined by the enforcement officer at any reasonable time and as often as may be necessary for the detection of misbranding, unwholesomeness or adulteration. The enforcement officer shall seize any food that he has cause to believe is misbranded or adulterated, or any equipment, clothing or utensils found in a food establishment, the use of which does not comply with this section, by placing a tag thereon, and also may in similar manner seize any equipment, clothing or utensils which are unfit for use by reason of dirt, filth, extraneous matter, insects, corrosion, open seams or chipped or cracked surfaces.

Subd. 2. Seizure tags: form. A seizure tag shall be printed and read as follows:

"Richfield Department of Public Safety Seizure - Use Forbidden Pending Investigation

Date _____ Enforcement Officer _____

Released by _____ Date _____

Name: _____ Title: _____

(Return this portion of tag to Richfield Department of Public Safety)"

Subd. 3. Removal of tag prohibited. No person may remove the tag from any article of food, equipment or clothing, or any utensil to which it is attached, or remove or use such food, equipment, clothing or utensils so seized except by direction of the enforcement officer. At the end of the period of investigation, the enforcement officer shall condemn and cause to be removed or destroyed, as provided for in this subsection, any food, equipment, clothing or utensil which has been so seized and which does not comply with the provisions of this subsection, provided, however, that in the case of misbranding, which can be corrected by proper labeling, such food may be released to the owner or person in charge for proper labeling, under the supervision of the enforcement officer.

615.13. Condemnation procedure. Subdivision 1. Procedures. The following steps shall be followed in condemning food pursuant to this section.

Subd. 2. Condemnation of food. The enforcement officer may condemn and forbid the sale of, or cause to be removed or destroyed, any food which is unwholesome or adulterated, unfit for human consumption, or otherwise prohibited by this code, or state or federal law.

Subd. 3. Condemnation of equipment, clothing and utensils. The enforcement officer may condemn any equipment, clothing or utensils found in a food establishment, the use of which does not comply with this subsection, or which is being used in violation of this subsection; and may also condemn any equipment, clothing or utensils which by reason of dirt, filth, extraneous matter, insects, corrosion, open seams, or chipped or cracked surfaces is unfit for use.

Subd. 4. Condemnation tag. The enforcement officer shall place a tag of condemnation upon the food, clothing, utensils and equipment which tag reads as follows:

Richfield Department of Public Safety

Condemned

Date _____ Enforcement Officer _____

615.15. Transport or sale of unhealthful food prohibited. No person may transport within or into the city, or sell or offer for sale in the city, any food which is not wholesome or which is adulterated.

615.17. Unhealthful food required to be in garbage cans. No person may permit any unwholesome or adulterated food to be or remain in any food establishment unless such food is placed in a garbage can or garbage receptacle, and the presence of unwholesome or adulterated food in any food establishment and not in a garbage can or garbage receptacle is prima facie evidence of the intended sale thereof as food.

615.19. Itinerant food establishments. The requirements of this section are applicable to itinerant food establishments; provided however, that substitute facilities located outside the food establishment and other substantially equivalent substitute facilities within the food establishment are provided with respect to the following specific physical facilities: mechanical ventilation toilet facilities on the premises, facilities for garbage can washing on the premises, and dressing rooms or lockers for employees on the premises. Before commencing operations of any kind, the licensee shall notify the enforcement officer that such food establishment is ready for final inspection, and the enforcement officer immediately shall make an inspection and issue a report thereon, and no itinerant food establishment shall commence operations until the requirements of this section have been met in accordance with the enforcement officer's final inspection reports.

615.21. Structural regulations: floors. Subdivision 1. Floors kept clean. All floors in all food establishments are to be kept free from insects, vermin, debris and dirt. Floors are to be cleaned at the end of each day's operation.

Subd. 2. Floor construction. The floors of all food preparation, utensil washing, and garbage areas, dressing or locker rooms, and walk-in refrigerators are to be constructed of durable, non-absorbent, easily cleanable materials, such as but not limited to concrete terrazzo, quarry tile, ceramic tile or tight wood covered with a durable grade of linoleum or plastic, or impregnated with plastic. In areas subject to spilling or dripping of grease or fatty substances, any floor covering used shall be such as to withstand these conditions. Floor drains, where used, shall be graded to the drain or drains. The use of sawdust is prohibited.

Subd. 3. Interior dining areas. The floors of interior dining areas are to comply with subdivision 2 of this subsection; provided however that floor carpeting may be used in these areas if such carpeting is in good repair and is kept clean.

Subd. 4. Exterior ground surfaces. The walking and driving surfaces of all exterior areas where food is served, such as but not limited to drive-in restaurants, sidewalk cafes, patio service, chuck wagon service and barbecues shall be kept clean and free of debris, and shall be drained so that water will not accumulate. These areas are to be hard surfaced with concrete, asphalt, or other similar material which is free of cracks, dust free, smooth surfaced and impervious to water.

Subd. 5. Storage areas. The floors of dry food non-refrigerated storage areas shall be constructed of tight wood, concrete, and wood covered with asphalt tile, or similar material. Floors in frozen food storage areas are to be constructed of concrete, tile or other material impervious to water.

Subd. 6. Mats or duck-boards. Mats or duck-boards, if used, are to be limited to use in food preparation and utensil washing areas and shall be designed and constructed in size, shape and weight, so as to permit easy removal for cleaning, and are to be kept clean.

Subd. 7. Coved corners. All floors constructed or extensively reconstructed in food preparation or utensil-washing areas shall be coved at the junction of the floors and walls, at the junction of the floors and equipment placed on the floors.

Subd. 8. Minimum requirements. This subsection sets for the minimum requirements for the matters regulated.

615.23. Structural regulations: walls and ceilings. Subdivision 1. Walls and ceilings kept clean. Walls and ceilings in all food establishments shall be Kept clean and in good repair.

Subd. 2. Surfaces. The walls of all food-preparation, utensil-washing, hand-washing, refrigerated-storage, toilet and garbage-storage rooms shall have a smooth light-colored surface which is impervious to water up to the highest level reached by splash or spray. Acoustical material may be used above this level, provided ventilation is adequate to minimize grease and moisture absorption.

Subd. 3. Coverings. Wall covering materials, such as but not limited to sheet metal, linoleum plastic and paper, shall be securely attached and sealed to the wall or ceiling.

Subit. 4. Protrusions. Studs or rafters shall not be exposed in walls or ceilings of food preparation, utensil-washing or toilet rooms. Light fixtures, fans, hoods, decorative material and other similar equipment attached to walls or ceilings shall be kept clean.

Subd. 5. Doors and windows. From April 1st to November 1st of each year, all openings standing open to the outer air including, but not limited to, doors, windows, skylights and transoms, are to be screened with tight-fitting screens of not less than 16-mesh wire or plastic cloth, free of holes. All doors and screen doors opening to the outer air shall be self-closing and shall open outward; provided, however, in lieu of meeting the foregoing requirements, fans of sufficient power to prevent the entrance of flies may be used at otherwise unprotected openings.

Subd. 6. Minimum requirements. This subsection sets forth the minimum requirements for the matters regulated.

610.25. Structural regulations: lighting. Subdivision 1. Food preparation and utensil working areas: lighting. Natural and supplemental artificial light sources shall be provided which furnish at least 30 foot candles on all working and equipment surfaces in food preparation and utensil-washing areas during all times when the area is being used or cleaned.

Subd. 2. Other areas. All areas, except dining rooms and working and equipment surfaces, as mentioned in subdivision 1 of this subsection, shall be provided with at least five foot candles of light at a distance of 30 inches from the floor.

Subd. 3. Minimum requirements. This subsection sets forth the minimum requirements for the matters regulated.

615.27. Structural regulations: ventilation. Subdivision 1. Ventilation required. All areas in every food establishment shall be well ventilated and free of disagreeable or excessive odors, condensation, vapors, smoke and fumes.

Subd. 2. Local exhaust. Mechanical local exhaust ventilation shall be installed on or over all fixed equipment which produces odors, grease or smoke, including but not limited to ranges, griddles and deep-fat frying units.

Subd. 3. Inlets and make-up air. Air inlets shall be provided which are of sufficient capacity to supply replacement of exhausted air; provided that the summary calculation for exhaust and make-up air for the kitchen leaves the kitchen under a slight negative pressure and the balance of make-up air for the kitchen shall be supplied from the dining area. Air inlets and all ducts shall be located so as to provide a thoroughly uniform air movement throughout all rooms and areas. Air inlets located on the outside of the building shall be located at least 12 feet off the ground, and shall not be located within 30 feet of plumbing vents or other exhaust vents. Inlets shall be equipped with filters which prevent the entrance of insects and excessive dust, dirt or any other contaminating materials.

Subd. 4. Minimum requirements. This subsection sets forth the minimum requirements for the matters regulated.

615.29. Structural regulations: all hoods. Subdivision 1. Hoods. All hoods for food preparation equipment shall have welded or soldered joints and be free of any openings or holes.

Subd. 2. Grease. All hoods shall have grease collecting troughs under the filters which eliminate the dripping of grease from such filters onto food, utensils or equipment.

Subd. 3. Hoods: installation. All hoods are to be equipped with low velocity filter grease removal systems. Such filters shall be installed at an angle of 45 degrees to 60 degrees with the horizontal in the hood. A filter velocity of not less than 200 nor more than 300 linear feet per minute shall be provided at all times the hood is in use; provided, however, any other grease removal process or equipment of equal effectiveness may be used, provided the licensee submits to the director of public safety evidence showing in detail the procedure or process and the effectiveness thereof.

615.31. Structural regulations: canopy hoods. Subdivision 1. Minimum requirements. The following are minimum requirements.

Subd. 2. Heights. All canopy hoods shall overhang all cooking and baking equipment a minimum of one foot and shall be provided with a grease trough around the perimeter which eliminates the dippings of grease from such hood onto food, utensils or equipment.

Subd. 3. Outlets. Long hoods shall be provided with outlets on six foot centers, and hoods with multiple outlets shall have manual air volume dampers. Cleanouts shall be provided in all duct work at ten foot intervals and at all 90 degree bends and shall be of sufficient size to allow cleaning for a distance of five feet on either side of such cleanouts. Cleanout covers shall be fastened in a manner to provide an air-tight fit.

Subd. 4. Canopy hoods exhaust requirements. All canopy hoods shall be provided with equipment having an exhaust ventilating capacity, expressed in cubic feet of air per minute in an amount determined by the following formula: The quantity of air expressed in cubic feet per minute from all canopy hoods shall be determined by multiplying 100 linear feet per minute by the number of square feet of the face area of the hood, or 50 linear feet per minute multiplied by the exposure perimeter in feet and this figure multiplied by the distance in feet between the under surface of the hood and top of the cooking unit, whichever is greater.

Subd. 5. Non-canopy hoods exhaust requirement. All non-canopy hoods are to be provided with equipment having exhaust ventilating capacity which provides an air velocity of 50 feet per minute at the outside edge of the cooking or processing equipment.

Subd. 6. Area requirements. All food establishments shall provide a complete change of air every two minutes in all food preparation areas. Accomplishing this by exhausting air through the hood, to the extent it is effective, constitutes compliance in whole or in part.

Subd. 7. Fresh air. Fresh make-up air shall be provided in the dining area in amounts according to the following:

25 cu. ft. per minute of fresh make-up air for each person, if the seating capacity provides 100 cu. ft. of space per person;

20 cu. ft. per minute of fresh make-up air for each person, if the seating capacity provides 200 cu. ft. of space per person;

15 cu. ft. per minutes of fresh make-up air for each person, if the seating capacity provides 300 cu. ft. of space per person; or

10 cu. ft. per minute of fresh make-up air for each person, if the seating capacity provides 400 cu. ft. of space per person.

Subd. 8. Hood ducts. All hood ducts shall be designed and constructed with a minimum duct air velocity of 1800 linear feet per minute. All hood ducts shall be constructed of No. 18 U.S. steel or heavier, or No. 20 U.S. gauge stainless steel or heavier, and all seams shall be welded. Sections of duct not welded at joints shall be bolted together with airtight gasket material. Fire dampers shall be provided when the ducts go through one hour or more fire resistant walls or ceilings. Any duct work within 18 inches of any combustible material shall be insulated with high temperature insulation.

Subd. 9. Fan sizing. Any formula used for computing fan size is to take into account the following resistances:

- (a) accelerating force;
- (b) loss in ducting;
- (c) hood entrance loss; and
- (d) resistance to filters and wind pressure at exhaust.

Subd. 10. Building code. Ventilating facilities shall be provided in accordance with the requirements of chapter IV, in addition to the requirements of this subsection.

Subd. 1. Pans on hoods prohibited. The use of pans to cover the face of any hood is prohibited.

615.33. Structural regulations: toilet facilities. Subdivision 1. Minimum requirements. The following are minimum requirements.

Subd. 2. Kept clean and ventilated. Every food establishment except food vehicles shall be provided with water flush toilet facilities which shall be kept clean and in good repair and free from flies, insects, and offensive odors, and shall be ventilated in accordance with the requirements contained in subsection 615.31.

Subd. 3. Location. Toilet facilities shall be so located as to be convenient for use by employees, and so that employees are not required to use more than one floor-to-floor stairway to and from such facilities. Toilet facilities shall be located in the same building as the food establishment and shall be kept unlocked and available to employees at all times when the food establishment is in operation.

Subd. 4. Water closets. Water closet seats shall be of open front design; water closets and urinals shall be clean, free from stain and offensive odors.

Subd. 5. Supplies and receptacles. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women are to be covered. Such receptacles are to be emptied at sufficiently frequent intervals to prevent excessive accumulation of waste material.

Subd. 6. Doors and vestibules. Toilet rooms shall be provided with doors which are of solid construction self-closing, and shall not be left open except during cleaning or maintenance. Vestibules shall be kept in a clean condition and in good repair, and be adequately lighted and ventilated.

615.35. Structural regulations: water supply and ice. Subdivision 1. Minimum requirements. The following are minimum, requirements.

Subd. 2. Safe water and safe water supply. A supply of hot and cold running water under pressure from a safe water supply shall be provided in all food establishments except food vehicles which handle only prepackaged food or which handle meat being transported in the manner provided by state law and regulations.

Subd. 3. Running water. Safe water, both hot and cold, running under pressure, shall be provided in all areas where food is prepared and where utensils, equipment, containers or hands are washed.

Subd. 4. Sources. All water shall be drawn from the municipal water system, provided however, a water supply located on the premises may be used if the operation, location and construction have been approved by the Minnesota State Board of Health. The licensee in such case shall make arrangements at his expense for chemical and bacteriological analysis of the water, and this analysis shall be done at intervals of not less than once each month. A copy of each of these reports shall be submitted by mail directly from the laboratory to the health department of the city immediately upon completion of the laboratory work.

Subd. 5. Dipping and common drinking cups. The use or providing of common drinking cups and the dipping of water from containers is prohibited.

Subd. 6. Transporting drinking water. Water transported for drinking purposes shall be safe water and from a safe water supply.

Subd. 7. Containers for transporting drinking water. All containers including but not limited to tank trucks, cans and bottles, which are used in the transporting water from the source to the point of use are to be of such material and construction as to facilitate cleaning. All openings into, and all water contact surfaces of such containers shall be protected from contamination. All such containers shall be clean and shall be subjected to bactericidal treatment immediately prior to each use.

Subd. 8. Equipment for bottling water. Hoses used for filling tanks, cans, bottles and other water containers shall be kept clean and shall be handled in such a manner as to prevent contamination of the water, the nozzle, or any part of the hose which may come into contact with the inside of the container. Hoses are to be cleaned and subjected to bactericidal treatment immediately prior to each use.

Subd. 9. Ice. Ice shall be manufactured only from safe water which has been obtained from a safe water supply. Ice shall be handled and transported in single service containers, or in utensils which are clean and which have been subjected to bactericidal treatment. Buckets, scoops, and ice containers, unless they are single-service utensils, shall be made of a smooth, impervious material, and designed to facilitate cleaning. They shall be clean at all times. Canvas containers are not to be used. If ice crushers are used, they should be easily cleanable and must be maintained in a clean condition and be subjected to bactericidal treatment before use and be covered when not in use.

615.37. Structural regulations. Subdivision 1. Minimum requirements. The following are minimum requirements.

Subd. 2. Required equipment. Every food establishment, other than itinerant food establishments and food vehicles, handling only prepackaged food or which transport meat in the manner provided by state law or regulation, shall be provided with lavatory facilities with hot and cold running water, hand cleansing compound and sanitary towels or hand drying devices. The facilities shall direct waste into the municipal sewer system.

Subd. 3. Location: faucets. One or more lavatories with mixing faucets shall be located with all toilet rooms or vestibules, and shall be installed in accordance with this code, and the laws and regulations of the State of Minnesota.

Subd. 4. Thermometers. Easily readable thermometers capable of indicating temperatures to an accuracy of two degrees Fahrenheit shall be permanently affixed within all walk-in coolers, freezers, refrigerators, fountain coolers, and salad table coolers, and at least one similar movable check thermometer shall be provided for use with all facilities covered in this section.

Subd. 5. Food preparation equipment. Food preparation equipment, including but not limited to sinks with running water, waste disposal units or containers, shall be provided and located so that all foods requiring washing, peeling, trimming or soaking can be cleaned before being prepared and served. In new or extensively altered or remodeled food establishments separate sinks or vats for this specific purpose shall be provided. Sinks and vats used for washing and bactericidal treatment of utensils and equipment shall not be used for vegetable preparation.

Subd. 6. Displayed food storage. Counter protector devices, cabinets, display cases, containers and similar equipment for protecting all displayed foods against contamination from customers or from other sources shall be provided if food is to be served in this manner.

Subd. 7. Flatware storage. Facilities designed and maintained to present the handle of the flatware to the customer, and to cover or protect the portion of the flatware which comes into contact with the customer's mouth shall be provided if customer self-service flatware is used.

Subd. 8. Food service utensils. Tongs, spoons, scoops and similar devices for handling of food shall be provided at all points where food is handled and no food shall be handled without using such utensils.

Subd. 9. Ice cream dipper storage. Running water dipper wells connected to a safe water supply and to the municipal sewer system shall be provided for ice cream dippers and scoops at all locations or stations where bulk ice cream is dispensed.

Subd. 10. Cleaning Supplies and equipment. Equipment and supplies will be provided for cleaning of all equipment including but not limited to racks, stoves, exhaust hoods, refrigerators and shelves and for the cleaning of the entire food establishment.

Subd. 11. Utensil washing and treatment. Facilities shall be provided for washing and bacterical treatment of food contact surfaces of equipment and utensils other than single-service utensils. At each place where such equipment and utensils are washed, facilities shall be provided for removing food scraps and food residue from such equipment and from such utensils other than glasses before they are placed in the wash water or wash compartment.

Subd. 12. Three vat sinks. Where hot water or a chemical agent is used for bactericidal treatment, a three-compartment sink shall be provided.

Subd. 13. Final immersion heater. Where hot water is used for bactericidal treatments, a heating device capable of maintaining a water temperature of at least 170 degrees Fahrenheit shall be provided as an integral part of the vat used for final immersion.

Subd. 14. Sinks: size and drainboards. The compartment used for bactericidal treatment shall be of sufficient size to completely immerse any equipment or utensils being given bactericidal treatment. The sinks shall also be provided with separate drainboard space arranged so that soiled and clean utensils are kept entirely separate. All sinks shall be provided with running hot and cold water and shall be connected to the municipal sewer system.

Subd. 15. Dishwashing machines: general requirement. When dishwashing machines are used for the washing and the bactericidal treatment of equipment or utensils, such machines shall be designed, constructed, installed and operated so as to render all surfaces of such equipment or utensils clean, reasonably dry, and effectively subjected to bactericidal treatment. Dishwashing machines shall be designed, constructed and installed to make effective cleaning thereof easy, and to minimize places where dirt, bacteria and vermin may collect in such dish water.

Subd. 16. Dishwashing machines: specific requirements. Whenever equipment and utensils are washed by spray-type dishwashing machines which depend upon a hot water spray for rinsing and bactericidal treatment, the installation shall include a hot water system capable of providing water at maximum design load of the machine at a temperature of at least 180 degrees Fahrenheit at the entrance of the rinse manifold of the machine during all periods of activity. Easily readable thermometers shall be installed near the discharge end of the machine to indicate the temperature of the final rinse water entering the spray arm; and at locations to indicate the temperature of water in all tanks of the dishwashers. The thermometers shall operate so as to indicate temperatures to an accuracy of plus or minus 2 degrees Fahrenheit. When automatic timing of wash and rinse cycles is provided, automatic timing devices shall be used which provide for the full exposure of all utensils to washing and rinsing times required by this subsection. All new dishwashing machines installed after the passage of this section shall be provided with automatic timing devices for the wash-rinse cycles of the machines. Conveyors for automatic dishwashing machines shall also be accurately timed so as to subject utensils to the washing and rinsing times required by this subsection. Multi-tank machines shall be provided with an adjustable device for automatically adding make-up water in sufficient quantity to maintain a constant level and to run off any grease which is present. Sufficient space shall be allowed between wash sprays and rinse sprays, or adequate baffles shall be provided to prevent intermingling of wash and rinse waters. A pressure regulator and pressure gauge shall be provided on the discharge end of the hot water line to the machine to indicate the final rinse pressure entering the spray arm. A recirculation system shall be provided if the heater providing the final rinse water (180 degrees Fahrenheit) is located over five feet from the automatic dishwasher.

Subd. 17. Bactericidal treatment of large equipment. Equipment and supplies including but not limited to spray devices, shall be provided to give bactericidal treatment to large equipment and utensils which cannot be treated by dishwashers or by total immersion in the regular sinks or vats.

Subd. 18. Garbage and refuse cans: washing. Separate facilities for washing garbage and refuse cans shall be provided, connected to running hot and cold water and the municipal sewer system.

615.39. Equipment: construction and materials. All equipment which was installed in or after December 9, 1965 shall comply with Standards 1, 2, 3, 4, 5, 6, 7, 8, C-1 and C-2 of the National Sanitation Foundation when applicable, which numbered standards are adopted and incorporated herein by reference as if fully set forth herein. Equipment not covered by the standards may not be installed before it has been approved by the enforcement officer and the city manager. Equipment which was in use on December 9, 1965 which does not meet the requirements of this subsection, may continue in use if it is in good repair, capable of being maintained in a clean condition, and the food contact surfaces are non-toxic.

615.41. Equipment installation. Equipment which cannot be moved by reason of its weight or for the reason that it is attached to utilities, floors, walls or ceilings herein referred to as fixed equipment, shall be installed on raised solid platforms of concrete or other smooth masonry and sealed in a manner to prevent liquids or debris from seeping or settling underneath, or shall be elevated on legs or feet at least six inches above the floor. Fixed equipment which is intended for placing on tables or counters, but which is not sealed thereto, shall be mounted on legs or feet at least two inches high. Fixed equipment shall be installed flush to the wall with the space closed and sealed in such a manner as to prevent liquids or debris from seeping or settling behind or between, or installed with an unobstructed space of at least 30 inches from the wall to the back of such equipment. The space between adjoining units of fixed equipment, and the space between the side of the unit and the adjacent wall shall be sealed in such a manner as to prevent liquids or debris from settling or seeping between or behind, or an unobstructed space of at least 30 inches shall be provided in such instances between, behind and beside all the pieces of fixed equipment and between such fixed equipment and any adjacent walls. Aisles or working spaces between equipment and between equipment and walls shall be at least 30 inches wide.

615.43. Single service utensils. Subdivision 1. Bacterial count and toxic substances. No single service utensils manufactured from paper stock may have a bacterial plate count in excess of 250 (colonies per gram, as determined by the disintegration test technique. No toxic substance may be present in finished single-service utensils which cause any food to become an adulterated food.

Subd. 2. Residual bacterial plate count. No flat single-service square centimeter of surface area of the utensil may be determined by the direct or swab contact method. No other single service utensil may have a residual bacterial plate count in excess of one colony per milliliter of capacity of the utensil as determined by the direct, rinse or swab contact method.

Subd. 3. Delivery and storage. Single-service utensils shall be delivered to the food establishment and stores in closed containers which protect the utensils from contamination at all times between delivery and use thereof.

Subd. 4. Handling and dispensing. Utensils shall be handled and dispensed in such a manner as to prevent contamination of food contact with the mouth of the user.

Subd. 5. Use and disposal. Utensils shall be used only once. After use they shall be disposed of in waste receptacles.

Subd. 6. Use: temporary or mandatory. The use of single-service utensils shall be mandatory in all food establishments which do not have facilities meeting the requirements of this section for cleaning and bactericidal treatment of utensils and equipment, and in other food establishments during temporary periods when such facilities are ineffective because of mechanical failure or other reasons.

615.45. Cleaning and storage of utensils and equipment. Subdivision 1. Bactericidal treatment and standard. All equipment and utensils shall be kept clean. Food contact surfaces shall be given bactericidal treatment before being used or re-used, and shall meet a bacteriological standard of not more than 100 colonies of micro-organisms per utensil or piece of equipment.

Subd. 2. Storage. Equipment and utensils which have been cleaned and given bactericidal treatment shall be stored and handled in such a manner so as to be protected from splash, dust, dirt or other contamination. The utensils and equipment shall be stored no less than 12 inches above the floor in a clean, dry location. The utensils and equipment shall be air-dried before being stored or shall be stored in a self-draining position on hooks or racks constructed of corrosion-resistant material. Utensils and equipment, after bactericidal treatment, may not be touched or handled on food contact surfaces or on surfaces which contact the mouth of a person using the utensils. Storage of equipment and utensils in ice or water for cooling is prohibited.

Subd. 3. Cloths. Cloths used by all food preparation and service personnel shall be clean. Cloths used for wiping food contact surfaces shall be clean and not used for other purposes.

615.47. Dishwashing. Subdivision 1. Manual washing and bactericidal treatment. When manual dishwashing operations are employed, all utensils and equipment shall be, after each usage, prescraped or preflushed, thoroughly cleaned in a suitable detergent solution in the first vat, and rinsed free of wash water and detergent in the second vat. After cleansing and rinsing, these utensils and equipment shall be subjected to bactericidal treatment in the third vat by the hot water method or chemical methods hereinafter described or other equivalent procedures.

Subd. 2. Hot water method. This method of bactericidal treatment shall consist of immersion or at least two minutes in clean, hot water at a temperature of at least 170 degrees Fahrenheit or for one-half minute in boiling water. A thermometer shall be kept in a convenient place near the facilities, for checking the water temperature. Pouring or spraying water over washed utensils or equipment shall be prohibited as a means of bactericidal treatment.

Subd. 3. Temperature of water. Water used for bactericidal treatment of utensils and equipment shall all all times during business hours be kept at a temperature of 170 degrees Fahrenheit; and at all other times while utensils and equipment are being washed and given bactericidal treatment, the water shall be kept at a temperature of 170 degrees Fahrenheit. A three-compartment sink shall be used with the first compartment for washing, the second compartment for rinsing and the third compartment for immersion in water at a temperature of not less than 170 degrees Fahrenheit. In the bactericidal treatment by immersion in hot water, or by other bactericidal treatment methods, all utensils and equipment capable of trapping air shall be placed in a venting position so that air is not trapped therein while in the immersion tank.

Subd. 4. Chemical method: chlorine: hypochlorites. This method of bactericidal treatments shall consist of exposure for at least two minutes in a solution containing at least 50 parts per million of available chlorine at a temperature not less than 75 degrees Fahrenheit. The hypochlorites shall be made up at a strength of 100 parts per million or more and shall not be used after its strength has been reduced below 50 parts per million.

Subd. 5. Chemical method: procedures. All utensils and equipment shall be clean before being subjected to bactericidal treatment by any chemical method. Chemical solutions once used shall not be reused for bactericidal treatment on any succeeding day. Where chemical treatment is used, a three-compartment sink shall be required; the first compartment shall be used for washing, the second for clean water rinsing, and the third for chemical immersion.

Subd. 6. Chemical method: other. Bactericidal treatment may consist of exposure by total immersion in a solution containing a chemical compound which is effective and non-toxic in the use concentration. Such compound-in-use solution shall provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine at a temperature not less than 75 degrees Fahrenheit, and shall be made up at twice such strength.

Subd. 7. Chemical method: tests. When chemical compounds are used for bactericidal treatment, a suitable and readily applicable test for determining solution concentrations shall be provided in the food establishment.

Subd. 8. Mechanical spray-type washing and bactericidal treatment. When mechanical spray-type washing operations are employed, all multi-use utensils and equipment shall be prescraped, preflushed or presoaked. Utensils and equipment shall be placed in racks or on conveyors in such a way that all food contact surfaces are subjected to unobstructed wash and rinse water sprays. Detergents of a concentration which will render utensils and equipment clean shall be used at all times in the wash water. Wash water temperatures shall be at least 140 degrees Fahrenheit except in single-tank conveyor type machines in which the wash water temperature shall be at least 160 degrees Fahrenheit. Flow pressure of rinse water shall be maintained at all times at not less than 15 pounds nor more than 25 pounds per square inch. Recirculated rinse water shall be maintained at a temperature of at least 170 degrees Fahrenheit at the entrance of the rinse spray arms of all machines while dishes are being washed. All single tank, stationary rack machines including but not limited to hood, curtain and door types, shall have at least a 10 second final rinse. All single-tank conveyor type machines shall have a final rinse at the rate of not less than six gallons per minute within the above pressures and the conveyor speed shall not exceed seven feet per minute.

Subd. 9. Multiple-tank conveyor types. All multiple-tank conveyor type machines shall be provided with recirculated rinse at a temperature of at least 170 degrees Fahrenheit. A final rinse shall be provided. The combination of pump volumes of the wash water and recirculated rinse, the temperatures, the conveyor speed, the final rinse temperature and volume, and other related factors shall produce utensils and equipment which are clean and effectively subject to bactericidal treatment meeting the bacteriological requirements of this section.

615.49. Special leaning and bactericidal treatment requirements. Subdivision 1. Oven utensils and equipment. Utensils and equipment which routinely go into ovens for baking purposes and which are used for no other purpose may not be required to be given bactericidal treatment, provided, however, the utensils and equipment are washed and rinsed.

Subd. 2. Large equipment and utensils. Large preparation equipment and utensils, including but not limited to kettles, mixers, grinders and slicers which exceed the capacity of the cleaning sinks or vats shall be thoroughly cleaned, rinsed and subjected to bactericidal treatment after the day's operation, after the completion of each meal or after each use, by any of the methods in this section described or by spraying or swabbing with a chemical of a strength set forth in subsection 615.45 relative to manual dishwashing and bactericidal treatment or equivalent method.

Subd. 3. Non-food contact surfaces. Non-food contact surfaces shall be kept clean.

Subd. 4. Grills. Grills and other cooking surfaces shall be kept clean and free of encrusted grease deposits and food debris.

Subd. 5. Equipment for deep fat frying. Deep fat frying equipment shall be drained and thoroughly washed and rinsed at least daily and kept free of encrusted grease deposits and food debris. Grease shall be filtered and kept free of food debris.

Subd. 6. Equipment for readily-perishable food. Where the preparation of readily-perishable food is on a non-refrigerated, continuous or production line basis, the food contact surfaces of equipment and utensils shall be thoroughly cleaned and subjected to bactericidal treatment at intervals of two hours or less.

Subd. 7. Cleaning compounds, polish and bactericides. Cleaning compounds and bactericides shall be kept in a room, cabinet or area separated from food, utensils and equipment storage, and shall be kept in clearly labeled containers, shall be dispensed in measured amounts, and shall be non-toxic in use dilutions. There shall be no poisonous polishing materials on the premises.

615.51. Sewage. Subdivision 1. Sewage disposal. Water-carried sewage shall be disposed of by means of the public sewer system of the city, their liquid waste into receptacles carried on the vehicle for that purpose, but such waste shall be ultimately discharged into the city sewer system.

Subd. 2. Plumbing. Waste disposal plumbing or lines, open or closed, which pass over food preparation areas, food storage areas, utensils and equipment washing or storage areas, and areas where food is served, shall be provided with a one-piece-constructed metal, dripless trough immediately below such waste line and sloped to drain away from such areas.

Subd. 3. Interconnection prohibited. The safe water system shall not be connected to the sewer system or install in such a manner so as to permit the possibility of back siphonage from the sewer system, waste disposal system or other source of contamination.

Subd. 4. Grease traps. Grease traps shall be required in all cases where the amounts of grease discharged into the sewer system are such that the grease is not kept in suspension in the liquid wastes.

Subd. 5. Drain lines. Drain lines from food equipment such as but not limited to dishwashing machines, ice storage vats, steam tables, ice machines, proofing cabinets, sinks, refrigerators, potato peelers and similar equipment shall be connected to the sewer system through an air gap; provided, however, that sinks and dishwashing machines shall be connected directly to a horizontal sewer line connected to a floor drain not having a backwater valve.

Subd. 6. Floor drains: refrigerators. Floor drains directly connected to the sewer shall be prohibited in walk-in coolers or refrigerators.

615.53. Garbage. Subdivision 1. Garbage and refuse disposal. Garbage and refuse, prior to disposal, shall be kept in tight, non-absorbent containers which shall be kept covered with close fitting lids when filled, in storage or not in continuous use, provided that the containers need not be covered when stored in special insect and rodent-proofed rooms or enclosures or food waste refrigerators. Other refuse shall be stored in containers, rooms or areas in an approved manner. The rooms, enclosures, areas and containers used shall be adequate for the storage of all garbage and refuse accumulating on the premises. Adequate cleaning facilities shall be provided, and each container, room or area shall be thoroughly cleaned after emptying or removal of garbage and refuse. Food waste grinders, when installed, shall comply with the provisions of this code regulating plumbing. Garbage and refuse must be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

Subd. 2. Garbage incineration. Where combustible garbage and refuse is burned an incinerator shall be provided which is operated as required by this code. Areas around the incinerator must be kept free from rubbish, ashes and debris.

615.55. Garbage grinders - construction. Garbage grinders must be so constructed that there are no areas in the machine where food wastes can accumulate, and adequate cleanouts shall be provided and so located that the waste line connected to the grinder can be cleaned.

615.57. Holding temperatures. Subdivision 1. Readily perishable food. Readily perishable products, except during necessary periods of preparation and service, shall be kept at or below 40 degrees Fahrenheit during storage, transportation and display; provided, however, if such readily-perishable products after being cooked are not immediately refrigerated to 40 degrees or less Fahrenheit, the food shall be kept at or above 150 degrees Fahrenheit.

Subd. 2. Cream-filled and custard-filled pastries. Cream-filled and custard-filled pastries shall be kept at a temperature of 40 degrees Fahrenheit or below or at or above 150 degrees Fahrenheit during periods of storage, transportation and display. Fillings shall be refrigerated at or below 40 degrees Fahrenheit at all times prior to the filling operation; provided, however, that fillings need not be refrigerated if they are kept above 150 degrees Fahrenheit after cooking and until placed into the shell.

Subd. 3. Frozen food. Frozen foods must be kept at or below "O" degrees Fahrenheit, except when being thawed for preparation or use. Frozen food shall be thawed in a refrigerator at a temperature of 40 degrees Fahrenheit or less. No person may thaw frozen foods by immersion in water unless the food is completely immersed in a boiling, cooking liquid.

615.59. Wholesomeness. Food in all food establishments shall be clean, wholesome, free from spoilage, adulterations, and misbranding and shall be prepared, processed, handled, packaged, transported and stored so as to be protected from contamination and spoilage and safe for human consumption. No home prepared foods may be kept or used in any food establishment, except that such food may be kept or used on an occasional basis by churches, veterans organizations, and other service organizations.

615.61. Dairy products. Milk and fluid milk products must be served to the consumer in the individual unopened original containers in which they were received from the distributor, or served from a bulk container equipped with a sanitary dispensing device; provided, however, that cream, whipped cream or half-and-half shall be poured from an opened, original container for use or service on the premises, provided further that milk served at hospitals and institutions shall be served from one-quart or two-quart containers packaged at a milk plant, and mixed milk drinks requiring less than one-half pint of milk may be poured from one-quart or two-quart containers packaged at a milk plant. The dipping or ladling of milk is prohibited, except for immediate cooking purposes, provided further that this section does not apply to manufacturing or processing food establishments which make no sales at retail nor direct sales to consumers.

615.63. Food sources. No food may be stored, prepared, manufactured, processed, wrapped, canned, packed, bottled, transported, distributed, sold or offered for sale, or served in any way with or without charge, within the city if the food has been obtained from a food establishment within or without the limits of the city which do not meet the requirements of this section.

615.65. Certain types of seafood. No person may have or keep in any food establishment any oysters, clams, mussels or other shellfish from a source which has not been approved by the Minnesota State Board of Health, or, if the source is outside the state, from a shipper whose name is not on the current list of state certified shippers issued by the public health service and such approval is evidenced by official stamp on the container. Shucked shellfish shall be kept in the original container until used. Oysters, clams, mussels and other shellfish, if served in the shell, must be served in the original shell.

615.67. Meat and poultry products. Meat and meat products and all poultry and poultry meat products received, kept or used in any manner in any food establishment must be officially identified as having been inspected for wholesomeness under the supervision of a licensed veterinarian and any such products upon which any such official identification is lost by reason of the processing thereof shall be identified by the name and location of the processor thereon.

615.69. Transportation, storage, display and serving of food. Subdivision 1. General requirements for food protection. After delivery and while being stored, prepared, displayed, served or sold in food establishments, transported between such establishments; all foods shall be protected against contamination from work surfaces which are not clean, utensils which have not been given bactericidal treatment, unnecessary handling, flooding by sewage or drainage, coughs, sneezes, overhead leakage, dust, flies, insects, rodents and other vermin, or any other source of contamination.

Subd. 2. Fruits and vegetables. Fruits and vegetables shall be washed thoroughly before used.

Subd. 3. Poultry and pork. Roast poultry, including stuffing, shall be heated to a minimum temperature of 165 degrees Fahrenheit throughout, with no interruption of the initial roasting process. Pork and pork products which have not been specially treated to destroy trichinae must be thoroughly cooked to heat all parts of the meat to at least 136 degrees Fahrenheit. Large thick cuts of pork or pork products shall be cooked at boiling temperature or baked at oven temperature of not less than 350 degrees Fahrenheit for at least 30 minutes per pound.

Subd. 4. Readily-perishable food. Readily-perishable foods which are served without further cooking, such as but not limited to potato salad, egg salad, and chicken salad, shall be prepared on surfaces or in containers with utensils which are clean, all of which have been subjected to the bactericidal treatment.

Subd. 5. Hand care. Foods shall be prepared with a minimum of manual contact and all persons handling such food shall have hands which are clean and free from cuts, sores and bandages.

Subd. 6. Protection of food. During storage, foods not subject to further washing or cool serving, and ready-to-eat foods must be wrapped, kept in closed or covered containers, or kept in such a manner as to be protected against contamination.

Subd. 7. Container care. Food containers that are or may be placed on work tables, work surfaces or refrigerator shelves shall be stored above the floor, on clean racks, hooks or other clean surfaces.

Subd. 8. Moist storage areas. Food stored in rooms which are below street level, subject to flooding from sewage backflow, or subject to dampening from mopping or other causes, shall be kept on devices or shelves at least 12 inches above the floor and so arranged that the underneath area can be readily cleaned.

Subd. 9. Smorgasbord and buffet service. Food on display including but not limited to smorgsbords and buffet service in any food establishment shall comply with all requirements of this subsection.

Subd. 10. Counterguards. Unpackaged or unenclosed food on display shall be protected by counterguards or covers to designed as to intersect a direct line between the customer's mouth and the food.

Subd. 11. Implements for certain foods. Employees and customers at self-service shall use tongs, forks, spoons, picks, spatulas, scoops or other suitable implements in serving butter, cubed or cracked ice, cake, pie, bread, rolls, sliced meats, pickles, olives, relishes. The foods shall not be touched by hand. Sugar shall be served in closed dispensers or in individual packages. Cream in open pitchers and pickles and relishes in open trays may not be permitted unless the entire contents are used or discarded at or after each serving.

Subd. 12. Packaged food. Food which is wrapped or served in closed containers or packages, such as but not limited to sugar, syrup and condiments, may be reserved. No unwrapped food that has been once served to a customer and no wrapped food on which the wrapper has been broken may be served to another customer or thereafter used in the preparation of food.

Subd. 13. Protection in transportation. The requirements for temperature, for the storage, for the display, and for the general protection against contamination as contained in this subsection, applies in the transporting of food from a food establishment or other location to another food establishment or other location for delivery, service or catering operations.

615.71. Hygienic requirements: persons engaged in food establishment operation. Subdivision 1. Handwashing. Persons engaged in food establishment operations shall scrub hands-and arms before starting work, and wash hands during work hours after each relief period and after using the toilet room. The hands of all such persons shall be kept clean while engaged in handling food, utensils or equipment and they shall keep their fingernails closely and neatly trimmed.

Subd. 2. Clothing. The outer garments of persons engaged in handling food, equipment or utensils shall be clean and shall be used for no other purpose than duty in the food establishment. Hair nets, head bands, caps or other hair restraints shall be worn by food preparation and serving personnel.

Subd. 3. Tobacco. The use of tobacco in any form by persons engaged in food establishment operation is prohibited at all times in room in which food is prepared or stored, and in rooms in which food is served, at all times when such persons are on duty.

Subd. 4. Expectoration. No person may expectorate in any room in a food establishment where food is stored, prepared or served.

Subd. 5. Other prohibited practices. No person may perform any act or engage in any practice which may contaminate food, equipment or utensils. Clean spoons, knives, and forks shall be picked up or touched only by their handles. Clean cups, glasses and bowls shall be handled without fingers or thumbs contacting the inside surfaces or surfaces which come into contact with the mouth. A spoon or other utensil, once used for testing of foods, shall be cleaned and subjected to bactericidal treatment prior to re-use for any purpose. No person may remove soiled dishes by placing fingers in glasses or cups, or by picking up utensils by soiled surfaces instead of handles. No person may scratch the head, pinch face pimples, pick the nose, mouth, fingers or pencil, sneeze or cough without washing the hands immediately thereafter and before continuing or returning to work.

615.73. Health and disease control. No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, a cough or a cold shall work in food preparation or serving areas of a food establishment and no owner or operator of a food establishment shall employ in such an area any person known or suspected of being affected with any such disease or condition.

615.75. Dressing rooms and lockers. Subdivision 1. Separate rooms provided. Dressing rooms, separate for men and women, shall be provided in all food establishments where employees change clothing within the establishment, and such dressing rooms shall be located outside of food preparation, storage and serving areas, and utensil or equipment washing and storage areas.

Subd. 2. Lockers provided. Lockers for personal belongings of employees shall be provided within dressing rooms or in areas outside of the food preparation, serving, utensil and equipment washing and storage areas. Personal belongings including but not limited to coats and other clothing shall be stored in such lockers and shall not be stored with food, utensils or equipment. Dressing rooms and lockers shall be kept neat and clean.

615.77. Insect and rodent control. Subdivision 1. Insects and rodents prohibited. No person may allow or permit the entrance, breeding or presence of rodents or insects including, but not limited to, mice, rats, flies and roaches in any food establishment.

Subd. 2. Requirements for insecticides and rodenticides. Insecticides and rodenticides may be in containers which are clearly labeled so that the contents can be easily identified and shall be kept in a room, cabinet or area separated from food, utensil and equipment storage, and shall not be used where food, utensils, equipment, or employees' clothing are exposed to the spray, the splashing, the dusting or the settling of the substances.

615.79. Housekeeping. Subdivision 1. Kept clean. All parts of all food establishments, both inside and out, shall be kept neat, free of garbage, weeds, refuse, rubbish, waste paper, debris and litter.

Subd. 2. Dusting and cleaning. Dustless methods of floor and wall cleaning shall be used, dust-arresting, sweeping compounds and push brooms shall be employed; and all cleaning except emergency floor cleaning shall be done during those periods when the least amount of food is exposed, such as after closing or between meals.

Subd. 3. Use as living quarters. No person may use any area in any food establishment as living or sleeping quarters. Openings between living or sleeping quarters and a food establishment shall be equipped with self-closing solid doors which are not allowed to stand open.

Subd. 4. Laundry bags and receptacles. Non-absorbent receptacles or washable laundry bags, laundered between every two uses, shall be provided for used or soiled linens, coats, trousers, dresses and aprons, which shall be kept therein until removed for laundering.

Subd. 5. Animals and fowl prohibited. Except for guide dogs accompanying blind persons in food service areas, no fowl or animal may be allowed in any food establishment.

615.81. Miscellaneous enforcement provisions. Subdivision 1. Procedure when infection is suspected. When there is reasonable cause to believe that a food establishment owner or employee is a carrier of disease, the enforcement officer is authorized to require any or all of the following:

- (a) the immediate exclusion of such person from all food establishments;
- (b) the transfer of the services of such person to an area of the food establishment where there would be no danger of transmitting disease;
- (c) adequate medical examinations of such persons and their associates, with such laboratory examinations as may be indicated; and
- (d) the immediate suspension of the license of the food establishment until in the opinion of the enforcement officer no further danger of disease outbreak exists.

Subd. 2. Industry self-inspection. Every food establishment shall arrange for a program of sanitation self-inspection conducted by the owner, manager, sanitation supervisor, or an agent. Such inspections shall be kept on file for review by the enforcement officer.

Subd. 3. Construction: plan review. Persons who hereafter construct, extensively remodel or convert buildings or facilities for use as food establishments shall conform and comply in their construction, erection or alteration with the requirements of this subsection. The requirements contained in this subsection shall be supplementary to all other building and construction requirements contained in this code. Plans and specifications for such construction, remodeling or alteration which show layout, arrangement and plumbing and construction materials of work areas, and location, size and type of equipment and facilities shall be filed by the owner with the city for review and approval by the director of public safety. The building official may not issue a building permit for such establishment until all provisions of this code have been complied with.

Subd. 4. Interference with, or hindrance of, enforcement officer. No person may interfere with or hinder the enforcement officer in the performance of his duties in accordance with this section or the laws of the State of Minnesota, or in any way prevent performance thereof.

615.83. Applicability of state law: restaurants. Nothing contained in this section shall be interpreted so as to limit or abrogate the provisions of Minnesota Statutes, chapter 157 applicable to restaurants.

615.85. Applicability of state law: food delivery vehicles. The licensing requirements of this section shall not apply to any vehicle which is exempt from municipal regulation by Minnesota Statutes, section 17.037, subdivision 3.

Section 620 - Wells: well drillers

620.01. Regulation and maintenance of wells. Subdivision 1. License and regulation. No person may drill a well or engage in the business of well drilling in the city without first obtaining a well driller's license and complying with the requirements of this section.

Subd. 2. Contents of application. A person desiring a well driller's license shall make written application to the city clerk, stating the following:

- (a) the name and address of the applicant;
- (b) the names and address of partners, if a partnership, and the names and addresses of the corporate officers, if a corporation;
- (c) the experience of the applicant in the drilling of wells, including the number of years that the applicant has been engaged in said business and the names and addresses of employers with whom the applicant was so engaged;
- (d) the municipalities in which the applicant is licensed to engage in said business in the state of Minnesota; and
- (e) the municipalities in the state of Minnesota or elsewhere which have denied such license to the applicant, or have revoked such license of the applicant.

Subd. 3. Accuracy of application. The person making application shall warrant the accuracy of the information supplied in the application. Failure to provide true and complete information constitutes a violation of this section and, in addition to the penalties hereinafter prescribed for the violation of this section, the license of any person may be revoked by reason of any material falsification or omission in the application.

Subd. 4. License fee. The application shall be accompanied by the license fee as provided in appendix D. Licenses expire on December 31 next following the date of their issuance.

Subd. 5. Bond requirements. The application shall be accompanied by a bond in the principal-sum of \$2,000 conditioned upon the observance of all the provisions of this code relative to the installation of wells, and upon the faithful and workmanlike performance of all work performed or to be performed pursuant to such license. The bond shall run to the city and shall be for the benefit of any person, firm or corporation who sustains any injury covered by the bond, and shall provide that any person, firm or corporation so injured may bring an action in his or its own name for the recovery of damage upon the bond, in addition to any other remedy.

Subd. 6. Council approval. The application shall be presented to the council, which shall either grant or deny the same, and any such license issued may be revoked for failure to comply with this section.

620.03. Permit and fees. Subdivision 1. Well permit. No person, firm or corporation shall drill any well or repair any existing well without first obtaining a permit to do so. Application for such a permit shall be made in writing to the director of community services and shall state the character' location and size of the proposed well and shall be accompanied by the permit fee as provided in appendix D.

Subd. 2. Responsibility. The person to whom a permit is issued for the drilling of a new well is responsible for the proper installation of the water pump or pumping system first installed by him on such well, but this responsibility does not extend to any used pump not provided by the well driller but ordered installed by the property owner, nor the installation of any pump by any other party.

620.05. Requirement of license. No pump shall be installed or repaired by any person not duly licensed as either a master plumber or a well driller.

620.07. Affidavit confirming capacity of well. Upon the completion of the drilling of a well, a pumping test of sufficient duration to determine the yield and maximum drawn down shall be conducted, if practical. Within ten days after inspection of such well the permit holder shall file an affidavit with the plumbing inspector of the city setting forth the results of the pumping test, the capacity of the well, the pumping level, the depth of casing from grade and length of screen if one is used, and a true and correct copy of a guarantee shall be given to the well property owner guaranteeing the well for a period of one year following the inspection.

620.09. Geological log. A geological log of the formation encountered in drilling each well shall be kept by the person actually engaged in the drilling. A copy thereof, typed on 8 1/2" x 11" paper, shall be filed along with said affidavit, and such log shall specifically state where impervious formation has been encountered. Failure to provide such log, affidavit or guarantee or willful failure to provide accurate information with respect thereto constitutes a violation of this section.

620.11. Well diameter. Every well installed shall be of the drilled type and not less than two inches in diameter. Drawn down tests need not be made on two inch wells. Only well casings of steel or wrought iron standard weight pipe shall be installed.

620.13. General drilling requirements. Subdivision 1. General requirements. The following general requirements shall be met by all licensees pursuant to this section.

Subd. 2. Water-tight wells. Every well casing shall be water-tight and go through an impervious underground formation, if one exists, or to a depth of 42 feet, whichever is greater. Screen shall be below the impervious formation. Sample and static water level shall be required whenever requested by the plumbing inspector; provided, however, that wells drilled in areas below elevation 130.0 city datum may be less than 42 feet minimum if the second water bearing formation has been penetrated and the log has been examined by the inspection department before final approval of the well.

Subd. 3. Commercial wells. Commercial wells shall comply with the requirements of the Minnesota State Board of Health for all public water supplies. Screens on commercial wells may be eliminated if the well is terminated after at least ten feet penetration in the Jordan or Shakopee formation.

Subd. 4. Well pits. No well hereafter shall be installed in a pit below the surface of the ground unless such well pit is connected by an opening with the main basement area of the building served by the well, and in such case the floor of the pit shall be at least one foot above the main basement area floor.

Subd. 5. Well houses. Above surface well houses or sheds shall have a concrete base of at least five feet by five feet, six inches thick, at least one foot above grade. Such shed and base may be attached to the main building serving the well. The well must be located at least three feet from the main building wall or foundation. Well pits and above surface well houses must be covered with a watertight roof, and such roof may not be under the roof of the main building.

Subd. 6. Location. Wells hereafter installed shall be located at least 50 feet, measured horizontally, from any cesspool, and 40 feet from any septic tank and 10 feet from any underground soil pipe or floor drain connected to sanitary plumbing lines.

Subd. 7. Minimum production of well. Wells hereafter installed shall produce at least 50 gallons per hour, in order to assure an adequate supply for sanitary purposes. They shall be sealed with an approved device or well seal to maintain a water tight seal 18 inches above the main basement area, or main floor in the case of slab floor buildings.

Subd. 8. Pump types not permitted. No pump hereafter may be installed that uses the well casing for a vacuum line or suction line purpose, nor shall any pump be installed having a buried horizontal suction pipe between the building and any below surface pitless well, except where suction pipe is encased in pressure pipe. Pitless well and pumping systems may be installed using a buried horizontal pressure line between well and building if there is maintained a minimum pressure of 20 pounds.

Subd. 9. Disinfection. After final installation of a well, it shall be disinfected in accordance with the recommendations of the state department of health, and it shall have then been pumping a sufficient length of time to properly dissipate the disinfectant.

Subd. 10. Installation of air vent. No air vent shall be installed in a well without specific approval of the plumbing inspector.

Subd. 11. Emergency outlets. If it appears to the director of public safety that a well and pumping system being installed to serve any commercial or other public structure has sufficient capacity, he may request the owner of the well or system for permission to install emergency water outlets or wall hydrants on the structure for use by the city fire division. If the owner grants such permission, the necessary labor and fittings shall be furnished by the city.

620.15. Construction of section. This section shall not be construed to relieve or lessen the responsibility or liability of any party owning, operating, controlling or installing any wells and water supply systems for damages to persons or property caused by any defect therein nor shall the city be held to assume any liability to any person by reason of the inspection required herein or by reason of certificate of the inspection required herein or by reasons of certificate of inspection issued pursuant thereto.

620.17. Application of state law. All well drilling and any use of water, either surface or underground in the city shall be subject to the regulation of the use of water by the state contained in Minnesota Statutes, Chapter 105, and other applicable state law. Nothing contained in this section or this code shall be interpreted as to limit or abrogate the provisions of Minnesota Statutes, chapter 105 or other applicable law.

Section 625 - Premises conducive to high-risk
sexual conduct

(Added, Bill No. 1995-5, Sec. 3)

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

625.03. Findings of the city council. Subdivision 1. The city council of the city of Richfield makes the following findings regarding the need to regulate commercial premises, buildings, and structures that are conducive to the spread of communicable disease of danger to persons in order to further the substantial interest of public health.

Subd. 2. The experience of other cities establishes that certain commercial premises, buildings, and structures, or parts thereof, by reason of the design and use of such premises, buildings, or structures are conducive to the spread of communicable disease of danger to persons frequenting such premises, buildings, or structures, as well as to the general public, and that the risk of spreading infectious and contagious diseases can be minimized by regulating such commercial premises, buildings, and structures.

Subd. 3. The experience of other cities where such commercial premises, buildings, and structures are present indicates that the risk of spreading the sexually transmittable disease of Acquired Immune Deficiency Syndrome (AIDS) is increased by the presence of such premises, buildings, and structures, because the design or use of such premises, buildings, and structures, or parts thereof can facilitate high-risk sexual conduct.

Subd. 4. Medical publications of the Center for Disease Control of the United States Department of Health and Human Services indicate that the sexually transmittable disease of AIDS is currently irreversible and uniformly fatal. Medical research has further established that the risk factors for obtaining or spreading AIDS are associated with high-risk sexual conduct.

625.05. Definitions. Subdivision 1. The following words and phrases when used in this section shall have the following meanings unless the context indicates otherwise:

Subd. 2. Booths, stalls, or partitioned portions of a room or individual room. (i) enclosures specifically offered to persons for a fee or as an incident to performing high-risk sexual conduct, or (ii) enclosures which are part of a business operated on the premises which offers movies or other entertainment to be viewed within the enclosure, including enclosures wherein movies or other entertainment is dispensed for a fee.

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

Subd. 3. Doors, curtains or portal partitions. Full, complete, non-transparent closure devices through which one cannot see or view activity taking place within the enclosure.

Subd. 4. Hazardous site. Any commercial premises, building or structure, or any part thereof, which is a site of high-risk sexual conduct as defined herein.

Subd. 5. High-risk sexual conduct.

- (a) fellatio;
- (b) anal intercourse; and/or
- (c) vaginal intercourse with persons who engage in sexual acts in exchange for money.

Subd. 6. Open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. Either the absence of any entire "door, curtain or portal partition" or a door or other device which is made of clear, transparent material such as glass, plexiglass or other similar material meeting building code and safety standards, which permits the activity inside the enclosure to be entirely viewed or seen by persons outside the enclosure.

Subd. 7. Public health official. An agent or employee of the city charged with the enforcement of the state or local health laws.

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

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

(a) Partitions between subdivisions of a room, portion or part of a building, structure or premises having an aperture which is designed or constructed to facilitate sexual activity, including but not limited to vaginal intercourse, anal intercourse, or fellatio, between persons on either side of the partition.

(b) "Booths, stalls, or partitioned portions of a room or individual room" as defined herein which have "doors, curtains or portal partitions" as defined herein unless such booths, stalls, partitioned portions of a room or individual room have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room as defined herein. Booths, stalls, and/or partitioned portions of a room or individual room that are so open to an adjacent public room shall be lighted in a manner that the persons in the area used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

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

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

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

(a) Notify the manager, owner, or tenant of the hazardous site that the public health official has reasonable belief that the premises, building or structure is a hazardous site as defined herein,

(b) Issue two written warnings at least 10 days apart to the manager, owner, or tenant of the premises stating the specific reasons for the public health official's opinion that the premises, building, or structure is a hazardous site as defined herein,

(c) Once such notices and warnings have been issued, the public health official or the public health official's appointee shall proceed as follows:

(1) After the manager, owner or tenant of the premises has been notified in writing as to the basis of the public health official's determination, the manager, owner or tenant shall have 10 days from the date of the last warning to request a hearing before the public health official or the public health official's appointee for the determination as to the existence of such hazardous site. If the manager, owner or tenant of the premises does not request a hearing within 10 days of the date of the last warning notice, the public health official shall then cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site to take specified corrective measures to prevent high-risk sexual conduct from taking place within the premises.

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

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

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

Section 630 - Tattoo, body piercing, body branding
and body painting establishments
(Added, Bill No. 1997-21)

630.01 Regulation of tattoo, body piercing, body branding and body painting services.

Subd. 1. Purpose statement. The purpose of this section is to regulate the business of tattooing, body piercing, body branding, or body painting in order to protect the health and welfare of the general public. The city council finds that the experience of other cities indicates that there is a connection between tattooing and hepatitis and other health problems. The city council finds that stringent regulations governing tattooing can minimize the hepatitis and disease risk and therefore protect the general health and welfare of the community.

630.03 Definitions.

Subd. 1. For purposes of this subsection the terms defined in this subsection have the meanings given them.

Subd. 2. “Body piercing” means any method of puncturing the skin of a person by the aid of needles or other instrument designed or used to puncture the skin for the purpose of inserting jewelry or other objects in or through the human body. “Body piercing” shall not refer to any medical procedure performed by a licensed physician or medical practitioner.

Subd. 3. “Body branding” means impressing or burning a mark or figure on the skin of a person with a hot object or flame.

Subd. 4. “Body painting” means applying color, pigment or paint to an area of the skin that exceeds three square inches.

Subd. 5. “Clean” means the absence of dirt, grease, rubbish, garbage, odor and other offensive, unsightly, or extraneous matter.

Subd. 6. “Good repair” means free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

Subd. 7. “Enforcement officer” means the director of public safety or designee.

Subd. 8. “Issuing authority” means the director of public safety or designee.

Subd. 9. “Tattooing” means the marking of the skin of a person by insertion of permanent colors by introducing them through puncture of the skin.

630.05 License required. No person shall operate any establishment where tattooing, body piercing, body branding, or body painting is practiced, nor engage in the practice of tattooing, body piercing, body branding or body painting without first procuring a license from the department of public safety.

630.07 Contents of application for license.

Subd. 1. Forms. Every application for a license under this subsection shall be made on a form supplied by the department of public safety.

Subd. 2. Contents of application. In addition to information which may be required, the applicant shall state whether the applicant is a natural person, corporation, partnership, or other form of organization.

Subd. 3. Additional information: natural persons. If the applicant is a natural person, the following information shall be furnished:

- (a) The name, place and date of birth, street residence address, and phone number of the applicant.
- (b) Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places where used.
- (c) The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant, and a certified copy of the certificate as required by Minnesota Statutes, section 333.01.
- (d) The street addresses at which the applicant has lived during the preceding five years.
- (e) The type, name and location of every business or occupation in which the applicant has been engaged during the preceding five years, and the name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding five years.
- (f) Whether the applicant holds a current tattooing, body piercing, body branding or body painting license from any other governmental unit.
- (g) Whether the applicant has previously been denied a tattooing, body piercing, body branding or body painting license from any other governmental unit.
- (h) The location of the business premises and the legal description thereof.
- (i) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid.
- (j) Whenever the application is for premises either already in existence, planned or under construction or undergoing substantial alterations, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed. If the plans of design are on file with the city of Richfield, building and inspection division, no plans need be submitted to the issuing authority.
- (k) Such other information the city council or the department of public safety may require.

Subd. 4. Additional information: partnership. If the applicant is a partnership, the following information shall be furnished:

- (a) The name(s) and address(es) of all general and limited partners and, for each general partner, require the information under subdivision 3 of this subsection.
- (b) The name(s) of the managing partner(s) and the interest of each partner in the business to be licensed.
- (c) A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, section 333.01, a certified copy of such certificate shall be attached to the application.

Subd. 5. Additional information: corporation. If the applicant is a corporation or other organization, the following information shall be furnished:

- (a) The name of the corporation or business formed, and if incorporated, the state of incorporation.
- (b) A true copy of the certificate of incorporation. If the applicant is a foreign corporation, a certificate of authority as required by Minnesota Statutes, section 303.06, shall be attached to the application.
- (c) The name of the manager(s) proprietor(s), or other agent(s) in charge of the business and, for each such person, the information required under subdivision 3 of this subsection.

Subd. 6. Execution. The application must be executed as follows:

- (a) an application by a natural person, by that person;
- (b) an application by a corporation, by an officer of the corporation;
- (c) an application by a partnership, by a partner;
- (d) an application by an incorporated association, by the manager or managing officer.

Any falsification on a license application shall result in the denial of a license.

630.09 Application verification. Subdivision 1. All applications shall be referred to the department of public safety for verification and investigation of the facts set forth in the application, including any necessary criminal background checks to assure compliance with this subsection.

630.11 License period and fees. Subdivision 1. Amounts. The license fee is fixed in appendix D. The term of the license is the calendar year or the remaining portion thereof. Licenses will not be prorated.

Subd. 2. Payment. At the time of an original application for a license, the license fee shall be paid when the application is filed. At the time of renewal of a license, the total license fee shall be paid when the application is filed. Licenses expire on December 31 of each year.

Subd. 3. Investigation fee. At the time of each original application for a license, the applicant shall also pay an investigation fee set by appendix D. If the expenses of the investigation exceed the investigation fee, the public safety department staff shall so notify the applicant and shall require the applicant to pay an additional investigation fee as provided in appendix D which the public safety director deems necessary to complete the investigation of the applicant. The applicant shall pay such an additional investigating fee within five days after notification. If such additional investigation fee is not paid within the five day period, the city will give no further consideration to the application.

Subd. 4. Refunds. No part of a license or investigation fee shall be refunded except in accordance with this subsection.

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

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

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

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

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

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

630.15 General license requirements. Subdivision 1. General licensing requirements are as follows:

(a) Tattoos on minors. No person shall tattoo, pierce, brand or paint any person under the age of 18 except in the presence of, and with the written permission of, the parent or legal guardian of such minor.

(b) Prohibition on license transfer. The license granted is for the person and the premises named on the approved license application. No transfer of a license shall be permitted from place-to-place or from person-to-person without first complying with the requirements of an original application, except in the case in which an existing noncorporate licensee is incorporated and incorporation does not affect the ownership, control, and interest of the existing licensed establishment.

(c) Hours of operation. A licensee shall not be open for business for tattooing before 7:00 a.m. nor after 11:00 p.m.

(d) Licensed premises. The tattoo, body piercing, body branding, body painting establishment license is only effective for the compact and contiguous space specified in the approved license application. If the licensed premises is enlarged, altered, or extended, the licensee shall inform the department of public safety.

(e) Effect of license suspension or revocation. No person shall solicit business or offer to perform tattooing, body piercing, body branding or body painting services while under license suspension or revocation by the city.

(f) Maintenance of order. The licensee shall be responsible for the conduct of the business being operated and shall at all times maintain conditions of order.

(g) Employee lists. The licensee shall provide to the department of public safety a list of employees who perform tattooing, body piercing, body branding or body painting at the licensed establishment and shall verify that each employee has received a copy of Section 630.

(h) Liability insurance. All licensees shall have at all times a valid certificate of insurance issued by an insurance company licensed to do business in the State of Minnesota indicating that the licensee is currently covered in the licensed business by a liability insurance policy. The minimum limits of coverage for such insurance shall be:

- (1) Each claim, at least \$200,000;
- (2) Each group of claims, at least \$500,000.

Such insurance shall be kept in force during the term of the license and shall provide for notification to the city prior to termination or cancellation. A certificate of insurance shall be filed with the city.

630.17 Health and sanitation requirements. Subdivision 1. No person shall engage in the practice of tattooing, body piercing, body branding or body painting at any place in the city without complying with the following regulations:

(a) Lavatory requirement. Every place where tattooing, body piercing, body branding or body painting is practiced shall be equipped with an adequate and conveniently located toilet room and hand lavatory for the accommodation of employees and patrons. The hand lavatory shall be supplied with hot and cold running water under pressure; shall be maintained in good repair at all times; and shall be kept in a clean and sanitary condition. Toilet fixtures and seats shall be of a sanitary open front design and readily cleanable. Easily cleanable, covered receptacles shall be provided for waste materials. Every lavatory facility shall be provided with an adequate supply of hand cleansing compound and single-service sanitary towels or hand-drying devices.

(b) Skin infection. No person having any skin infection or other diseases of the skin shall be tattooed, pierced, branded or painted.

(c) Sterilization and disposal of bio-hazardous materials. All needles and razor blades and other equipment used for piercing, branding or puncturing shall be individually pre-packaged, pre-sterilized and disposable. No such equipment shall be used on more than one customer. All bio-hazardous waste shall be disposed of in accordance with law, and disposal procedures shall be approved by the health officer. Approved sterilizing solutions and methods may be used for the purpose of sterilizing instruments other than needles and razor blades when such sterilizing solutions and methods are approved by the department of public safety or their designee.

(d) Skin preparation procedures. The following procedures shall be used for skin preparation:

- (1) Each operator shall wash their hands thoroughly with soap and water following the hand washing procedures as approved by the department of public safety and then dry them with a clean towel before and after each tattooing, branding, piercing or painting. Operators with skin infections of the hand shall not perform any tattooing, body piercing, body branding or body painting services.
- (2) Whenever it is necessary to shave the skin, pre-packaged, pre-sterilized, disposable, razor blades shall be used.
- (3) The skin area to be tattooed, pierced, branded or painted shall be thoroughly cleaned with germicidal soap, rinsed thoroughly with water, and sterilized with an antiseptic solution approved by the department of public safety. Only single-service towels and wipes shall be used in the skin cleaning process.
- (4) After tattooing, piercing or branding, a sterile dressing must be applied to the tattooed, pierced or branded area.

(e) Operating furniture. All tables, chairs, furniture, or area on which a patron receives a tattoo, any body piercing, body branding or body painting shall be covered by single-service disposable paper or clean linens, or in the alternative, the table, chair, or furniture on which the patron receives a tattoo, body piercing, body branding or body painting shall be impervious to moisture and shall be properly sanitized after each tattoo, body piercing, body branding or body painting.

(f) Towels. Every operator shall provide single-service towels or wipes for each customer or person and such towels or wipes shall be stored and disposed of in a manner acceptable to the department of public safety.

(g) Garments of operator. Every operator shall wear clean garments when engaged in the practice of tattooing, body piercing, body branding or body painting. If garments are contaminated with blood or body fluids, such garment shall be removed, changed, and/or discarded or cleaned by dry cleaning methods.

(h) Pigments. Pigments used in tattooing shall be sterile and free from bacteria and noxious agents and substances including mercury. The pigments used from stock solutions for each customer shall be placed in a single-service receptacle, and such receptacle and remaining solution shall be discarded after use on each customer in accordance with procedures approved by the department of public safety.

(i) Minimum floor space. There shall not be less than 150 square feet of floor space at the place where the practice of tattooing, body piercing, body branding or body painting is conducted, and said place shall be so lighted and ventilated as to comply with the standards approved by the department of public safety.

(j) Influence of alcohol and drugs. No person shall practice tattooing, body piercing, body branding or body painting while under the influence of alcoholic beverages or illicit drugs. No customer shall be tattooed, pierced, branded or painted while under the influence of alcoholic beverages or illicit drugs.

(k) Written instructions. The operator shall provide the person tattooed, pierced or branded with printed instructions on the approved care of the skin during the healing process.

(l) Living quarters. No place licensed as a tattoo, body piercing, body branding or body painting establishment shall be used or occupied as living or sleeping quarters.

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

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

630.21 Issuance of temporary tattooing, body piercing, body branding or body painting event license. Subdivision 1. A person may obtain a temporary license to conduct tattooing, body piercing, body branding or body painting provided that the following license requirements are met:

(a) Duration of event. The event is no longer than four continuous days.

(b) Number of events. The same person or organization has had no more than four tattooing, body piercing, body branding, body painting events in the same calendar year.

(c) Security measures. The director of public safety designee has approved the security measures for the event.

(d) Health inspection. The department of public safety designee has reviewed the health and sanitation measures for the event and has inspected each vendor space for the event.

(e) Liability insurance. Liability insurance has been obtained to cover the event or in the alternative each vendor has procured insurance to cover the vendor's operations at the event. The minimum limits of coverage for such insurance shall be:

- (1) each claim, at least \$200,000;
- (2) each group of claims, at least \$500,000.

(f) A certificate of insurance shall be filed with the city.

(g) The licensee must comply with the requirements at subsection 630.15 (a), (c), (f), and subsection 630.17 (a - 1).

Subd. 2. Temporary application. The temporary license application shall request the following information:

- (a) The applicant's name and current address.
- (b) The applicant's current employer.
- (c) The applicant's addresses for the previous five years.
- (d) The applicant's date of birth, home telephone number, weight, height, color of eyes, and color of hair.
- (e) Whether the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where used.
- (f) The location where the event will be conducted.
- (g) The number of tattoo, piercing, branding or painting booths that will be operational at the event.
- (h) The names and addresses of persons in charge of the event.

Subd. 3. Background investigation. The department of public safety shall verify the information supplied on the temporary license application and shall investigate the background, including the current background of the applicant. Within seven days of receipt of a complete application, the department of public safety shall grant or deny the application.