

CHAPTER 6**BUSINESS REGULATIONS AND LICENSES****610. DRIVE-IN THEATERS.**

Section 610.01. Definitions. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

Subd. 1. City is the City of Medina.

Subd. 2. Drive In Theater is any premises in which motion pictures are projected upon a screen or theatrical performance given for viewing by patrons seated in automobiles or other vehicles and for which an admission charge is made.

Subd. 3. Licensee is the person having a City license in full force and effect issued hereunder for a drive in theater.

Subd. 4. Person is any person, firm, partnership, association, corporation, company or organization of any kind.

Section 610.03. License Required. No person shall construct, operate or maintain a drive in theater within the City without first obtaining a license hereinafter provided from the City Council.

Section 610.05. Application Procedure. Applications for licenses issued hereunder shall be made upon blank forms prepared and made available by the City Clerk-Treasurer and shall state:

Subd. 1. The name, home address and proposed business address of the applicant;

Subd. 2. The number of automobiles or other vehicles which the drive in theater is designed to accommodate;

Subd. 3. The hours of operation for said drive in theater;

Subd. 4. Such other information as the City Council shall find reasonably necessary to effectuate the purpose of this ordinance and to arrive at a fair determination of whether the terms of this ordinance have been complied with.

Section 610.07. Plat or Drawing. An application hereunder shall be accompanied by a plat or drawing of said drive in theater showing: its location, size and capacity; location and size of entrances and exits; kind of ground surface; location, size and construction of walls, fences or barriers surrounding said premises; location, size and construction of all structures.

Section 610.09. Bond or Liability Insurance Required. Every application for a license hereunder shall be accompanied by a bond, approved as to form by the City Attorney, executed by a bonding or surety company authorized to do business in the State of Minnesota in the penal sum of One Thousand Dollars (\$1,000.00) conditioned upon the payment by the licensee of any and all final judgments for injuries or damages resulting to persons or property arising out of the operation or maintenance of any drive in theater. Such bond shall run to the City for the benefit of any person who may claim redress for property damage resulting from the operation or maintenance of such drive in theater. Such bond shall remain in full force and effect for the full period of time for which the license is effective. A liability insurance policy--sufficient to satisfy the City Council--issued by an insurance company authorized to do business in the State of Minnesota conforming to the requirements of this section may be permitted in lieu of this bond.

Section 610.11. Investigation by the City Council. Within ten days after receipt of an application as provided for herein the City Council shall cause an investigation to be made of the applicant and his proposed drive in theater operation.

Section 610.13. Standards for Issuance. The City Council shall issue a license hereunder when it finds:

Subd. 1. The applicant is of good moral character and capable of operating the proposed business in a manner consistent with the public safety and good morals;

Subd. 2. That the bond or insurance policy, as required by this ordinance, has been procured; and

Subd. 3. That the requirements of this ordinance and of all other governing laws and ordinances have been met.

Section 610.15. License Fee. A license shall be issued to a successful applicant hereunder after payment to the City Clerk-Treasurer of a license fee of in an amount set by resolution of the City Council.

Section 610.17. Duties of Licensee. A licensee hereunder shall comply with the following requirements and standards of operation:

Subd. 1. Peace and Good Order. A licensee shall maintain peace and good order upon the premises where any drive in theater is operated and loitering shall not be permitted in or about the entrances or exits from such theater.

Subd. 2. Indecent and Misleading Advertising. The licensee shall not permit indecent, obscene, immoral or suggestive advertising on the premises of any drive in theater, and no picture or other form of advertising shall be permitted which is not true as advertised, or which misleads or misinforms the public as to the nature of the picture or entertainment to be exhibited.

Subd. 3. Hours of Operation. The licensee shall not conduct any show, exhibition or entertainment or remain open to the public between the hours of 2:30 a.m. and 12:00 noon on Sunday and between the hours of 2:30 a.m. and 9:00 a.m. on other days unless by special permit by the City Council.

Subd. 4. Children Must be Accompanied. The licensee shall not admit children under the age of 10 years to any drive in theater unless accompanied by and in the direct personal charge of his or her parent or other responsible person.

Section 610.19. Gambling Prohibited. The licensee shall not, either directly or indirectly, maintain, operate, or carry any gambling, lottery, game of chance, bank night, screeno, luck-o-grams, or any other game of similar nature, or engage in any similar device or plan.

Section 610.21. Intoxicating Liquors. No person upon the premises of a drive in theater, whether in or out of an automobile, shall have in his possession, or under his control, or offer to give to another to drink any intoxicating liquors, or non-intoxicating malt liquor nor shall a licensee hereunder permit such conduct.

Section 610.23. Access.

Subd. 1. The licensee shall provide access available to public streets or other public ways from at least two points at all times. Such means of access shall be kept clear by the licensee at all times to facilitate departure of persons in case of emergency. Drives shall be channelized by the licensee and limited to not more than three (3) lanes to control traffic.

Subd. 2. Access points shall be so constructed as to not cause a traffic hazard as they enter or leave public roads and shall be approved by the City Council.

Section 610.25. Paving or Treatment. All drives or areas used by vehicles must be satisfactorily paved by the licensee or treated to avoid creating dust.

Section 610.27. Lighting. Exits and aisles and passageways leading to them shall be kept adequately lighted by the licensee at all times when open to the public. The licensee shall provide artificial light whenever natural light is inadequate.

Section 610.29. Electrical Installations. Except as otherwise provided by law, the licensee shall provide electrical installations conforming to the requirements of the State Electrical Code. The electrical system shall be installed, maintained and operated in a safe and workmanlike manner. The electrical system and equipment shall be isolated from the public by proper elevation or guarding, and all electrical fuses and switches shall be enclosed in approved enclosures. Cables on the ground in areas traversed by the public shall be placed in trenches or protected by approved covers. The electrical installations shall be inspected and approved by the State Electrical Inspector before the drive in theater is opened to the public and shall thereafter be open to inspection by the Electrical Inspector at all reasonable hours.

Section 610.31. Fire Extinguishing Equipment. Fire extinguishing equipment shall be furnished by the licensee in such amount and in such location as may be directed by the City Fire Marshall. Fire extinguishing equipment must be inspected and approved by the City Fire Marshall before the drive in theater is opened to the public and shall thereafter be open to inspection by the City Fire Marshall at all reasonable hours.

Section 610.33. Sanitary Facilities. Adequate and proper sanitary facilities which meet all applicable ordinances and which are approved by the Department of Health and City Engineer, shall be provided by the licensee.

Section 610.35. Attendants. At all times when a drive in theater is open to the public, the licensee shall provide an adequate number of qualified attendants on duty at all times, who shall patrol the exits, entrances and parking spaces to see that order is maintained, that disorderly or immoral conduct is prevented, that the entrances and exits are kept free from congestion, and that this Ordinance and all other governing ordinances, rules and regulations pertaining to drive in theaters are observed.

Section 610.37. Fence or Wall. The licensee of any drive in theater shall provide a wall or fence of adequate height to screen the patrons and cars in attendance at said theater from the view of the surrounding property. Such fence shall be of design and structure approved by the City Building Inspector. The perimeter of said fence shall be landscaped with suitable plants and shrubbery to preserve, as far as possible, harmony with the appearance of the surrounding property.

Section 610.39. Noise. Individual loudspeakers for each car shall be provided and no central loudspeaker shall be permitted by the licensee.

Section 610.41. Commercial Activities. Any sale of soft drinks, confections, or other articles of merchandise shall be governed by the laws and ordinances governing such business and shall require the same license as if such sales were conducted elsewhere.

Section 610.43. Premises Free from Refuse. No person shall place, throw or deposit any food, beverage, paper, bottles or other waste materials upon the premises of any drive in theater nor shall the licensee permit such conduct.

Section 610.45. Refuse and Litter. The licensee shall collect all refuse and litter on the site no later than 11:00 a.m. on the day following each performance. Such litter and refuse shall be stored in sanitary container until removed from the site.

Section 610.47. Revocation. The City Council shall have the authority to revoke or suspend a license issued hereunder when it finds:

Subd. 1. That the licensee is operating in violation of this ordinance or any other governing law, ordinance or regulation.

Subd. 2. That the licensee is operating so as to constitute a nuisance by reason of noise or immoral activity on the premises.