

ORDINANCE 24-131

Introduced by Councilor Howland

**AN ORDINANCE AMENDING CHAPTER 12 BUSINESSES AND BUSINESS REGULATIONS
ARTICLE VII. PLUMBERS, ARTICLE VIII. SEXUALLY ORIENTED BUSINESSES, ARTICLE
XII. TOBACCO, ARTICLE XIII. TRANSIENT MERCHANTS, AND ARTICLE XIV. WATER
SOFTENER AND WATER FILTRATING EQUIPMENT INSTALLERS**

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

ARTICLE VII. PLUMBERS

Article VII. Plumbers is repealed in its entirety.

ARTICLE VIII. – SEXUALLY ORIENTED BUSINESSES

Sec. 12.211. Short title.

This article shall be known as, and may be referred to as, the "Albert Lea Sexually Oriented Business Ordinance."

Sec. 12.212. Limited number of Sexually Oriented Businesses

No more than one (1) Sexually Oriented Business shall be licensed within the City of Albert Lea.

(1) A currently licensed Sexually Oriented Business may be sold to another owner and continue operating in the same location.

Sec. 12.213. Definitions.

Adult entertainment establishments mean:

- (1) a business that is open only to adults and that presents live performances that are distinguished or characterized by an emphasis on the depiction of sexual conduct or nudity;
- (2) "sexual conduct" has the meaning given in MN Stat. §617.241; and
- (3) nudity has the meaning given in MN Stat. §617.292, subdivision 3.

Sexually oriented business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult entertainment establishments, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Specified anatomical areas means:

- (1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

- (2) Less than completely and opaquely covered human genitals, pubic area, vulva or anus.

Sec. 12.214. License required.

Sec. 12.215. Issuance of license.

Sec. 12.216. Inspection.

Sec. 12.217. Expiration of license.

Sec. 12.218. Regulation of sexually oriented businesses.

Sec. 12.219. Suspension/revocation.

Sec. 12.220. Transfer of license.

Secs. 12.221—12.246. Reserved.

ARTICLE XII. – TOBACCO

Sec. 12.397. Definitions and interpretations.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Smoke Shop and Tobacco Store means any premises dedicated to the display, sale distribution, delivery, offering, furnishing, or marketing of tobacco products, or tobacco paraphernalia; provided, however that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a “smoke shop and tobacco store” and shall not be subject to the restrictions in this chapter.

Sec. 12.398

(k) Limited number of Smoke Shop and Tobacco Stores. No more than *four (4)* smoke shop and tobacco stores shall be licensed within the City of Albert Lea.

(l) A currently licensed Smoke Shop or Tobacco Store may be sold to another owner and continue operating in the same location.

ARTICLE XIII. – TRANSIENT MERCHANTS

Sec. 12.435. Investigation Fee

At the time of application, applicant shall pay to the city for each person engaged in the business of transient merchant the sum fixed in the annual fee schedule. Such fee shall be considered an investigation fee, not refundable to the applicant to cover the costs of the city in processing the application and the investigation thereof.

Secs. 12.436—12.451. Reserved.

ARTICLE XIV. - WATER SOFTENER AND WATER FILTERING EQUIPMENT INSTALLERS

Article XIV. Water Softener and Water Filtering Equipment Installers is repealed in its entirety.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor Olson, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Baker, Howland, Olson, Anderson;

And, the following voted against the same: Councilor Christensen and Mayor Murray. Mayor Murray declared the ordinance passed.

Introduced and read the first time on the 12th day of November, 2024

Introduced and read the second time on the 25th day of November, 2024

Mayor Rich Murray

Filed and attested on the 25th day of November, 2024

Secretary of the Council