

**CITY OF SOUTH ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 1353

**AN ORDINANCE AMENDING CHAPTER 10, SECTION 10-5, REGARDING
CARNIVALS AND CIRCUSES**

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Chapter 10, Section 10-5 relating to the prohibition of carnivals and circuses operating within the City is hereby amended as follows:

- (a) *Definitions.* Carnivals and circuses include an indoor or outdoor aggregation of attractions conducted on public or private property, and may include the following characteristics:
 - 1) Shows, acts, games, amusements, vending devices, amusement devices, non-exotic animals or sideshows, with or without an admission fee;
 - 2) Be conducted under one or more management companies or independents;
 - 3) Be transportable and temporarily set up.
- (b) *Prohibition.* ~~Pursuant to Minn. Stat. §412.221, subd. 25, carnivals and circuses are prohibited from operating within the city.~~ License required. It is unlawful to operate, maintain, or conduct a carnival or circus in the city without first obtaining a license in accordance with this section.
- (c) *Application.* Application for a license under this section is made to the city clerk on a form provided by the city. In addition to such information as the city clerk may require pursuant to section 18-36 of this Code, the application must set forth the name and address of the applicant and the time, place, or location where the activity is to be conducted.
- (d) *Review and approval.* After the city has received a completed application, including all required documentation, the appropriate fees, and a completed background investigation and inspection pursuant to section 18-37 and 18-40 of this Code, the license will be submitted to the city council for consideration. Incomplete applications will be rejected by the city clerk and will not be submitted to the city council. The city council must take action on a license application within a reasonable time following receipt of the recommendation from city staff regarding the application. Consideration of the license application by the city council will follow the procedures established in section 18-47 or this Code.
- (e) *Conditions.* The city council may impose any conditions or restrictions it deems necessary or advisable to protect the public health, safety and welfare including, but not limited to, conditions relating to the hours of operation, the lighting of the premises, and the parking facilities. The city council may impose any conditions or restrictions at any time after the issuance of a license under this section.
- (f) *Revocation.* A license issued in violation of this section or sections 18-34 through 18-46 of this Code shall be null and void.
- (g) *Deposit Fee.* The applicant shall deposit with the city clerk a fee in the amount of \$150.00 for each day the carnival or circus is scheduled to operate in the city to cover the costs of cleaning all dirt, paper, litter, and other debris generated by its operation on the carnival or circus premises and adjoining premises. If the costs of cleaning the carnival or circus

premises or adjoining premises exceeds the initial deposit amount, the applicant will be notified by the city of an additional deposit that will be required. Such deposit shall be returned to the applicant upon satisfactory cleanup of the carnival and circus premises and adjoining premises as determined by the city.

(h) Fees. The license fee and deposit fee and must be paid at the office of the city clerk at the time the application is made.

(i) Insurance. A license will not be issued nor be effective until the applicant has filed with the city clerk a liability insurance policy covering all operations of the carnival or circus in the amount established in section 18-39(a) of this Code. The liability insurance coverage shall name the city as an additional insured and shall indemnify, defend, and hold harmless the city for any and all liabilities or causes of action which might arise as a result of the operation of the carnival or circus.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance prohibiting carnivals and circuses from operating in the city is being amended to allow these events upon approval of a license by the City Council.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective on the date of adoption.

Approved: April 6, 2020

Published: April 9, 2020

Christy Wilcox, City Clerk