

grant the permit on certain additional conditions, including but not limited to that the parade occurs on a date, time or route that differs from that stated in the application, or the different safety precautions be employed. The applicant shall have three days within which to communicate acceptance of any such additional terms to the Clerk.

Subd. 4. Unlawful Acts.

- A. No person shall hamper, obstruct, impede, or interfere with any parade, parade assembly or any person, animal or vehicle participating in a parade, for which a permit has been issued hereunder.
- B. No person shall drive a vehicle between the vehicles or persons comprising a parade when such parade is in motion, unless so directed by appropriate law enforcement authorities.
- C. No person shall enter into a parade without prior authorization from the parade chairperson.
- D. No parade participant who is riding on any vehicle, animal or other parade unit shall hand out, throw, or forcibly eject any substance or article of any kind, including but not limited to candy and other edible items, balloons, novelties and flowers. This prohibition also applies to any participant in the parade who is not riding on a vehicle, animal or parade unit, unless the participant is walking in a safe manner within five feet of the street curb. In no event shall any such substance or article be distributed in such a manner as to encourage minors or other parade viewers to leave the curb and enter the traveled portion of the roadway.

Subd. 5. Exception. This Section shall not apply to funeral processions, or a governmental agency acting within the scope of its functions.

SECTION 412.01. GAMBLING.

Subd. 1. Purpose. The purpose of this Section is to regulate and control the conduct of lawful gambling pursuant to the provisions of Minnesota Statutes Chapter 349.

Subd. 2. Definitions. For the purposes of this Section the terms used herein shall have the meanings defined or used in Minnesota Statutes Chapter 349. “Gambling organization” means an organization licensed for charitable gambling by the State or issued a permit for charitable gambling by the City.

Subd. 3. Additional Regulations. The following regulations shall apply to the conduct of lawful gambling within the City in addition to the provisions of Minnesota Statutes Chapter 349.

Subd. 4. Unlicensed or Unpermitted Bingo or Lawful Gambling Prohibited. Any organization eligible under State law to conduct lawful gambling may do so only after applying for and receiving a license from the State Charitable Gambling Control Board after approval of

the Council or, if exempt from State licensing, after applying for and receiving a permit from the Council.

Subd. 5. Application. Organizations exempt from State licensing under Minnesota Statute Chapter 349 that wish to conduct lawful gambling shall make application for a permit with the Clerk on a form the Clerk provides. The application shall be verified by a duly authorized officer of the organization and by the designated gambling manager. No application shall be accepted unless accompanied by the required investigation fee. The Council shall act upon a permit application within 90 days from the date of application, and the permit shall be issued not less than 30 days following approval.

Subd. 6. Investigation Fee. The Council by resolution may assess an investigation fee of up to \$100.00 on organizations applying for or renewing a state license for local permit to conduct lawful gambling in the City.

Subd. 7. Conditions Governing Issuance of Permit.

- A. Permits shall be issued only where the applicant and all of its owners, managers, employees, or agents are free of convictions for offenses which relate directly to such person's ability, capacity or fitness to perform the duties and discharge the responsibilities of the gambling activities.
- B. No permit shall be issued to an applicant which has, within the State, during the one-year period prior to the date of application, (1) been denied a gambling permit, (2) had a gambling permit revoked, canceled or suspended, or (3) whose owners, managers, or agents have had a permit similarly denied, revoked or suspended.
- C. Permits shall be issued only to applicants who have fully and truthfully provided all of the information requested in the application, who have paid the permit fee in full as well as the fee for investigation, and who have cooperated fully and truthfully with the City in the review of the application.
- D. Permits shall be issued only to fraternal, religious, veteran or other non-profit organizations which have been in existence within the City for at least three years, and have at least 15 present, active members in good standing.
- E. Permits shall be issued only to applicants who can satisfactorily show that they either own or lease the premises where the gambling activity would be conducted. If gambling activity is to be conducted on leased premises, the applicant must satisfactorily show that the lease will exist for a term at least equal in length to the term of the anticipated permit.
- F. The permit applicant shall designate one person to be gambling manager who shall be responsible for the conduct of the business. The gambling manager shall remain responsible for the conduct of the gambling devices, raffles, pull-tabs, and their operation until any other suitable person has been designated in writing as the gambling manager, and an investigation fee and application for a change of manager has been filed, and the proposed successor to the gambling manager shall have been approved by the Council.

The gambling organization shall promptly notify the Council in writing of any such change indicating the address and name of the new gambling manager and the effective date of such change.

- G. Any permit which would result in inconsistency with the City's development plans, land use regulations, or that would otherwise have a detrimental affect upon other persons or properties in the vicinity, shall not be granted.
- H. Upon approval and issuance of a permit, the applicant shall display the permit in a prominent place on the gambling premises at all times.
- I. All permits granted herein are non-transferable with regard to persons, organizations or location.
- J. The permit fee and investigation fee must be tendered with each new application for a permit, and must also be tendered at any time when there is a proposed change of ownership, change of gambling manager or reapplication for a permit. In the event that a permit is denied, revoked, canceled, suspended or surrendered, for whatever reason, neither the annual permit fee or investigation fee will be refunded to the applicant.

Subd. 8. Conditions Governing all Charitable Gambling.

- A. The operation of gambling devices or conduct of gambling is not permitted between the hours of 1:00 a.m. and 8:00 a.m. The time limitations specified herein shall be prominently posted on the premises where gambling occurs.
- B. Each gambling organization shall allow all City officials to inspect the premises and gambling operations at all times when gambling operations are open and at any other reasonable times.
- C. Violation of the terms and provisions of this ordinance may be cause for the revocation, suspension or cancellation of other permits or licenses issued by the City to a gambling organization.
- D. Upon request by a City official, any person employed in or by any gambling organization shall furnish identification and correct address.
- E. No natural person under 18 years of age shall be permitted to gamble or be employed in the operation of gambling devices, pull-tabs or raffles, except that those persons under 18 years of age may sell raffle tickets but only while off the gambling premises.
- F. Gambling devices, pull-tabs, raffles and all equipment related to gambling activities shall be kept, maintained, operated or conducted only upon the premises owned or leased by gambling organizations, except that tickets for raffles may be sold off the premises.

Subd. 9. Expenditures for Lawful Purposes.

- A. Each organization licensed to conduct lawful gambling within the City must contribute 10% of its net profits derived from lawful gambling in the City to a fund administered and regulated by the City, without cost to such fund, for disbursement by the City of such receipts for (1) charitable contributions as defined in Minnesota Statutes § 349.12, Subd. 7a, or (2) police, fire, and other emergency or public safety related services, equipment and training, excluding pension obligations. For purposes of this Subdivision, “net profits” means gross profits less amounts expended for allowable expenses and paid in taxes assessed on lawful gambling.
- B. Each organization licensed to conduct lawful gambling within the City must expend 30% of its expenditures on lawful purposes conducted or located within the county’s trade area. This 30% of its expenditures shall be in addition to the 10% of its net profits contributed to the City pursuant to Subdivision 9A. The county’s trade area is hereby defined to be the geographical limits of Wright County, Minnesota. Franklin Townships, and the City of Independence.

SECTION 413.01. ADULT USES.

Subd. 1. Definitions. When used in this Section, the following words and terms shall have the meanings stated:

- A. “Adult uses” includes adult bookstores, adult motion picture theaters, adult DVD or CD sales or rentals, adult on-line web services, adult motion picture sales or rentals, adult mini-motion pictures theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public. Activities classified as obscene as defined by Minnesota Statutes § 617.241 are not included.
- B. “Specified anatomical areas” includes:
 1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast(s) below a point immediately above the top of the areola; and
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- C. “Specified sexual activities” includes: