

ORDINANCE

By Gordon and Palmisano

Amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Amusements.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 267 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 267.1180 to read as follows:

267.1180. Regulations applicable to adult entertainment. (a) *Applicability and enforcement.* Any establishment required by this Code to hold a business license which qualifies as an adult entertainment center pursuant to section 549.340 shall comply with all requirements of this section. Any violation of a requirement of this section shall constitute a violation of this Code subject to all authorized penalties and methods of enforcement and shall additionally and alternatively constitute good cause for the imposition of appropriate adverse license action. The requirements of this section shall be enforced by the licensing official or the licensing official's designee.

(b) *Physical space and maintenance requirements.* The following space and maintenance requirements shall apply to all adult entertainment centers.

(1) All portions of the facility shall comply with the building standards of section 219.520 as applicable to any booths, stalls, or partitioned portions of a room, or individual rooms, in addition to any further requirements imposed on such areas by this section.

(2) All portions of the facility shall comply with all applicable building and fire code requirements, in addition to any other applicable local, state or federal law, rule, requirement or ordinance. All entertainer dressing rooms shall comply with applicable conditions of the United States Occupational Safety and Health Administration (OSHA), including but not limited to 29 CFR 1910.141(c)(1)(i) regarding toilet facilities.

(3) All areas of the facility shall be illuminated to one (1) foot candle or greater as measured four (4) feet from the floor.

(4) All areas of the facility shall be clean and maintained in good repair, including any dressing room and stage areas. All walking surfaces, including those limited to staff or entertainer use, shall be free of uneven surfaces or tripping hazards. All seating, chairs or other furniture designed or utilized for customer seating shall feature cleanable, non-porous surfaces. Any dance or performance poles used by entertainers shall be cleaned with an appropriate sanitizer by a non-entertainer staff member of the facility prior to every shift.

(5) No door, curtain, material or other obstruction may be installed or present over the entrance to any semi-enclosed or private space which entertainers are able to occupy with any customers. The entrance to any such space shall be a minimum of thirty-two (32) inches in width. Any non-transparent partition or wall enclosing such a space shall be no greater than five (5) feet in height. No couches, sofas or other furniture designed for seating and greater than four (4) feet in length may be present in any such space.

No bed, daybed, futon, mattress or other piece of furniture designed for sleeping may be present in any such space, nor may any sheets or bedding be present.

(6) Any spill involving bodily fluids shall be immediately cleaned by a non-entertainer staff member with an approved sanitizer using appropriate personal protective equipment. Standard procedures to address such spills including staff training shall be developed and maintained by the establishment. The standard procedures and training materials required by this subsection shall be maintained at the establishment and made available to the licensing official or the licensing official's designee upon request.

(7) A notice detailing the legal rights of entertainers as provided by city, state or federal law, in a format approved by the licensing official, shall be posted in any entertainer dressing room in an approved location that is readily observable by entertainers.

(8) An entrance and exit to the facility that is separate from the primary customer entrance or exit must be provided by the establishment for the use of entertainers.

(9) A notice detailing the rules of conduct as required by applicable law to be followed by customers, in a format approved by the licensing official, shall be posted in each semi-enclosed or private space, the primary entrance to the establishment, and in each restroom in approved locations that are readily observable by customers. The notice shall state that customers must remain fully clothed at all times, abide by all laws prohibiting indecent conduct and are not allowed in dressing rooms or other nonpublic areas of the establishment. The notice shall further state that the premises are subject to video surveillance and that customers must act respectfully towards entertainers and staff and may not use derogatory or harassing language. The notice may also contain any other lawful content deemed appropriate by the licensing official.

(c) *Security camera plan required.* All establishments shall submit an approved security camera plan to the licensing official, detailing the security camera system utilized at the facility and providing a map of the placement and scope of each security camera. The security camera plan shall ensure that the camera system is operable and that the footage from each camera is secured and maintained for a minimum of fourteen (14) days and a maximum of thirty (30) days. Any footage may only be accessed by individuals approved by the establishment in its security plan for legitimate security or law enforcement purposes and no footage may be disseminated or accessed for any other purposes not specified in this subsection or in the approved security plan, subject to all penalties and enforcement actions authorized in subsection (a). The plan shall ensure that the cameras are positioned in a manner such that they cover all areas of the facility in which entertainers may interact with or perform for customers. Cameras shall not cover dressing rooms or other spaces in which entertainers have a reasonable expectation of privacy and do not interact with or perform for customers. All establishments shall provide, or make available for inspection, such camera footage or associated data to the licensing official, at such times and in a format and manner prescribed by the licensing official. Data provided pursuant to this section shall be deemed to be not public data to the extent permissible under the Minnesota Government Data Practices Act or other applicable law. The licensing official shall promulgate a policy to ensure that any such data received by or provided to city staff is protected and safeguarded to the fullest extent permitted by law, and that access is strictly limited to appropriate and identified individuals for legitimate purposes. To the extent required by applicable law, a licensed establishment shall be entitled to an opportunity for pre-compliance review which may entail an expedited review of any objected-to security camera footage request by a municipal hearing officer. The hearing officer shall affirm the footage request upon a showing by the city that access to the footage is reasonably calculated to effectuate and further the lawful regulatory duties created by

this section and existing law, and that no other lawful reason to quash or modify such request has been demonstrated. To the extent permitted by law, the decision of the hearing officer may be appealed to and reviewed by the district courts of the State of Minnesota. Nothing in this subsection shall preclude a law enforcement agency from obtaining such footage or data by warrant, subpoena, court order or other lawful method.

(d) *Entertainer contracts or employment agreement requirements.* All entertainers employed at or contracted to perform in establishments covered by this section shall be provided a written copy of their employment agreement or independent contractor agreement prior to performing any employment or contractor services and thereafter upon request. All such entertainers shall also be provided with written information from the establishment, prior to performing any employment or contractor services and thereafter upon request or upon any alteration of such policies, procedures, processes, or rules, detailing the establishment's anti-discrimination and sexual harassment policies, procedures and reporting processes, as well the rules and expectations of the establishment including any house fees or charges and an explanation of reasons that would justify termination of the employment agreement or independent contractor arrangement. All such entertainers shall also be provided with written notice, in a form approved by the licensing official, of their rights under city, state and federal law. Copies of the information and agreements required by this subsection, excluding any personal identifying information, shall be provided to, or made available for inspection by, the licensing official or the licensing official's designee.

(e) *Staff training requirements.* All staff members, including employees and independent contractors, shall be provided training materials approved by the licensing official, addressing sexual harassment, sexual assault and nondiscrimination in addition to any other relevant topic.

(f) *Required security for entertainers.* All establishments covered by this section shall provide adequate and equitable security services and personnel to maintain a safe and orderly environment on the premises and in any parking areas, and to ensure the personal safety of all entertainers. Security escorts shall be made available to all entertainers to their means of transportation when departing the establishment.

(g) *Manager and security staff requirements.* For purposes of this subsection, the term "manager" shall mean an on-site staff member of an establishment covered by this section who exercises significant control and administration over the operation of the establishment in a supervisory capacity oftentimes inclusive of hiring and scheduling authority. All managers must be disclosed on the license application on file with the licensing official and the appointment of any new managers shall require an immediate update to such application. All establishments shall perform a criminal history record check on all managers and security staff, as well as any candidates for such positions, using a service or method approved by the licensing official, and no person with a criminal conviction within the previous five (5) years for a qualified domestic violence-related offense, as that term is defined in Minn. Statute Section 609.02, Subd. 16, shall be permitted to serve in such a capacity.

(h) *Prohibition on employer participation in gratuity sharing.* Pursuant to Minn. Statute Section 177.24 Subd. 3, no employer may participate in any agreement to share gratuities between employees or coerce employees to share gratuities. For the purposes of this subsection, "participation" includes acceptance by any owner or manager of any gratuity from any employee or independent contractor. For purposes of this subsection, "manager" has the same meaning given to that term in subsection (g).

(i) *Severability.* If any portion of this section is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the section, and such determination shall not affect the validity of the remainder of the section. If the application of any provision of this chapter to a particular person, class, entity or establishment is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other person, class, entity or establishment.